



# INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

HAROLD A. SCHAITBERGER  
General President

THOMAS H. MILLER  
General Secretary-Treasurer

April 21, 2015

Steven M. Phillips, Secretary/Treasurer  
Hanover Professional Firefighter's Association  
IAFF Local 4202  
6608 Joshua Aaron Court  
Mechanicsville, VA 23111-4655

Dear Brother Phillips:

I have completed my review of your amended Constitution and By-Laws to determine its compliance with the IAFF Constitution and By-Laws. During this review, I found a number of instances, discussed below, where changes should be made.

**Article 3, Section 3, Active/Affiliate:** The IAFF has three categories of membership: active, active retired and honorary. In this section you have established a category of membership identified as "affiliate" members. While you may include this provision in your Constitution, please be advised that the IAFF does not recognize "affiliate" membership.

**Article 3, Section 3, Retired Active:** Article III, Section 2 of the IAFF Constitution and By-Laws permits previously retired members to return to the local. If your local wishes to offer this option of membership, please add the following to this section: "Members who have retired from this union or have otherwise withdrawn as members in good standing, may be allowed to return to this local union within \_\_\_\_ as active-retired members."

Please note that a specific time period must be inserted. The amount of time is left to the discretion of the local. Active-retired membership is recognized by the IAFF only if the local pays ½ per capita to the IAFF for the individual.

**Article 3, Section 7, Limits on Member Rights:** It appears that a colon (:) may have been mistakenly placed in the following provision: "Laid off members shall have dues and/or assessment: payments waived ...." This provision would be clearer if it was revised to read as follows: "Laid off members shall have dues and/or assessment payments waived ...."

**Article 3, Section 10(E):** This provision provides, in part, that "[m]aintaining membership in the Communist Party or advocating or encouraging communism" is considered misconduct. The IAFF constitutional provision (Article XV, Section 1F) prohibiting membership in the Communist Party and "advocating and encouraging" Communism has been replaced. So that you are consistent with this change, please replace your current provision with the following: "Maintaining membership in, or engaging in any subversive activity in support of any authoritarian, totalitarian, terrorist or other organization which advocates the overthrow of the democratic forms of government under which our members live."

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**Article 5, Section 5:** The U. S. Department of Labor requires that local unions provide their members with at least fifteen (15) days' written notice by U.S. mail identifying the date, time and place for election of officers [29 C.F.R. §452.99]. In contrast, notice of nominations [29 C.F.R. §452.56] need only be reasonably calculated to fully inform your entire membership of the nomination of officers. Although not always directly applicable to unions consisting solely of public sector employees, this notice requirement does apply to the election of delegates to IAFF Conventions and to the election of officers who serve as delegates to IAFF Conventions by virtue of their office, such as your President. So that you are in full compliance with the above-cited Federal regulations, you should replace the first sentence of this section with the following: "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 **U.S. mail** to the last known address of the member, of the date, time and place at which elections shall be held."

Please be advised that the IAFF Constitution and By-Laws, Article XIII, Section 11, encourages IAFF affiliates to enact a "fair, reasonable and legally acceptable" method for resolving ties in the election of officers, or else be subject to a mechanism for resolving ties in the form of drawing lots in the presence of both candidates. If you are unable to come up with an alternative mechanism for resolving ties, please add the following to this section: "If the final ballot of any officer election results in a tie between the candidates, the winning candidate for office shall be selected by the drawing of lots in the presence of both candidates."

This section also provides, that "[i]n the event of a tie, the President shall cast the final vote eliminate the tie." As indicated above, the preferred method of resolving ties in in officer elections is "the drawing of lots in the presence of both candidates" (i.e. drawing of highest card, drawing straws or flip of a coin). Having the President break a tie vote in an election may produce two problems. First, as stated above the resolution of a tie must be seen as "fair, reasonable and legally acceptable." Such a method of breaking a tie vote may not be considered "fair, reasonable and legally acceptable" and undermine the integrity and legitimacy of the elective process. Second, voting in officer elections must be secret, known only to the member who cast the vote. The president's vote to break a tie would be known to the members of the local and violate the requirement that a member's vote be secret. I, therefore, must ask that you please delete "[i]n the event of a tie, the President shall cast the final vote eliminate the tie" from this section.

**Article 9, Section 2:** Article XVII of the IAFF Constitution and By-Laws governs hearings (trials) of local union trial boards. Please replace "VXII" with "XVII."

Although I recommend that you adopt the changes outlined above, I am nonetheless approving your Constitution and By-Laws. At your earliest convenience, please have your members adopt the changes outlined above and submit a revised Constitution and By-Laws to this office.

Steven M. Phillips, Secretary-Treasurer, IAFF Local 4202  
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Sincerely and fraternally,

A handwritten signature in black ink that reads "Harold A. Schaitberger". The signature is written in a cursive style with a large initial 'H' and a long, sweeping underline.

