



INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS®

HAROLD A. SCHAITBERGER
General President

THOMAS H. MILLER
General Secretary-Treasurer

January 12, 2011

Jeremy Painkin, President
Campbell County Professional Fire Fighters Association
IAFF Local 4830
1301 Main Street, Apt. 404
Lynchburg, VA 24504

Dear Brother Painkin:

I have before me your Constitution and By-Laws and have completed my review to determine whether it complies with the IAFF Constitution and By-Laws. During this review, I found a number of instances where significant changes are required. Please remember that all changes, even those recommended by the IAFF, must be approved by the membership prior to submission to the IAFF General President for approval. Once you have made the changes indicated below and your membership approves them as provided in Article XI, please resubmit your Constitution and By-Laws and I shall approve it.

Article I, Section 3: This section is not fully consistent with the IAFF Constitution and By-Laws. So that it fully complies with the IAFF Constitution and By-Laws, please delete your current provision and replace it with the following: "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 of 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 IV, Section 1, Paragraph 2: 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 "or by reason of disability" after "national origin."

Article IV, Section 1, Honorary: The IAFF Constitution and By-Laws, Article III, Section 2, states that honorary membership is conferred upon individuals "by majority vote" and such "membership...convey[s] no *voice* or vote." So that this section fully complies with the above-cited IAFF provision, please delete the words "two thirds" from the sixth line. In addition please replace the words "may not vote" found in the first line with "Such membership shall convey no voice or vote in the affairs of this local union."

Finally, this section refers to "Local 4797" in the seventh line. Please replace this reference with "Local 4830."

Article IV, Section 3: This section states that "[a] former member holding a valid withdrawal card will be charged a reinstatement fee." The IAFF Constitution and By-Laws Article XIII, Section 5 states that "[f]ormer members holding withdrawal cards...who become re-employed within the jurisdiction of any IAFF local union shall be subject to automatic reinstatement [and] [n]o reinstatement fee shall be charged upon reentry into the organization." So that this section complies with this IAFF provision, please add the word "not" between the words "will" and "be charged."

Article IV, Section 4: The IAFF Constitution and By-Laws, Article XIII, Section 4, states that members have (60) sixty days, following notification, to repay the delinquent amounts. This section provides delinquent members ninety (90) days, following notification, to repay delinquent amount. So that you are consistent with IAFF Constitution and By-Laws, please replace "90 days" with "60 days."

Article VI, Section 4: Please replace the word "present" found in the first line of the second paragraph with the word "prevent."

Article VI, 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, of the date, time and place for election of officers [29 C.F.R. §452.99] and notice of nominations [29 C.F.R. §452.56] reasonably calculated to fully inform your entire membership of the nomination of officers. Although not 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 your local is in full compliance with the above-cited Federal regulations, the first sentence of this section should be replaced 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 mail to the last known address of the member, of the date, time and place at which elections shall be held."

This section also provides that "[t]here shall be no voting by absentee in the election of Local officers." In general, local unions permit absentee voting, which allows a member, who cannot vote at the voting booth, to submit his/her ballot in a sealed envelope which is either mailed to the local or given to a designated election official. Proxy voting authorizes a member to cast a vote for another member. This method of voting is not permitted in local union elections because it does not guarantee that a member's vote will remain secret. While you may prohibit absentee voting, it is my opinion that your intention was to prohibit proxy voting. Please consider deleting "absentee" and replace it with "proxy."

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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, 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."

Article VI, Section 3: The second sentence of this section states that "A candidate for office" includes a candidate for membership on the Executive Board *upon the development of one.*" It is unclear what is meant by the phrase "upon the development of one." Please clarify this provision.

Article VI, Section 6: The last sentence of this section states that "[t]he chairman of the Election Committee will not vote unless to break a tie vote." It is unclear whether this provision is to break a tie vote during Election Committee meetings or if it is to break a tie vote during an election for officers of the local. If it is to break tie votes at Election Committee meetings, then I can approve it. However, if it is to break a tie vote during local officer election, I cannot approve it. An essential factor in an election of local union officers is that a member's vote be secret; known only to the member who cast the vote. The chairman's vote to break a tie in an election of officers would not be secret under this situation. Please amend this provision so that its intention and purpose are more clearly stated.

