



# INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

HAROLD A. SCHAITBERGER  
General President

THOMAS H. MILLER  
General Secretary-Treasurer

## DOCUMENT

October 3, 2014

Timothy Day, Secretary/Treasurer  
New Kent Professional Fire Fighters  
Association - IAFF Local 4988  
12774 Cooks Mill Road  
Lanexa, VA 23089-5055

Dear Brother Day:

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 several instances, discussed below, where clarifications and changes should be made.

**Article 2, Paragraph 4:** This paragraph states that

It is the stated goal of this Local's affiliation with the recruited members of the New Kent Department of Fire Rescue and Emergency Management to prepare them for the day when they will receive their own charter from the International. In order to help the New Kent members of the Local to prepare for this day, each New Kent member will pay \$5.00 in addition to their monthly dues to be placed in a bank account each month. At the time that the New Kent members of the Caroline Professional Fire Fighters Local leave the Local in order to form their own and receive their charter from the IAFF, the New Kent Local will take control of said bank account. In the event that the number of New Kent members in Local 4314 reaches zero, Local 4314 will close the account and transfer all funds to the Local 4314 General Fund.

I have been advised by the IAFF Membership Department that members of IAFF Local 4314, Caroline County, VA, left their local to join your local and that it is your intention to have these members return to their previous local. Please advise me if I am interpreting this paragraph correctly and, unless you have already done so, consult with your local attorney to ensure that it fully complies with Virginia labor law.

**Article 8, Section 4:** So that this section fully complies with the IAFF Constitution and By-Laws, Article XIII, Section 4, please add the word "dues" to the first line.

Timothy Day, Secretary-Treasurer, IAFF Local 4988  
October 3, 2014  
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Although I recommend that you clarify Article 2 and adopt the change 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.

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, stylized initial "H".

Harold A. Schaitberger  
General President

Enclosure

HAS/BR:rpj

Cc: William V. Taylor, Vice President, IAFF District 4  
Robert Lewis, President, IAFF Local 4988



# New Kent County Professional Firefighters Association

Local 4988

## Constitution and By-laws

Adopted June 19, 2014

(Date of Membership Approval)

**Timothy Day**

(Authorized Local Officer Signature)

International Association of Fire Fighters

AFL-CIO, CLC

**APPROVED**

IAFF, General President 10/3/2014 Date

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**NEW KENT COUNTY  
PROFESSIONAL FIRE FIGHTERS ASSOCIATION  
CONSTITUTION AND BY-LAWS**

**ARTICLE I  
NAME**

**Section 1. Local Number and Name.**

The name of this organization shall be:

**New Kent County Professional Fire Fighters Association**

Local number:                      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 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 XIII of the Constitution and By-Laws of the Association is recognized as providing the basic rules governing this Local.

## **ARTICLE 2 JURISDICTION**

"Jurisdiction shall be as follows: All full-time, paid employees of New Kent County Department of Fire Rescue and Emergency Management engaged in firefighting, emergency medical or rescue service activities, or related services."

The employees of New Kent County Department of Fire Rescue and Emergency Management that fall under the jurisdiction of this Local shall pay full dues to this Local based on 1% of the salary of the lowest paid person within either department.

The New Kent members of this Local shall elect the Third Vice-President to represent them and liaise directly with the President of the Local. The New Kent Members of this Local shall have regularly scheduled Shop meetings at least once a quarter on a schedule set by the Third Vice-President. They may also attend the regularly scheduled General Membership Meetings of the Local. All grievances, labor issues and/or situations that require a meet and confer or grievance arbitration type situation with the official representatives of the New Kent County Government or Department of Fire Rescue will be handled by the Third Vice-President of the Local responsible who is responsible for the New Kent Shop first and then the Local President and/or forwarded to the VPPF/IAFF District Vice President.

It is the stated goal of this Local's affiliation with the recruited members of the New Kent Department of Fire Rescue and Emergency Management to prepare them for the day when they will receive their own charter from the International. In order to help the New Kent members of the Local to prepare for this day, each New Kent member will pay \$5.00 in addition to their monthly dues to be placed in a bank account each month. At the time that the New Kent members of the Caroline Professional Fire Fighters Local leave the Local in order to form their own and receive their charter from the IAFF, the New Kent Local will take control of said bank account. In the event that the number of New Kent members in Local 4314 reaches zero, Local 4314 will close the account and transfer all funds to the Local 4314 General Fund.