Harold A. Schaitberger  
General President

Enclosure

HAS/BR:rpd

Cc: William V. Taylor, Vice President, IAFF District 4  
Charles E. Clarke, President, IAFF Local 4202



# *Hanover Professional Firefighter's Association Local 4202*

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International Association of Fire Fighters

AFL-CI, CLC

**APPROVED**

IAFF, General President 4/21/15 Date



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### **Proposed Changes to the Bylaws of Local 4202**

- **Article 3, Section 2 - Submission of Application**
- **Article 3, Active / Affiliate**
- **Article 3, Retired Active**
- **Article 3; Section 7 Limits of Members Rights**
- **Article 4, Section 2**
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- **Article 5, Section 1 – Officers & Terms**
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- **Article 5, Section 2, Eligibility for Office**
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- **Article 5, Section 6 – Election Committee**
- **Article 5, Section 7 – Ballots Preserved**
- **Article 6, Section 1 – President**
- **Article 6, Section 2, 2.1, 2.2, 2.3– Vice Presidents**
- **Article 6, Section 5 – Members at Large **Renumber this to entire section****
- **Article 6, Section 10 – **New Section Added****
- **Article 7, Section 1 – Notification in Writing**
- **Article 8, Section 1.1 – Initiation Fees, Dues and Assessments**
- **Article 8, Section 2**
- **Article 8, Section 2.1 – **New Section Added****
- **Article 15, Section 1 - Grievance Committee – **Renumber this section****



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- **Article 15, Section 2 – Grievance Procedures – Renumber this section**

Submitted to the membership by the Executive Board at the December 2014 General Membership Meeting

Steve Phillips  
Secretary/Treasurer

### **Article 1 Name**

#### **Section 1**

The name of this organization shall be the Hanover Professional Firefighter's Association, Local 4202, International Association of Fire Fighters, AFL-CIO.

#### **Section 2**

Reference in this Constitution and Bylaws to "Local " or "Local Union" shall refer to the Local as set forth in Section 1 above, and reference to "Association" or "International" shall refer to the International Association of Fire Fighters.

#### **Section 3**

This Local Union, its officer's, representatives and members, shall recognize, observe, and be bound by the provisions of the Constitution and Bylaws of the International Association and the interpretations rendered by the General President, and 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 Bylaws of the Association, and the resolutions adopted and policies established by the delegates at conventions. Article XIII of the Constitution and Bylaws of the Association is recognized as providing the basic governing this Local.

#### **Section 4**

It shall be the objective and goal of this Local Union to promote their working conditions, to protect the rights and jobs of Local Members, and to seek a safe and healthful working environment. In addition, this Local shall at all times seek to promote professionalism and brotherhood in the fire service, and the community in which it serves.

### **Article 2 Jurisdiction**

**Jurisdiction shall be as follows:**



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All persons engaged in firefighting or fire prevention, emergency medical services, or fire support staff who are permanent full time employees of the fire department, including but not limited to the following classifications: Fire Department Chief, Fire Marshal, Deputy Chief, Assistant Chief, Division Chief, Battalion Chief, Captain, Lieutenant, Training Officer, Firefighter/EMT, Firefighter/Medic, Medic, Fire Inspector or Fire Investigator.

### **Article 3 Membership**

#### **Section 1; Anti-Discrimination**

Anyone who is eligible for membership within the jurisdiction of this Local shall not be refused membership or upon acceptance be discriminated against because of race; color; creed; national origin, gender, sexual orientation or by reason of being handicapped.

#### **Section 2; Submission of Application:**

Applications for membership shall be made to the Secretary/Treasurer, through the Steward, and shall be accompanied by an initiation fee of Ten Dollars (\$10.00), plus one (1) month's dues.

Said applicant shall not be in benefits until he/she had subscribed to the "OBLIGATION" as recorded in the Manual of Common Procedures of the International.

**Change to read: Applications for membership shall be made to the Secretary/Treasurer, through a Steward or any Executive Board member, and shall be accompanied by an initiation fee of Twenty Dollars (\$20.00) the application, direct deposit form and letter of authorization to the Hanover County Human Resources Department. If direct deposit is not chosen then the member applying for membership shall present three (3) months of dues. Said applicant shall not be in benefits until he/she has been voted into membership of Local 4202 by a majority vote at the next general membership meeting and has subscribed to the "OBLIGATION" as recorded in the Manual of Common Procedures of the International.**

#### **Section 3; Types of Membership**

Any person engaged in service within the jurisdiction of this Local, as given in Article 2, and whose position is represented by this Local for bargaining purposes, will be eligible for active membership.

#### **Active / Affiliate:**

Any member in good standing of this Local, as given in Article 2, whose position is not represented by this Local



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**Change to read: Any member in good standing of this Local, as given in Article 2, whose position is not represented by this Local to include that an Affiliate member shall pay the same amount of dues as an active member.**

### **Laid off:**

Any member in good standing who is separated from service within the jurisdiction of this Local due to lay-off and who remains on a preferred hiring list

### **Retired Active: Change to read Retired Active Member**

Any member in good standing, retired from service within the jurisdiction of this Local.

**Change to read: Any member in good standing who is retired from the fire service within the jurisdiction of this Local and has served at least five (5) cumulative years of service before being allowed to obtain Retired Active Member status.**

### **Honorary:**

Any person elected to honorary membership by majority vote of the Executive Board or the membership.

### **Delinquent:**

Any member who is within the Jurisdiction of this Local, as given in Article 2, and who has failed to fulfill the requirements for membership in good standing

### **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 Bylaws of the International Association of Fire Fighters or the Constitution of this Local.

An active member in good standing will have the privilege to serve on committees, make motions, and vote. He/she is entitled to all protection and benefits provided by the Local.

He/she must abide by the Constitution and Bylaws of the International Association of Fire Fighters and this Local Union.

### **Section 5; Withdrawal Card**



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When a 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 shall 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 positions. 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 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 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. A delinquent and suspended member will be required to pay all back dues and assessments and reinstatement fees before they may be reinstated as a member in good standing (Members that are delinquent on the date this amendment is ratified by the International shall be notified and given sixty (60) days to become a member in good standing).