Article 7, Bonding of Officers & Employees: The IAFF Constitution and By-Laws, Article XIII, Section 19, states that the amount of bonding the IAFF covers is the first \$5,000.00. Please amend this provision by changing the "\$2500.00" amount to "\$5,000.00." 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 9, Section 2: The last sentence of this section states that "[i]t is the decision of this local that members may go three months delinquent on the[i]r dues, however at the end of those three months all dues are to be paid in full." Article XIII, Section 4, of the IAFF Constitution and By-Laws provides that members have sixty (60) days, following notification of their delinquency, to pay delinquent dues. I cannot approve the last sentence of this section because it conflicts with the aforementioned IAFF provision. Please delete it from this section.

Finally, it is noted that some of the articles of your Constitution and By-Laws are designated with Roman numerals (Articles I – VI; Articles XIII (which is 13) and XI (which is 11)) and others are numbered as digits (Articles 7 – 14). For consistency, you should either number your articles with Roman numerals or digits.

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Thank you in advance for your attention to the foregoing matters. Please do not hesitate to contact my office if we can be of further assistance.

Sincerely and fraternally,

A handwritten signature in black ink, reading "Harold A. Schaitberger". The signature is written in a cursive style with a large, stylized "H" and "S".

Harold A. Schaitberger
General President

Enclosure

HAS/BR:rp

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

L-4830

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MEMBERSHIP DEPT.

Article 1
Name

Section 1. The organization shall be known as the Campbell County Professional Fire Fighters Association.

Section 2. Whenever the word "Local" is used in these By-Laws it will be synonymous with Campbell County Professional Fire Fighters Association. Whenever the word "International" is used in these by-laws it will be synonymous with the "International Association of Fire Fighters, AFL-CIO. Whenever the word "member" is used in these by-laws, it will refer to an active member only.

Section 3: The 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 Association when made in conformity with the authority granted by the Constitution and By-Laws of the Association, and the resolutions adopted and policies established by the delegates at conventions. Article 13 of the Constitution and By-Laws of the Association is recognized as providing the basic rules governing this local.

Article II
Objectives

"Jurisdiction shall be as follows; All full time employees excluding, Director and Deputy Director, engaged in fire fighting, emergency medical service activities."

Article III
Objectives

The purpose of the Local shall be:

To endeavor in all ways to improve the fire and EMS protection rendered to the citizens of Campbell County.

To render benevolent assistance to members who may become ill and injured and to their survivors in case of death or to members if immediate families who are victims of disaster.

To endeavor in all ways to improve relations among fire and EMS personnel.

To endeavor in all ways to improve working conditions of and for fire and EMS personnel

Article IV Membership

Section 1.

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 the Local shall not be refused membership or upon acceptance be discriminated against because of race, color, gender, sexual orientation, creed or national origin.

There will be 3(three) categories of members: Active, honorary, Active Retired, defined as followed:

Active: May hold office and vote. Any person of good moral character who at the time of making application is engaged in service within the Amherst County Department of Public Safety.

Honorary: May not hold office, may not vote, but receive benefits at the discretion of the board of trustees. For meritorious service to this Local or for distinguished public service, may become an Honorary member. The Honorary membership list is to be maintained by the secretary and will be renewed in part or in whole by the active membership at the January monthly meeting of each year. The membership may accept honorary members by two thirds majority present at any regular monthly meeting after withdrawal from the Local 4797 active status. Such membership may be revoked for cause. The membership, when it deems it beneficial may accept a person not employed in the Department of Public Safety as an honorary member.

Active retired: Pays one half dues, can vote, may hold office and receives all benefits of the Association.

Any person wishing to join the Local shall not have any pending grievance or claim against the County of Campbell or The Department of Public Safety.

New applications will be read at the next monthly meeting, and given to membership committee for review. The membership committee will bring back a recommendation at the next monthly meeting.

It shall take a 2/3 vote of the members present to be accepted to membership.

Section 2: 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 3: Separation

When any member in good standing becomes separated from the fire service, the local union may allow said member to retain his/her active membership or in lieu thereof, upon request of said member shall issue a withdrawal card. This 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 be charged a reinstatement fee upon reentry into the organization. A member who I 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 4: Delinquent Members

Member's dues are to be paid by the first of the month. Members who fail to pay their monthly dues or assessments by the 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 90 days following such notification.

