



INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

HAROLD A. SCHAITBERGER
General President

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General Secretary-Treasurer

DOCUMENT

August 19, 2011

Stephen G. Finkner, President
Danville Firefighters Association
IAFF Local 2532
P.O. Box 1391
Danville, VA 24543-1391

Dear Brother Finkner:

I have completed my review of your local's amended Constitution and By-Laws to determine whether it complies with the IAFF Constitution and By-Laws. During my review, I found instances, discussed below, where changes should be made.

Article I, Section 3 (and elsewhere throughout your document): Principal officers of the International Association of Fire Fighters are referred to as General President and General Secretary/Treasurer. Please add the word "General" when making reference to IAFF principal officers.

Article III, Section 1: The IAFF Constitution and By-Laws, Article III, Section 1, states that "[a]nyone eligible for membership in the Association 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." So that this section fully reflects the aforementioned IAFF provision, please add the words "gender, sexual orientation."

Article V, 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. postal service mail identifying the date, time and place for election of officers [29 C.F.R. §452.99]. 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. So that you are in compliance with the above-cited Federal regulation, you should replace the fifth sentence of this section with the following:

Each member in good standing shall be given at least thirty (30) 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.

A thirty day notice satisfies the Federal requirement and does not need to be changed to fifteen days.

Finally, please be advised that the IAFF Constitution and By-Laws, Article XIII, Section 11, provides that IAFF affiliates enact a "fair, reasonable and legally acceptable" method for resolving ties in the election of officers. 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

Stephen G. Finkner, President, IAFF Local 2532
August 19, 2011
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between the candidates, the winning candidate for office shall be selected by the drawing of lots in the presence of both candidates.”

Article VI, Section 6: The IAFF Constitution and By-Laws, Article XIII, Section 19, states that the IAFF covers the first \$5,000.00 of bonding and that any coverage over this amount is to be paid by the local. Please amend this section by changing the “\$2500.00” amount to “\$5000.00” and add the following provision: “If additional bond is necessary, the Local shall pay the additional premium.”

It is also recommended that your local have sufficient bond to cover at least ten (10%) percent of its current liquid assets. Please consider increasing your bond to this level and add the following to this section: “The local shall have sufficient bond to cover at least ten (10%) percent of its current liquid assets.”

Article VIII, Section _____: It is noted that there is no section stating the amount of initiation fees charged new members coming into the local. The IAFF Constitution and By-Laws Article VIII, Section 3 and Article XIII, Section 4, requires all locals to submit \$10.00 of each member’s initiation fee to the IAFF. If you are paying this fee on behalf of the member, then this section should state that the local is paying the initiation fee for the new member.

Article X, Section 1: So that this section is fully consistent with the IAFF Constitution and By-Laws, Article XIII, Section 9, please add the following after the word “annually”: “and shall include an accurate accounting of all employees within the Local Union's Fire Department.”

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 for approval.

Sincerely and fraternally,



Harold A. Schaitberger
General President

Enclosure

HAS/BR:rpd

Cc: William V. Taylor, Vice President, IAFF District 4

Dunn Pat

From: Constitution
Sent: Thursday, August 11, 2011 11:21 AM
To: Dunn Pat
Subject: FW: L2532 DPFFA Bylaws Approval
Attachments: DPFFA 2011 BYLAWS.pdf

From: Danville Firefighters [dpffa2532@gmail.com]
Sent: Sunday, July 17, 2011 5:14 PM
To: Constitution
Subject: L2532 DPFFA Bylaws Approval

Dear IAFF;

Attached are the new Constitution and Bylaws for L 2532 (Danville Professional Firefighters Association). Vote was taken by secret ballot and sealed and filed. Please note the changes in Article iv through xi.