### **Section 7; Limits on Member Rights**

Retired Active members shall have no vote in the Local. Affiliate members shall have no voice or vote in the Local. Honorary members will not pay initiation fees, dues or assessments and shall have no voice or vote in the Local and honorary membership may be revoked for cause.

Laid off members shall have dues and/or assessment: payments waived by the Local while they remain on a preferred hiring list, but shall not be allowed to vote on collective bargaining agreements. Delinquent and suspended members shall have no voice or vote in the Local. Meetings may be entirely or partially closed to members identified within this section by a majority vote of the general membership or the Executive Board.

**Change to read: Retired Active members who are in good standing shall have a vote in this local. Affiliate members shall have no voice or vote in the Local. Honorary members will not pay initiation fees, dues or assessments and shall have no voice or vote in the Local and honorary membership may be revoked for cause.**

**Laid off members shall have dues and/or assessment: payments waived by the Local while they remain on a preferred hiring list, but shall not be allowed to vote on collective bargaining**



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**agreements. Delinquent and suspended members shall have no voice or vote in the Local. Meetings may be entirely or partially closed to members identified within this section by a majority vote of the general membership or the Executive Board.**

### **Section 8; Forfeiture of Assets**

Any member who may resign, be released, or expelled shall forfeit all rights entitled to the funds and property of this Local union, except when he/she is allowed to retain his/her active membership.

### **Section 9; Voluntary Separation**

Any member voluntarily withdrawing his/her membership from the Local shall be eligible for reinstatement at a later date. Reinstatement fees must accompany any application for reinstatement (as stated in Article 8 Section 1.1) and dues dating back to the date of voluntary withdrawal.

### **Section 10; Misconduct Charges**

**Misconduct charges shall include, but not limited to the following:**

- A. Refusal or failure without justifiable cause to comply with or abide by the provisions of this Constitution and Bylaws, the valid decision of any officer or officers thereof or the valid decisions of the International Executive Board or those of the International Convention, or the valid provisions of applicable constitutions and bylaws of local unions, state or provincial associations or joint councils.
- B. Committing any act of fraud, embezzlement, larceny, or misappropriation of any funds or property or other thing of value belonging to the Association or any local union or other subordinate body thereof, or refusing, failing or neglecting to comply with the provisions of this Constitution and Bylaws requiring a full and accurate accounting of all funds, property, books and records for examination and audit.
- C. Libeling or slandering or causing to be libeled or slandered any officer or member of the Association or of any Local Union or subordinate body thereof, except in the form of charges of misconduct property filed against any officer or member as provided by the Constitution and Bylaws.
- D. Failing, refusing or neglecting to appear, without proper cause, as a prosecuting witness after filing charges against a member or officer of this Association.



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- E. For advocating or encouraging any labor or any other rival organization, or acquiring membership in any such organization including volunteer fire departments or associations.  
Maintaining membership in the Communist Party or advocating or encouraging communism.  
Acquiring membership by fraud, false presentation, or deceit.
- F. Filing false charges against any officer or member of the Association or of any Local Union or other subordinate body of the Association; provided, however, that it is understood that for the purposes of this provision, false charges are not merely charges of which an officer or member is acquitted but rather charges which are filed recklessly or in bad faith without substance, foundation, or reasonable basis of support.
- G. Committing any physical assault upon any officer, member, representative or employee the Association or of any subordinate body thereof while such person is engaged in the performance of his/her duties for the International or subordinate unions.
- H. Engaging in conduct detrimental to the best interest of the Association, or its subordinate unions, which may place or tends to place them in disrepute with other labor organization, employees, or the public?
- I. Failure of refusal to abide by the rules of order or parliamentary procedure established for the conduct of meetings of the Association, a Local Union, or other subordinate body of this Association or at International conventions.
- J. Conduct unbecoming a member of this Association; provided, however, that utilization of this provision shall be valid only when charges are set forth in specific terms specifying the act or acts or conduct alleged to be unbecoming a member.

### **Section 11; Misconduct Penalty**

Any member found guilty of misconduct is subject to reprimand, fine, suspension, removal from office, or termination of membership.

### **Article 4 Meetings**

#### **Section 1**

General membership meetings of this Local shall be held on a monthly basis on a predetermined day.

#### **Section 2**

Special meetings may be called by majority vote of the Executive Board. All members in good standing shall be notified in writing of such special meetings at least seven (7) days prior to the same. The notice shall state the business to be considered at such meetings, and no more than two orders of business shall be in order at such meetings. **Change to read: Special meetings may be called by majority vote of the Executive Board. All members in good standing shall be notified in writing (Article 7, Section 1) of such special meeting at least seven (7) days prior to the same. The notice shall state the business to**



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**be considered at such meetings, and no more than two (2) orders of business shall be in order at such meetings.**

### **Section 3**

The Executive Board shall hold a minimum of twelve (12) monthly business meetings prior to general membership meetings. Special meetings shall be called as necessary by the President, or may be called by a majority vote of the Executive Board, providing that all members of the Board are notified in advance. **Change to read: the Executive Board shall hold board business meetings prior to general membership meetings. Special meetings of the Executive Board shall be called as necessary by the President, or may be called by a majority vote of the Executive Board, providing that all members of the Executive Board are notified in advance.**

## **Article 4 Meetings, continued**

### **Section 4; Quorum**

The quorum for any meeting of this Local, either general or special, shall be seven (7) active members and two (2) board members in good standing. Members must present throughout the meeting. **Change to read: The quorum for any meeting of this Local, either general or special, shall be nine (9) active members, two (2) of which shall be Executive Board members in good Standing. Members must be present throughout the meeting.**

### **Section 5; Rights of Members**

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

### **Section 6; Rules for Meetings**

#### **Rule 1**

No motion shall be received or laid before the Local unless moved by two (2) members, nor open for discussion until stated by the President.