If at any time the number of members of the Local that are from New Kent drops to zero, the Local shall revisit/re-approve by majority vote the status and/or membership of the New Kent shop.

Additionally, any full time employee who is a member of the local that has retired and/or is working full time in a different/related field may fall under the jurisdiction of this local.

## 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, 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, creed, national origin, gender, sexual orientation, or by reason of disability.

Any Active Member in good standing shall be entitled to a voice and a vote in all matters pertaining to the affairs of the Local, State and International Associations.

### Section 2. Associate

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, that is not eligible for active membership, is eligible for associate membership. Any Associate Member in good standing shall be entitled to a voice but no vote in all matters pertaining to the affairs of the Local.

### Section 3: 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 4: Retiree

Members who have retired from this Local or have otherwise withdrawn as members in good standing may be allowed to return to this Local within six months as active members.

### Section 5: 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 6: 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. The 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 7: 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/or suspended members are not entitled to a voice or to vote in the Local or in the affairs of the International and/or the Virginia Professional Fire Fighters.

## **ARTICLE 4 MEETINGS**

### **Section 1. Time and Place**

Regularly scheduled business meetings of the Local shall be held once a quarter, at a time and place set forth by a schedule posted quarterly by the Secretary Treasurer of the Local. The meetings times and locations can be adjusted as needed to meet the needs of the membership as long as they are adjusted 15 days in advance and all members are notified of said changes.

The Executive Board of the Local will continue to meet every month. The meeting times and locations can be adjusted as needed to meet the needs of the Executive Board.

### **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 3 members 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 Robert's Rules of Order 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 interpretation of these documents.

## **ARTICLE S OFFICERS AND ELECTIONS**

### **Section 1. Numbers and Titles**

The officers of this Local shall consist of a President, First Vice-President, Second Vice-President, Third Vice-President, Secretary, Treasurer and One Member of the Executive Board, who shall hold office for 2 years, 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. Additionally, there shall be two shop stewards (each responsible for two stations) and two trustees.

### **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. 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.

Additionally, Shop Stewards shall be elected by members of their respective stations in a sealed ballot election supervised by the Second Vice-President and the votes shall be counted and certified by either the Second Vice-President and the Secretary Treasurer or the Secretary Treasurer and the President.

**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 (1) 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 (30) days from the date the office is vacated, except in the case of Shop Stewards who will be elected by members of their respective stations.

**ARTICLE 6  
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 and shall have the final authority, subject only to internal appeal to the International pursuant to Article XVIII of the IAFF Constitution and By-Laws, to decide questions of parliamentary rules and questions involving interpretation of this Constitution and By-Laws. 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 to be kept in support of reports filed by the Local.

The President, by virtue of his/her election, shall be a delegate of this Local to the convention of the International.

**Section 2. Local First Vice-President.**

The First 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 First Vice-President shall be acting President until the office of President is filled by election by the Executive Board.

The First Vice President shall also be chairman and/or coordinate the management of the various committees of the local to include but not be limited to Membership Recruitment and Retention, Bum Fund, PAC Fund and any/all Local Fundraising Committees.

### **Section 3: Local Second Vice-President**

The Second Vice-President shall assist the President in such a manner as the President may determine. In the absence of the President and First Vice-President, he/she shall preside at meetings of the Local and the executive board. If the office of President becomes vacant and the First Vice-President is unwilling and/or unable to act as President, the Second Vice-President shall be acting President until the office of the President is filled by election by the Executive Board.

The Second Vice-President shall also manage the Shop Stewards, arrange for their election, training and ensure that they provide the appropriate level of service to the members assigned to their stations.

### **Section 4: 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 6: 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 7: Trustees**

There shall be two (2) Trustees nominated from the general membership and elected by a majority vote at the bi-annual meeting. The Trustees are not members of the Local Executive Committee and cannot hold another officer's position within the Local other than that of Shop Steward. The primary responsibility of the Local Trustee is to ensure that an annual audit is completed and submitted to the appropriate authority within the time frame set forth by the Constitution and By Laws of the Local, International and State Associations. The secondary responsibility of the Local Trustee is that he/she will tabulate and certify the results of all Local elections and ensure that the appropriate documentation is turned over to the Secretary-Treasurer so that they may be kept as set forth by the Local's Constitution and By Laws.