Steve Finkner Pres
Brad Harville Sec/Treas

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DPFFA - IAFF L2532

I have no ambition in this world but one, and that is to be a fireman. The position may, in the eyes of some, appear to be a lowly one; but we who know the work which the fireman has to do believe that his is a noble calling. Our proudest moment is to save lives. --Edward F. Croker. FDNY

*But sound aloud the praises, and give the victor-crown
To our noble-hearted Firemen, who fear not danger's frown.*
--Frederic G.W. Fenn. "Ode to our Firemen." 1878

*When fire is cried and danger is neigh,
"God and the firemen" is the people's cry:
But when 'tis out and all things righted,
God is forgotten and the firemen slighted.*
--Author unknown, from The Fireman's Journal, 18 Oct 1879

DANVILLE
PROFESSIONAL FIREFIGHTERS ASSOCIATION



LOCAL 2532

CONSTITUTION

&

BYLAWS

*International Association of Fire Fighters
AFL-CIO, CLC*

APPROVED

Harold A. Schutbürger

IAFF, General Presidential 8/19/11 Date



LOCAL 2532

**CONSTITUTION
&
BYLAWS**

Chartered September 21, 1976

Approved February 4, 1977

Revised October 12, 1994

Revised August 15, 1996

Revised July 1, 2011

Signature

President _____.

Vice President _____.

Secretary _____.

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DANVILLE PROFESSIONAL FIREFIGHTERS ASSOCIATION

**IAFF
LOCAL 2532
Constitution and Bylaws**

ARTICLE I – NAME

Section 1. The number and name of this organization shall be: Local Number 2532, Danville Professional Firefighters Association (DPFFA), International Association of Firefighters (IAFF).

Section 2. References in this Constitution and Bylaws to “Local” shall refer to the Local Union as set forth in Section 1 above, and references to “Association” or “International” shall refer to the International Association of Firefighters.

Section 3. The Local Union, its officers, representatives and members, shall recognize, observe and be bound by the provisions of the Constitution and Bylaws of the International Association of Firefighters and the interpretations rendered by the International President; the resolutions, decisions and directives of the Executive Board of 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 delegates at the conventions. Article 13 of the Constitution and Bylaws of the Association is recognized as providing the basic rules governing this Local.

ARTICLE II – JURISDICTION

Section 1. Jurisdiction shall be as follows: all full-time, paid employees engaged in firefighting or any related services.

ARTICLE III – MEMBERSHIP

Section 1. Active – Any person of good moral character who at the time of making application, is engaged in service within the jurisdiction of the 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, creed, and national origin or by reason of disability.

Section 2. Honorary – For meritorious service to the Local or for distinguished public service, persons may be elected honorary members by majority vote. Honorary members shall not pay initiation fees, dues or other charges and shall have no voice or vote in the Local. Such membership may be revoked for cause.

Section 3. Maintenance of Good Standing – Membership in good standing includes any person who has fulfilled the requirements for membership in the Local and has not voluntarily withdrawn, become ineligible for continued membership, or been suspended or expelled as provided in the Constitution and Bylaws of the Association or Local.

Section 4. Separation – When any member in good standing becomes separated from the fire service, the Local may allow said member to retain his/her active membership or, in lieu thereof, upon request of said member, shall issue him a withdrawal card. However, a member who is duly elected as an officer of the International Association of Firefighters, or elected or appointed as a representative of or to an affiliated labor organization, shall retain his active membership in the Local. Withdrawal cards will be presented only to those who leave the fire service or EMS in good standing; or are precluded by law or local ordinance or contractually from maintaining union membership by virtue of their fire department position. No reinstatement fee shall be charged upon reentry into the Local. It is the policy of the Local to allow members, upon separation from the fire service, to continue their active membership.

Section 5. Delinquent Members – Members who fail to pay their monthly dues or assessments by the fifteenth (15) day following the month in which 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 notification. Delinquent or suspended members are not entitled to voice or vote in the Local or in the affairs of the International.

ARTICLE IV – MEETINGS

Section 1. Regular business meetings of the Local shall be held on a quarterly basis. Meetings shall be scheduled on two (2) consecutive days; either Tuesday and Wednesday or Wednesday and Thursday, on or before the twentieth (20th) day of the month. Date, time and location of the meeting shall be posted at least seven (7) days in advance.

Section 1.1. Each meeting shall be held at such a date, time, and place decided by either the Executive Board or by a majority vote of members present at the previous meeting.

Section 1.2. The Executive Board shall plan the date, time, and place of each meeting to reasonably accommodate the attendance of the members of the organization. The meeting date, time, and place may be changed by a majority vote of the members present at the previous meeting or by the Executive Board; whenever they deem it necessary or in the best interest of the Local.

Section 2. Special meetings of the Local may be called. All members in good standing shall be notified of the meeting, prior to it. Written notice shall be given seven (7) days in advance, except in case of an emergency. The notice shall state the business to be considered at such meeting, and no other business than that stated shall be in order at such meeting.