When a question is before the Local, no other motion shall be in order except:

First to lay on the table;

Second the previous question;

Third to postpone; Forth to refer;

Fifth to commit;

Sixth to amend: which shall have precedence in the order in which they are arranged?



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The first two shall be decided without debate.

### **Rule 2**

When a member speaks, he/she shall arise and address the presiding officer who may call him to order or admonish him to a closer adherence to the question.

### **Rule 3**

No member shall speak more than once on the same subject or question until all who wish to speak have had the opportunity to do so, no more than twice without permission from the President.

### **Rule 4**

If two or more members arise at the same time to speak, the President shall decide who is entitled to the floor.

### **Rule 5**

During the reading of the minutes, communications, or other papers, no member shall be admitted to the room.

### **Rule 6**

If a member while speaking is called to order; he/she shall take his/her seat until the question of order is determined when, if permitted, he/she may proceed again.

### **Rule 7**

Questions of order shall be decided by the President, but without debate.

### **Rule 8**

A motion to reconsider any former vote or resolution can only be made and seconded by members who voted in the majority.

### **Rule 9**

No Business can be taken up except in the regular order prescribed, unless by motion, such irregularity shall be sanctioned by a majority of the members present.

### **Rule 10**

On the call of four (4) members for the previous question, the President shall put it in the following form: "Shall the main question now be put "?" and until this is decided, it shall preclude all further amendments to the main question and all debated.

### **Rule 11**

The use of profanity and derogatory language during the meeting is prohibited as being against the decorum and dignity of the meeting.



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**CHANGE TO READ: THE EXCESSIVE USE OF PROFANITY OR ANY DEROGATORY LANGUAGE DETERMINED BY THE CHAIR DURING THE MEETING IS PROHIBITED**

### **Rule 12**

No member shall be allowed in the meeting in an intoxicated state.

**CHANGE TO READ: THERE SHALL BE NO EXCESSIVE CONSUMPTION OF ALCHOL DURING THE MEETING. THE CHAIR RESERVES THE RIGHT TO HAVE THE MEMBER IF AFFECTED REMOVED FROM THE MEETING.**

### **Rule 13**

No member shall interrupt a debate on a question of personal privilege or of information.

### **Rule 14**

Upon the union meeting being called to order, all members will take their places for the sake of an orderly and understandable meeting.

### **Rule 15**

The Local's President shall have the power to declare further rules of order, which will tend to increase the decorum and dignity of the meetings.

### **Rule 16**

Any member violating any of the rules of order of this Local shall be deemed guilty of disorder, and be escorted from the meeting.

### **Rule 17**

All questions not decided by this Constitution, Bylaws and rules of order shall be governed by "Robert's Rule of Order".

## **ORDER OF BUSINESS**

1. MEETING CALLED TO ORDER
2. PLEDGE / ROLL CALL / VISTORS
3. INITIATION OF NEW HIRES AND OATHS OF OFFICERS
4. READING THE MINUTES OF THE PREVIOUS REGULAR MEETING
5. READING THE MINUTES OF THE PREVIOUS EXECUTIVE BOARD MEETING
6. SECRETARY / TREASURER REPORT
7. REPORTS OF SPECIAL AND STANDING COMMITTEES
8. COMMUNICATIONS AND BILLS
9. UNFINISHED BUSINESS
10. NEW BUSINESS
11. GOOD AND WELFARE



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### 12. ADJOURNMENT

#### **Article 5 Officer's & Elections**

##### **Section 1; Officers and Terms**

The Executive Board of this local shall consist of a President, 1<sup>st</sup> Vice President, 2<sup>nd</sup> Vice President, 3<sup>rd</sup> Vice President, Secretary/Treasurer and one (1) Member at Large. The elective officers of the Local will be elected to serve for two (2) years, or until their successors in office are elected and qualified. The President appoints the Parliamentarian. Executive Board members shall hold off for the terms described and until the election and installation of their successors unless removed from office as provided in the Constitution and Bylaws of the International or this Constitution and Bylaws.

**Change to read: The Executive Board of this Local shall consist of a President, 1<sup>st</sup> Vice President, 2<sup>nd</sup> Vice President, 3<sup>rd</sup> Vice President, Secretary/Treasurer, and two (2) Member at Large and the past president. The elective officers of the Local will be elected to serve for two (2) years, or until their successors in office are elected and qualified. The President appoints the Parliamentarian. Executive Board members shall hold office for the terms described and until the election and installation of their successors unless removed from office as provided in the Constitution and Bylaws of the International or this Constitution and Bylaws. The past president position shall not hold a vote on the Executive Board, the past president shall be appointed by a majority vote of the current Executive board.**

##### **Section 1.1**



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The President shall take nominations, for the officers, from the floor during the October general business meeting. The slate shall be posted prior to the November general business meeting and voted on during the December general business meeting. Newly elected officers begin their term January 1<sup>st</sup>.