### **Section 8: Local Executive Board**

The Executive Board shall consist of the President, First Vice -President, Second Vice-President, Third- Vice President, Secretary and Treasurer (who may be the same person), and members who are elected at the annual meeting. 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 ensure that and/or empower the Trustees of the Local to 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 the members. A majority shall constitute a quorum.

### **Section 9: 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 \$5,000 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: 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 8  
INITIATION FEES, DUES AND ASSESSMENTS

Section 1: Initiation fees and Grace Period for Joining the Local

All persons who fall under the jurisdiction of this Local shall be eligible to join the Local with the payment of a \$60.00 initiation fee as long as they do so within the first two years of their employment. If any person who falls under the jurisdiction of this Local fails to join within the first two years, then they must pay back dues from the date that they were hired in order to become eligible for membership in the Local. This Section will become effective in May 2014.

Additionally, if any member of the Local terminates their membership while in good standing and then rejoins the Local, they will not have to pay a reinstatement fee but will be responsible for dues dating back to the time of their withdrawal from the Local.

Section 2: Dues

Dues for active members shall be set at \$20.00 per bi-weekly period. All members will be required to be on direct deposit for dues.

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 and/or reinstatement fees 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 \$100.00 plus all back dues and assessments.

ARTICLE 9  
LEGAL  
REPRESENTATION

Section 1. Responsibility of the Member.

It shall be the responsibility of the member to:

- A. Make the request of the President for authorization to contact our attorney.
- B. Present his/her request for continuing assistance to both sessions of the next scheduled monthly meeting.
- C. Comply with all steps of this policy.

Section 2. Authority of President.

The President shall have the authority and responsibility to approve the initial contact of our attorney for any member in need of legal assistance.

Section 3. Notification of Attorney.

The President shall make notification to our attorney and advise him/her of the member's request for assistance.

Section 4. Initial Contact, Costs Approved.

This authority for initial contact shall cover approval of any fees and/or related costs incurred during this initial conference.

Section 5. Provision to Comply with Time Constraints.

Compliance with Sections 1, 2, and 3 of this Article should allow for legal assistance when specific time constraints are mandated.

Section 6. Presentation to Membership.

The member requesting assistance shall present his/her request for continuing legal assistance at both sessions of the next scheduled monthly meeting. This request shall be voted on by the membership present at the respective sessions.

Section 7. Approval by Membership.

The vote of the membership shall be binding with regard to the particular case at issue. A majority vote is necessary for approval.

Section 8. Dispute Between Members.

In the event that two (2) or more members of this Local union are at dispute and are requesting legal assistance as opposing parties, it shall be the policy of this Local that all parties consult our attorney for recommendations. The President shall then solicit our attorney's recommendation for disposition.

**Section 9. Unauthorized Solicitation.**

In the event that any member solicits legal advice from any legal counsel other than the recognized and designated attorney for the New Kent County Professional Firefighters Association, said member shall bear all responsibility for fees and/or other related costs. This Local shall be responsible only for those costs incurred under strict adherence to this policy.

**Section 10. Recovery of Costs.**

In the event a member is awarded compensation in the form of legal fees and/or other related legal costs (excluding back-pay or punitive damages) then the member will reimburse the Local an amount up to the Local's actual cost or the amount of the member's award.

**ARTICLE 10  
MISCONDUCT, TRIALS AND APPEALS**

**Section 1. Misconduct and Trials.**

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 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 Constitution and By-Laws. Such appeal must be filed with the General President of the Association within thirty (30) days of the action to be appealed.

**ARTICLE 11  
AUDIT**

**Section 1. Audits**

The books and accounts of this Local shall be audited annually, and the last such report of the audit shall be forwarded to the International General Secretary-Treasurer over the seal of the Local within one hundred 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 12 AMENDMENTS**

### **Section 1. Proposed Amendments.**

This Constitution and By-Laws 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 and By-Laws shall be submitted for approval to the international General President after it has first been adopted by the; membership and prior to its meeting or issuance.