Section 2.1. The President may call a special meeting of the Local pursuant to **Section 2.**

Section 2.2. Upon majority vote, The Executive Board may call a special meeting of the Local pursuant to Section 2.

Section 2.3 Upon receipt of a written petition with the signatures of seven (7) members in good standing stating the reason(s) for such a meeting, the President of the Local may call a special meeting pursuant to Section 2.

Section 3. Quorum – The quorum for any meeting of the Local shall be seven (7) members in good standing, with a minimum of one (1) Local officer present.

Section 4. Rights of Members – Every member in good standing shall have the right to attend any meeting and participate in such meeting in accordance with the recognized rules as set forth in the manual of parliamentary procedures as adopted by the Local. Members shall conduct themselves in such a manner as not to interfere with the legal or contractual obligations of the International of this Local.

Section 5. Rules for Meetings – The rules contained in Attwood’s Rules for Meetings shall govern the meetings of the Local in all cases not in conflict with the Constitution and Bylaws, or the Constitution and Bylaws of the International, or the interpretations of these documents.

ARTICLE V – OFFICERS AND ELECTIONS

Section 1. The officers of the Local shall consist of a President, Vice-President, Secretary, Treasurer, and four (4) members of the Executive Board, who shall hold office for two (2) years and until the election and installation of their successors unless removed from office as provided in the Constitution and Bylaws of the International or the Local. The offices of Secretary and Treasurer may be held by the same individual.

Section 2. Eligibility for Office – Any member in good standing shall be eligible to be a candidate for office in the Local.

Section 3. Rights of Candidates – Every candidate for office shall have the right to request the distribution of campaign literature, by mail or otherwise, to all members in good standing, at the candidate’s own expense. “A candidate for office” includes a candidate for membership on the Executive Board. There shall be no discrimination or favor for or against any candidate with regard to use of membership lists.

Section 4. Use of Funds Prohibited in Elections – No funds received by the Local through fees, dues, 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 Election – All members in good standing shall be notified in writing thirty (30) days prior to the first quarterly meeting of each election year that nominations will be taken from the floor at that first quarterly meeting. The President will appoint a six (6) - member election committee at the first quarterly meeting and they will bring a slate of candidates to a special-called meeting in May. Notice of nominations shall be in writing and posted along with notification of the special-called May meeting. Election of officers will be held at the second quarterly meeting, every two (2) years. All members in good standing shall be notified of the election at least thirty (30) days prior to the same. Election shall be by secret ballot. There shall be no voting by proxy in the election of officers. The candidate receiving the majority of the ballots cast shall be declared elected. If no candidate receives a majority of the ballots cast, the balloting shall continue until there is a majority vote. Write in voting shall not be permitted. If there is only one nominee for a given office, such nominee shall be declared elected.

Section 6. Election Committee – The election committee shall be responsible for distributing and tabulating the ballots. 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 Election 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 the election.

Section 8. Vacancies in Office – When an office becomes vacant by the 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.

ARTICLE VI – DUTIES OF OFFICERS

Section 1. 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 an ex officio member of all committees. He shall appoint such committees as may be provided for in this Constitution and Bylaws and shall appoint such special committees as may be authorized by the Local. Together with the 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 officers and 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 and 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 it. The President, by virtue of his election, shall be a delegate of this Local to the Convention of the International.

Section 2. The Vice-President shall assist the President in such manner as the President may determine. In the absence of the President, he/she shall preside at meetings of the Local and Executive Board. If the office of President becomes vacant, the Vice-President shall be acting President until the office of President is filled by election by the Executive Board.

Section 3. 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 Bylaws. He/She shall keep accurate records 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 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 the Federal and State authorities, and he/she shall cause to be maintained by the Local such records as the law requires to be kept in support of reports filed by it.

Section 4. The Treasurer shall receive all money due the Local, from whatsoever source, and shall disburse the same only by voucher signed by the President in conformity with vote of the Local. Such disbursement shall be by check which shall 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 General Secretary/Treasurer, over the seal of the Local, no later than June first (1) of each year.

Section 5. The Executive Board shall consist of the President, Vice-President, Secretary, and Treasurer, and four (4) who are elected at the biannual election. 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 Treasurer's books. It shall meet at the call of the President or on call signed by a majority of its members. A majority shall constitute a quorum.