**Change to read: At the October general business meeting, The President shall take nominations from the floor and appoint an Election committee and the slate shall be posted immediately following the November general business meeting. General Election of Officers shall be held at the December Meeting. Newly elected officers shall begin their term on January 1<sup>st</sup>**

### **Section 1.2**

One (1) Steward per station and one (1) Steward per specialty division shall be elected by the members they represent then approved by the executive board.

**Change to read: Stewards shall be selected by the membership they represent and submitted to the Executive Board for approval; Stewards shall be made of no more than one (1) Steward per station and no more than one (1) Steward per Administration division(s).**

### **Section 1.3**

Election of Officers will be held as follows: During Even number years the general membership will elect the following officers: President; 2<sup>nd</sup> Vice President; and Member-At-Large. During odd number years the general membership will elect the following officers: 1<sup>st</sup> Vice President; 3<sup>rd</sup> Vice President; and Secretary/Treasurer

**Change to read: Election of Officer's will be held as follows; During Even number years the general membership will elect Officers for the following positions: President, two (2) Members at Large. During odd number years the general membership will elect the following officers: Three (3) Vice Presidents and the Secretary/Treasurer.**

### **Section 2; Eligibility for Office**

Any active member in good standing shall be eligible to serve as an officer within this Local. No member shall run for more than one (1) office. Any member nominated for more than one (1) office shall notify the elections chairman or designer orally within seven (7) days and in writing within fifteen (15) calendar days of the date of nominations which the member will pursue. Failure to notify will cause the committee to drop the nominee's name from all nominations. Any member wishing to decline nomination shall likewise notify the election committee. Any member that wishes to run for office must have attended four (4) meetings and one (1) union sponsored fund raising event during the year prior to the election. Any member that wishes to seed office must have been a member of this Local for no less than one (1) year.



## *Hanover Professional Firefighter's Association Local 4202*

**Change to read: Any active member in good standing shall be eligible to serve as an officer within this Local. No member shall run for more than one (1) office, Any member nominated for more than one (1) office shall notify the elections chairman or designee, orally within seven (7) days and in writing within fifteen (15) days of the date of nomination which the member will pursue. Failure to notify will cause the election committee to drop the nominee's name from all nominations. Any member wishing to decline a nomination shall likewise notify the election committee. Any member that wishes to run for office must have attended at least one (1) union sponsored fund raising event each year. Any member that wishes to seek office must have been a member of this Local for no less than two (2) years.**

### **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 of, or against, any candidate with regard to the use of the membership list.

### **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 the 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 Elections**

All active members in good standing shall be given at least thirty (30) calendar days advance notice, in writing, of the date, time and place at which nominations shall be made and the election held any member in good standing may nominate eligible members for office. Election shall be by secret ballot, even if there is only one (1) candidate nominated for a give office. In the case of the President, 1<sup>st</sup> Vice President, 2<sup>nd</sup> Vice President, 3<sup>rd</sup> Vice President, Secretary/Treasurer and one (1) Member at Large, the candidate receiving a majority of the ballots cast shall be declared the elected. In the event of a tie, or if no candidate receives a majority of votes, the top two (2) candidates, or if there is a tie for second, the top



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candidate plus all those tied, shall have a run-off election, with the voting to continue until a candidate is elected. Candidates for the Executive Board and Financial Trustee shall be elected by a plurality of ballots cast, with the candidate receiving the most ballots cast being elected to the longest term and continuing in descending order. On a ballot with multiple offices, each listed office will be considered as a separate ballot.

**Change to read: 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 the nominations shall be made and where the elections will be held. Any member in good standing may nominate eligible members for office. Elections shall be by secret ballot, even if there is only one (1) candidate nominated for a given office. In the case of the President, 1<sup>st</sup> Vice President, 2<sup>nd</sup> Vice President, 3<sup>rd</sup> Vice President, Secretary/Treasurer, two (2) Members at Large. The candidate receiving a majority of the ballots cast shall be declared elected. In the event of a tie, The President shall cast the final vote to eliminate the tie.**

### **Section 6; Election Committee**

The President shall appoint an elections committee at the November general business meeting OF AT LEAST THREE (3) PERSONS, which shall be responsible for distributing and tabulating the ballots and shall have such functions as are provided in Article 13, Section 11 of the International Constitution and Bylaws. Each candidate for office shall be entitled to appoint one (1) 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. The Elections Committee shall insure that the ballots are sealed and turned over to the Secretary/Treasurer for safekeeping.

**Change to read: The President shall appoint an elections committee at the October general business meeting OF AT LEAST THREE (3) PERSONS, which shall be responsible for verifying eligibility of a nomination, distributing and tabulating the ballots and shall have such functions as are provided in Article 13, Section 11 of the International Constitution and Bylaws. Each candidate for office shall be entitled to appoint one (1) 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. The Elections Committee shall insure that the ballots are sealed and turned over to the Secretary/Treasurer for safekeeping.**

### **Section 7; Ballots Preserved**



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

**Change to read: The ballots and all other records of an election shall be preserved by the Secretary/Treasurer for one year following such election.**

### **Section 8; Vacancies in Office**

When an office becomes vacant by reason of the death, resignation, or removal of the incumbent, or if the vacancies are not filled through elections, the executive board shall elect a successor by majority vote, no later than thirty (30) days from the date the office is vacated and such person will complete the remainder of the current term of office.

### **Section 9; Proxies and Absentees**

There shall be no proxy voting in this Local. Absentee ballots shall be allowed only through either the Station Steward and or by the Election Committee. Absentee ballots shall be made available by the election committee according to policy set by the Executive Board.

