



INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

HAROLD A. SCHAITBERGER
General President

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Document

February 15, 2012

John Wright, President
Frederick County Professional Fire Fighters Association
IAFF Local 4145
P.O. Box 3706
Winchester, VA 22604-8261

Dear Brother Wright:

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 an instance, discussed below, where a change should be made.

Article 5, Section 5: It is customary for local unions to prohibit proxy voting in election of officers. Please add the following: "Proxy voting in the election of local union officers is prohibited.

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

Sincerely and fraternally,

Harold A. Schaitberger
General President

Enclosure

HAS/BR:rpj

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

Frederick County Professional
Firefighters Association
I.A.F.F. Local 4145
P.O. Box 3706 Winchester, VA 22604-8261

Mission Statement

To provide a commitment of quality professional service to the citizens of Frederick County and surrounding jurisdictions. Services to include but not limited to Education, Leadership, Training, Prevention, and Emergency Services.

Organizational Values

We are committed to a creative process which develops mutual respect and pride in ourselves and the community we serve. To this end, we value:

- Personal and Organizational Integrity
- An Environment of Mutual Trust, Fairness, Sensitivity, and Dignity
- Promoting Confidence in Individual Capabilities
- Promoting Teamwork throughout the Organization
- Dedication to Duty
- Quality Service
- Providing Leadership in the community and the Fire Service
- Accessibility, Open Communications, and Participation in Decision Making
- Adapting to the Changing Needs of the Community

International Association of Fire Fighters
AFL-CIO, CLC

APPROVED



IAFF, General President 2/15/12 Date

Local Union Constitution and By-Laws

Article 1

Name

Section 1: Local Name and Number

The name of the organization shall be called the Frederick County Professional Firefighters Association, International Association of Fire Fighters, located in Frederick County VA.

The number of this Organization shall be the Local number 4145

Section 2: Definitions

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

Section 3: Compliance

This Local Union, its Officers, Representatives, and Members shall recognize, observe, and be bound by the provisions of the Constitution and By-Laws of the International Association and the interpretations rendered by the International’s General President, the resolutions, and decisions and directives of the Executive Board of the 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 engaged in fire fighting, emergency medical or rescue service activities, or related services (i.e. secretaries, dispatchers etc.), or holding administrative positions of Lieutenant or Captain”.

Article 3

Membership

Section 1: Active Members

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

Section 2: Retirees/Honorary Members

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

Section 3: Maintenance of Good Standing

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

Section 4: Separation

When any member in good standing is separated from the fire service, the Local Union may allow said member to retain active membership or in lieu thereof, upon request of said member, shall issue a withdraw card. The Local Union may issue withdraw 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 withdraw card will not be charged a reinstatement fee upon reentry into the organization. A member who is duly elected as an officer of the International Association of Fire Fighters, or elected or appointed as a representative of or to an affiliated labor organization, shall retain his/her active membership in this Local.

Section 5: Delinquent Members

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

Section 6: Membership - Separation from Local with Retention in Service

When any member drops his or her membership from the Local and remains in the Department, with the exception of promotion outside the unit, that member shall not be eligible for reinstatement unless he or she, upon application of reinstatement pays all back dues to the time that he or she withdrew from the Local, plus a \$10.00 reinstatement fee.

Article 4

Meetings

Section 1: Time and Place

Regular meetings of the Local shall be held on the 1st Thursday of every month at 18:30hrs.

Section 2: Special Meetings

Special meetings may be called by vote of a majority of the Local. All members in good standing shall be notified of such 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 require 10 percent of the entire membership in good standing.

Section 4: Rights of the Members

Every active 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 Association of Fire Fighters or this Local.

Section 5: Rules for the 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 Association of Fire Fighters, or the interpretations of these documents.

Article 5

Officers and Elections

Section 1: Number and Titles

The officers of this Local shall consist of a President, Vice President, Secretary, Treasurer and 5 members of the Executive Board, who shall also serve as shift stewards, (A, B, C, and 2 members at large) and 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 Association of Fire Fighters or this Constitution and By-Laws. The offices of President, Secretary, and 3 members of the Executive Board shall be voted upon on odd numbered years, and the offices of Vice President, Treasurer, and 2 members of the Executive Board shall be voted upon on even numbered years, thus creating staggered terms.

I.e.: 2009 Elections - President, Secretary, Executive Board A shift, Executive Board C shift, Member at Large

2010 Elections – Vice President, Treasurer, Executive Board B shift, Member at Large

Section 2: Eligibility for Office

Any active employee 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. 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 elections 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 member 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 voting by absentee ballot for only those members who are scheduled to work the day of the elections. The candidate receiving a majority of the ballots cast shall be declared elected. 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.

Section 6: Election Committee

The President shall appoint an Elections Committee that 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 Secretary shall preserve the ballots and all other records of an election for one year following such election.

Section 8: Vacancies in Office

When an office becomes vacant by reason of death, resignation, or removal of the incumbent, the members in good standing shall nominate and elect a successor by majority vote, no later than thirty days from the date the office is vacated.

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 observances of the Constitution and By-Laws of the International as this document relates to the Local, and the Constitution and By-Laws of the Local. He/She shall have general supervision of the activities of the other officers and the chair of committees.

The President shall discharge on behalf of the Local such duties as may be imposed upon him/her by applicable law including the execution and filing of any reports to Federal or State authorities, and he/she shall cause the Local to maintain such records as the law requires them to be kept, in support of reports it files.

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

Section 2: Local Vice-President

The Vice President shall assist the President in such 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 the President becomes vacant, the Vice President shall be acting President until the office of President is filled by election by the members in good standing.

Section 3: Local Secretary

The Secretary shall have custody of all documents, records, books, and papers belonging to the Local, except as may be otherwise provided by this Constitution and By-Laws. He/She shall keep an accurate record of the meetings of the Local and Executive Board, of which he/she shall be the Secretary. He/She shall attest all official documents with his/her signature and the seal of the Local. He/She shall conduct the correspondence of the Local promptly. He/She shall maintain the official list of members in good standing, which shall be kept accurately and on a current basis.

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

Section 4: Local Treasurer

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

Section 5: Local Executive Board

The Executive Board shall consist of the President, Vice-President, Secretary, and Treasurer and 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 authority to act in the name of the Local during intervals between meetings, such acts being subject to confirmation by the membership at the next regular meetings of the Local. It shall provide for an annual audit of the Treasurer's books. It shall meet at the call of the President or on call signed by a majority of its members. A majority shall constitute a quorum.

Section 6: Bonding

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

Section 1: Initiation Fees

There shall be a \$10.00 initiation fee for membership in this Local.

Section 2: Dues

Dues shall be \$20.00 each month.

Section 3: Assessments

Assessments may be made only in 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: Increasing in Rates

Increases in rates of initiation fees, reinstatement fees, dues or assessments shall require notice of such proposed increase to be given to the members in good standing at least thirty (30) days in advance of the date on which he vote for such an 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 \$10 plus all back dues and assessments.

Section 6: Penalty Fees

There shall be a \$10.00 initiation fee plus a penalty fee equal to the amount of dues that the member would have been liable for since the time her or she was eligible to join, if a member does not join within six (6) months.

Article 9

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 amount of time to prepare his/her defense and afford a hearing as provided in Article XVII of the International Constitution and By-Laws.

Section 2: Appeals

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

Article 10

Audit

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

Article 11

Amendments

Section 1: Proposed Amendments

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

Section 2: Adopted Amendments

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