Section 5.1. The Executive Board shall have the authority to appoint one (1) Station Steward per station and one (1) Shift Steward per shift. The Station Steward may serve as Shift Steward. The Station Steward shall communicate with the members at their assigned station and help in any union matters that are designated by officers of the Local. The Shift Steward shall communicate with the Station Stewards and help in any union matters that are designated by the officers of the Local.

Section 5.2. The Executive Board shall have the authority to authorize the use of the Local's funds up to a maximum of \$1500.00, per expenditure, for the purposes of performing the Local's directives, activities, and business. All expenditures authorized by the Executive Board up to the stated amount shall not require a vote of the membership.

Section 6. 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 (1) \$2500.00 of such bonds shall be borne by the International.

Section 7. All expenses incurred by any officers of the Local, or their designated representatives, functioning so as to attend to the affairs and business of the Local shall be borne by the Local. These expenses shall not include expenses related to loss of work time unless authorized by majority vote of the members present at a regular or special meeting.

Section 8. President's Expenses and Convention Representative's Expenses: Actual expenses for travel, lodging, and meals incurred by Local Officers or Representatives attending the International Association Convention shall be reasonably borne by this Local.

ARTICLE VII – DELEGATES AND ALTERNATES TO INTERNATIONAL 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 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 VIII – INITIATION FEES, DUES AND ASSESSMENTS

Section 1. Monthly dues shall be approved by majority vote of the membership. They shall be an amount sufficient to cover the per capita tax assessed by state, national and international affiliates; also they shall be sufficient to provide for sound financial operation of the Local. Per capita total monthly dues assessment(s), collected by the Local, shall be in the amount of (1.5%) one and one-half percent of the entry-level firefighter salary of the City of Danville Fire Department.

Section 1.1. On July 1, 2011, the per capita assessment shall be increased to (1.5%) one and one-half percent of entry-level firefighter salary of the City of Danville Fire Department.

Section 2. Remittance of members' dues, fees and/or assessments, to the Local, shall be made in one of the following methods: (1) at the Local's current banking institution within the Local's banking account, with cash or with personal check or (2) send personal check, no cash, by mail to: DPFFA L2532 c/o Treasurer PO Box 1391 Danville VA 24543 or (3) by a personal automatic draft account set up within the Local's current banking institution.

Section 3. All members of the Local shall arrange their monthly dues payment(s), to the Local, by the due date decided, and for any current or future stated dues increases, prior to the increase(s) taking effect for that year or month. Members electing to use the automatic draft option shall complete the appropriate documentation to allow sufficient time for each increase(s), for that month or year, at the current banking institution of the Local, in person, one month prior to each of the increase(s) taking effect.

Section 4. 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 and assessment is to occur. The proposed assessment shall become effective upon a majority vote of the members in good standing, voting by secret ballot at a regular or special meeting.

Section 5. Increases in rates of initiation fees, reinstatement fees, dues or assessments shall require notice of such proposed increases to be given to 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 majority vote of the members in good standing, voting by secret ballot at a regular or special meeting.

Section 6. Any former member wishing reinstatement to active status must first pay the balance of all dues owed from previous membership up to a maximum of two (2) years dues at present rate. The former member requesting reinstatement will be brought before the active membership at the next regular meeting of the Local. A vote of approval consisting of a two thirds (2/3) majority of members in good standing present shall be required for reinstatement to active membership.

ARTICLE IX – MISCONDUCT, TRIALS AND APPEALS

Section 1. Any member charged with misconduct as defined in Article 15 of the International Constitution and Bylaws shall be served with written specific charges as required in Article 16 of the Association Constitution and be given a reasonable time to prepare his/her defense and afforded a hearing as provided in Article 17 of the Association Constitution.

Section 2. Appeals may be made in accordance with Article 18 of the International Constitution and Bylaws, such appeal must be filed with the General President of this association within thirty (30) days of the action to be appealed.

ARTICLE X – AUDIT

Section 1. The books and accounts of the 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 no later than June first (1) annually.

ARTICLE XI – AMENDMENTS

Section 1. This Constitution and Bylaws made under its provisions, may be amended by two thirds (2/3) vote, 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. A proposed amendment to this Constitution, or any Bylaws made under its provisions, shall be submitted for approval to the General President prior to its printing or issuance after it has first been adopted by the membership.