### **Section 10; End of Term**

All officers shall turn over all union materials, books, letters, receipts, correspondence and all other Local property at the end of their terms to the incoming Officers in a timely manner. Exiting Union officers shall make themselves available to help in the orderly transfer of office.

### **Section 11; Officer's Oath**

Elected Officers shall be sworn in accordance with the Officer's Oath as recorded in the Manual of Common Procedure and related subjects, as published by the International.

### **Section 12; Grounds for Impeachment**

Any officer may be removed for conduct unbecoming his/her official position or for inattention or neglect of his/her duties, in accordance with Article XVI of the International Constitution.

## **Article 6, Duties of Officer's**

### **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 a member ex-officio of all committees. He shall appoint such committees as may be provided for by this Constitution and Bylaws and such special committees as may be authorized by the Local. Together with the Vice President, Treasurer, he shall sign all orders and checks lawfully and properly drawn. He shall enforce strict observance of the Constitution and Bylaws of the International as this document relates to the Local and the Constitution and Bylaws of the Local. He shall have general supervision of the activities of the other officers and chairmen 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 Federal or State authorities, and he shall cause to be



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maintained by the Local such records as the law requires to be kept in support of reports filed by it. The President shall not have a vote at executive/general membership meetings unless there is a need for a tiebreaker vote.

**Change to read: 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 a member ex-officio of all committees. He/she shall appoint such committees as may be provided for by this Constitution and Bylaws and such and such special committees as may be authorized by the Local. Together along with either a Vice President or the Secretary/Treasurer shall sign all orders and checks lawfully and properly drawn. He/she shall enforce strict observance of the Constitution and Bylaws of the International as this document relates to the Local and the Constitution and Bylaws of the Local. He/she shall have general supervision of the activities of the other officers and chairman 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 an 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. The President shall not have a vote at executive/general membership meetings unless there is a need for a tiebreaker vote.**

### **Article 6 Duties of Officers, continued**

#### **Section 2; Vice Presidents**

##### **Section 2.1- 1<sup>st</sup> Vice President**

The 1<sup>st</sup> 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 1<sup>st</sup> Vice President shall be the acting President until the Office of President is filled by an election of the Executive Board. The 1<sup>st</sup> Vice President is authorized to sign all checks lawfully and properly drawn.

##### **Section 2.2 – 2<sup>nd</sup> Vice President**

The 2<sup>nd</sup> Vice President shall assist the President in such a manner as the President may determine, in the absence of the President and the 1<sup>st</sup> Vice President, he/she shall preside at meetings of the Local and of the Executive Board.



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**Change to read: The 2<sup>nd</sup> Vice President shall assist the President in such a manner as the President may determine, in the absence of the President and the 1<sup>st</sup> Vice President, he/she shall preside at meetings of the Local and of the Executive Board. The 2<sup>nd</sup> Vice President is authorized to sign all checks lawfully and properly drawn.**

### **Section 2.3 – 3<sup>rd</sup> Vice President**

The 3<sup>rd</sup> Vice President shall assist the President in such a manner as the President may determine, in the absence of the President, 1<sup>st</sup> Vice President, and the 2<sup>nd</sup> Vice President he/she shall preside at meetings of the Local and of the Executive Board.

**Change to read: The 3<sup>rd</sup> Vice President shall assist the President in such a manner as the President may determine, in the absence of the President, both the 1<sup>st</sup> and 2<sup>nd</sup> Vice Presidents, he/she shall preside at meetings of the Local and of the Executive Board. The 3<sup>rd</sup> Vice President is authorized to sign all checks lawfully and properly drawn.**

## **Article 6 Duties of Officers, continued**

### **Section 3 Secretary/Treasurer**

The Secretary/Treasurer shall have custody of all documents, records, books and papers belonging to the Local, except as may be otherwise provided by this Constitution and Bylaws. He/she shall keep an accurate record of all meetings of the Local and the Executive Board. 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/Treasurer 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 non-financial 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 said Secretary/Treasurer. The Secretary/Treasurer shall report attendance of all Executive Board members in the minutes of the General and Special meetings of the Local. He/she shall have custody of all financial records belonging to the



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Local except as may be otherwise provided by the Constitution and Bylaws. The Secretary/Treasurer shall receive all money due to the Local, from whatever source, and shall disburse the same only by voucher signed by two separate officers of this Local, the following officers may sign vouchers; President, 1<sup>st</sup> Vice President, and the Secretary/Treasurer in conformity with a vote of the Local. 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 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, not later than June 30<sup>th</sup> each year. The Secretary/Treasurer 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 financial related reports to Federal or State authorities and he/she shall maintain records in support reports filed by said Treasurer.

### **Section 5; Member At Large *Change in numbering Section 4; Member at Large***

The Member At Large shall be the sixth (6) member of the Executive Board; he/she shall have full voting privileges and is elected by the general membership. He/she will be the point of contact for the Shop Stewards ***Change to read: The Member at Large shall be the sixth (6) and seventh (7) member of the Executive Board; he/she shall have full voting privileges and is elected by the general membership. He/she will be the point of the contact for the Shop Stewards.***

### **Section 6; Executive Board Duties *Change in numbering to Section 5; Executive Board Duties***

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 meeting of the Local. It shall provide for an annual audit of the Secretary/Treasurer's books. It shall meet at the call of the President or on a call signed by a majority of its members. A majority shall constitute a quorum. The Secretary/Treasurer shall record the minutes of all Executive Board meetings and shall provide to the membership a summary of topics discussed and indicate how each member voted on each issue.

### **Section 7 *Change in numbering to Section 6***

All officers and employees of the Local who handle funds or property of the Local shall be bonded in such amounts as maybe required by the Board of Trustees and the General Secretary/Treasurer in compliance with the applicable law. The expense of the first \$5,000.00 of such bonds shall be borne by



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the International. The Local shall have sufficient bond to cover at least ten percent (10%) of its current assets. If additional bond is necessary, the Local shall pay the additional premium.

### **Section 8; Parliamentarian *Change in numbering to Section 7***

The Parliamentarian shall advise the Chair in preserving order. He/she acts under orders of the Chair, Officers and members on matters of parliamentary procedure; he/she may have assistance. The Parliamentarian shall be consulted on issues and questions of parliamentary procedure.

### **Section 9; Shift Stewards *Change in numbering to Section 8***

Shift Stewards duties shall be as set forth in the Shift Steward manual.

### **Add New Section; Financial Trustees *This would be Section 9***

The Financial Trustees will be responsible for working with the Secretary/Treasurer to ensure that all financial records are correct and correct reports are prepared for the IAFF and to ensure that all needed records are prepared for annual taxes and so that a proper financial records are prepared and reported to the membership of this local. The Financial Trustees will not serve on this local's Executive Board.

## **Article 7 Notification in Writing**

### **Section 1; Notification in Writing**

Notification in writing, where used herein, shall mean posting for such information at all work sites, web sites and mailings for the membership of this Local.

**Change to read: Where used herein the term Notification in Writing shall mean posting for such information at all work sites, web sites, and mailings both by postal, or electronic along with text messages to notify this membership of this Local**

## **Article 8 Initiation Fees, Dues & Assessments**

### **Section 1; Monthly Dues**

It is our objective to set our dues at one percent (1%) of the entry-level firefighters starting annual salary.

#### **Section 1.1**

Reinstatement fees shall be three (3) times the current monthly dues

**Change to read: Reinstatement fees shall be set at twenty (20) dollars nonrefundable plus 3 months of current dues.**

#### **Section 2**

Monthly dues shall be set at least one percent (1%) of the starting pay for entry level firefighters. The amount of the monthly dues will be adjusted as needed each year to reflect the increase in salary and approved by a majority vote of the general membership at the August monthly meeting each year. Active



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Retirees shall pay dues in the amount of Five dollars (\$5.00) payable monthly. Affiliate members shall pay dues in the amount of Fifteen dollars (\$15.00) per month which may be payable quarterly.

**Change to read: Monthly dues shall be set at least one percent (1%) of the starting pay for entry level firefighters. The amount of the monthly dues will be adjusted as needed each year to reflect the increase in salary and approved by a majority vote of the general membership at the August monthly meeting each year. Active Retirees shall pay dues in the amount of Ten dollars (\$10) payable monthly, quarterly, semiannually or annually. Affiliate members shall pay dues in the amount of the current monthly dues structure per month which may be payable quarterly.**

**\*\*Add Section 2.1 to read: At the time of monthly dues increase, the Secretary/Treasurer shall ensure that all members who have dues withdrawn via direct deposit shall have each member complete a new payroll deduction form along with the dues deposit verification letter.**

### **Section 3**

Whenever assessments are levied or increases on the rates of initiation fees, reinstatement fees, dues or assessments of this Local are proposed, all members in good standing shall receive notification in writing at least thirty (30) days prior to voting on such a proposal. If the proposed increase receives approval of a majority of the members in good standing, it shall be adopted; otherwise it shall stand rejected.

## **Article 9 Misconduct Trials & Appeals**

### **Section 1**

Any member charged with misconduct as defined in Article XV of the International Constitution and Bylaws shall be served written specific charges as required in Article XVI of the Association Constitution, and be given a reasonable time to prepare his/her defense and afforded a hearing as provided in Article VXII of the Association Constitution.

### **Section 2**

Appeals may be made in accordance with Article XVIII of the International Constitution and Bylaws, and such appeal must be filed with the General President of the IAFF within thirty (30) days of the action to be appealed.



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### **Article 10 Audit & Financial Trustees**

#### **Section 1; Audit**

The books and accounts of this Local shall be audited annually, and the last such report of audit shall be forward to the General Secretary/Treasurer over the seal of the Local within one hundred eighty (180) days of the close of the Local's year and shall include an accurate accounting of all employees within the Local Unions Fire Departments. All audits may be reviewed by a Certified Public Accountant if ordered by a majority of the Executive Board or by the general membership in a quorum. A review by a Certified Public Accountant shall be conducted at the expiration of the Secretary/Treasurer's term of office unless waived by a three quarter (3/4) majority of the new Board, or by the general membership in a quorum.

#### **Section 1.1**

An audit shall be performed at the request by  $\frac{3}{4}$  majority vote of the general membership and or  $\frac{3}{4}$  majorities of votes by the Executive Board any time that the Secretary/Treasurer is replaced.

### **Article 11 Amendments**

#### **Section 1; Amendments**

Any member in good standing may propose an amendment to this Constitution and Bylaws. The proposed amendment must be in writing and have the support of at least five (5) members in good standing.

The written proposed amendment, with the signatures of at least five (5) members in good standing, any be delivered to any member of the Executive Board, or, the written proposed amendment may be delivered to the presiding officer at any regular meeting and obtain verbal support from at least five (5) members in good standing.

Once the written proposed amendment, with the support of at least five (5) members in good standing, has been received, the Executive Board shall provide at least fifteen (15) days written notice of the proposed amendment to each member in good standing.

At the first regular monthly meeting, after giving at least fifteen (15) days written notice, a vote on the proposed amendment will be taken by secret written ballot. Passage of the proposed amendment shall require a two-thirds (2/3) majority vote of those members in attendance.

#### **Section 2**

A proposed amendment to this Constitution, of any Bylaws made under its provisions, shall be submitted for approval to the International General President after first being adopted by the membership and prior to its printing and issuance.

### **Article 12 Delegates & Alternate Delegates Representing our Local at Certain Functions**

#### **Section 1**



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Delegates and alternate delegates chosen to represent the Local at certain functions shall be appointed by the President of the Local and approved by the Executive Board.

### **Article 13 Delegates & Alternate Delegates to the IAFF Convention**

#### **Section 1**

If, in accordance with Article 4, Section 2 of the International Constitution and Bylaws, this Local is entitled to delegates in addition to the President, they shall be elected by general membership.

#### **Section 2**

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

#### **Section 3**

When delegates of this Local do not attend conventions of that body proxy votes to which this Local is entitled may be issued to members of another union subject to the approval (of the Executive Board or the International Constitution and Bylaws).

### **Article 14 Maintenance of Membership in Good Standing in State & Local Central Bodies**

#### **Section 1**

It shall be the duty of the President and Secretary/Treasurer to ensure that membership in good standing is maintained in the State Professional Firefighters Association by the payment of monthly per-capita tax to these organizations as required in their respective Constitution and Bylaws.

### **Article 15 Grievances**

#### **Change numbering and title of each section for division:**

#### **Section 1; Grievance Committee**

The grievance committee of this Local shall be appointed by the President and serve on such committee for the duration of each grievance proceeding.

#### **Section 1.1**

Any member in good standing may submit a grievance to the Grievance Committee, and shall make every effort to present such grievance within ten (10) calendar days of being harmed. In addition, it shall be the responsibility of the member to follow the grievance procedure in effect in the labor agreement between the Local and the Municipality.

#### **Section 1.2**



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A grievance must be submitted in writing to the President of the Local, setting forth the facts and pertinent information relating to the grievance and must be signed by the member.

### **Section 1.3**

The President of the Local shall call a meeting of the Grievance Committee as soon as practicable, and in no case later than five (5) working days after the grievance is submitted.

### **Section 1.4**

If any member of the Grievance Committee is involved in the grievance, he/she shall immediately disqualify him/her from the Committee, and the remaining members shall proceed without him/her.

### **Section 1.5**

The Grievance Committee shall. After considering the facts available, vote on whether or not a grievance exists. Should the Grievance Committee find in favor of the member submitting same, the grievance shall be carried to the Municipality by the Local, the Local bearing the cost, and the Local shall represent the member and follow the grievance procedure in effect in the current labor agreement between the Local and the Municipality.

### **Section 1.6**

If the Grievance Committee finds that there is, in fact, no justifiable grievance, the member submitting same shall be notified of their decision in writing, by the President of the Local. No further action shall be taken on the matter by the Local unless additional facts that may tend to change the opinion of the Grievance Committee as submitted by the member as outlined in Section 1.2 above.

## **Section 2 Grievance Procedures**

### **Change numbering and title of each section for division:**

#### **Section 2.1**

Any member in good standing may submit a grievance to the Grievance Committee, and shall make every effort to present such grievance within ten (10) calendar days of being harmed. In addition, it shall be the responsibility of the member to follow the grievance procedure in effect in the labor agreement between the Local and the Municipality.

#### **Section 2.2**

A grievance must be submitted in writing to the President of the Local, setting forth the facts and pertinent information relating to the grievance and must be signed by the member.

#### **Section 2.3**



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The President of the Local shall call a meeting of the Grievance Committee as soon as practicable, and in no case later than five (5) working days after the grievance is submitted.

### **Section 2.4**

If any member of the Grievance Committee is involved in the grievance, he/she shall immediately disqualify him/her from the Committee, and the remaining members shall proceed without him/her.

## **Article 15 Grievances, continued**

### **Section 2.5**

The Grievance Committee shall. After considering the facts available, vote on whether or not a grievance exists. Should the Grievance Committee find in favor of the member submitting same, the grievance shall be carried to the Municipality by the Local, the Local bearing the cost, and the Local shall represent the member and follow the grievance procedure in effect in the current labor agreement between the Local and the Municipality.

### **Section 2.6**

If the Grievance Committee finds that there is, in fact, no justifiable grievance, the member submitting same shall be notified of their decision in writing, by the President of the Local. No further action shall be taken on the matter by the Local unless additional facts that may tend to change the opinion of the Grievance Committee as submitted by the member as outlined in Section 2 above

## **Article 16 Expenditure of Funds in Excess of One Thousand Five Hundred Dollars**

### **Section 1**

No special expenditure of funds in excess of one thousand five hundred (\$1,500.00) dollars shall be made without the consent of a majority of members present at a regular or special meeting of the Local.

## **Article 17 Compensation of Officer's**

### **Section 1**

At this time no Officers of this Local receive any type of compensation.



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**These By-Laws was reviewed and approved for submission to the International Association of Fire Fighters for approval by a majority of the membership of the Hanover Professional Firefighters Association Local 4202 on December 6<sup>th</sup> 2014 at our annual end of the year membership meeting.**

*Submitted by:*

*Steven M. Phillips*

*Secretary / Treasurer*

*Local 4202*

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