Delinquent and suspended members are not entitled to voice or vote in the Local or in the affairs in the International.

Section 5: Military Leave

Any member in good standing who enters the armed forces will be placed on military leave and shall be entitled to all benefits of the Local. They shall be exempt of all dues and assessments while on military leave. Upon return to duty with the Campbell County Department of Public Safety they shall be returned to active membership in the Local.

Active V Meetings

Section 1:

Meetings of the Local shall be held monthly.

Section 2:

An officer of the Local and 4 (four) other members shall constitute a quorum to transact business at any meeting of the Local. Two officers shall constitute a quorum at any Executive meeting.

Section 3:

Special meetings may be called for by the President when deemed necessary. A special meeting requires a quorum to conduct business and the business of the meeting shall be

limited to the subject for which the meeting was called. Any member wishing to call a special meeting must obtain a written quorum and notify the President in writing two weeks in advance. All members shall be notified by the President seven days in advance.

Section 4:

Attendance at all Local meetings will be limited to Active, and Retired members of the Local. Exceptions will be limited to those individuals receiving special permission from the President. Members shall conduct themselves in such a manner as not to interfere with the legal or contractual obligations of the International or of this Local.

Section 5:

The rules contained in the current **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 this Constitution and By- Laws of the International or interpretations of these documents.

**Article VI
Officers**

Section 1:

Officers of the Local shall consist of the President, one vice president, secretary and treasurer. All elected officers shall hold office for a term of two years unless removed from office as provided in the Constitution and By- Laws. All elected officers shall be able to succeed themselves for as many successive terms as they may be elected to serve.

Section 2: Eligibility to Serve

Any Active or Retired Active 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 expense. "A candidate for office" includes a candidate for membership on the Executive board upon the development of one. There shall be no discrimination in favor of or against any candidate with regard to the use of membership list.

Section 4: Use of Funds Prohibited in Elections

No funds received by this Local through initiation fees, assessments or otherwise, shall be contributed or applied to promote the candidacy of any person in election of officers.

This selection does not present 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 the candidates.

Section 5: Method of Nominations

All members in good standing shall be given at least fifteen days advance notice, in writing, of the date, time, and place at which nominations shall be made and the date, time, and place at which elections shall be held. Any member in good standing may nominate eligible members for office. Job descriptions for each position will be posted for review. Elections will take place during the December meeting. Voting will 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 absentee in the election of Local officers. Officer elections will be held by secret ballot. The election committee shall be responsible for placing the ballot box and the ballots. The location of the ballot box and ballots will be announced at the November meeting. All votes will be cast at that location. The President shall appoint two tellers who are not candidates for office to collect and count the votes. All officers shall be elected by a majority of the votes cast. Any vacancy of an elected position within the Local shall be filled by a majority vote of the members present and voting at the next regular monthly meeting of the Local and the elected shall complete the term of office of the vacated position.

Section 6: Elections Committee

The President shall appoint a nominating/election committee at the September meeting. This committee shall present a slate of nominations at the October meeting. This committee is also 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 attended the meeting of the Elections Committee at which time the votes are tabulated. Nominations from the floor will be accepted at the October meeting and November meeting. The chairman of the Election Committee will not vote unless to break a tie vote.

Section 7: Ballots Preserved

The ballots and other records of an election shall be preserved by the Secretary for two years.

**Article 7
Duties of Officers**

The President shall be the executive officer for the local. It shall be his/her responsibility to oversee and coordinate the activities of the local. He shall appoint all committees necessary for the operation of the local. He shall be a member the chair of all committees, with the exception of the nominating committee. He/she will also be an automatic representative to the conventions, and he shall preside over the entire local.

The Vice President shall perform the duties of the President in the Presidents absence.

The Secretary/Treasurer shall record and preserve accurate records of the local meetings; shall maintain a current roll of members; shall receive and acknowledge all communications of the local and shall perform other duties as assigned by the President; shall keep accurate and timely records. The Secretary/Treasurer shall be custodian of all money; shall maintain a complete and comprehensive record of all financial transaction conducted by the local; shall disburse such funds as authorized and prescribed by the local; shall give a report of all income, disbursements, and the current balance at each regular monthly meeting; will use transaction ledger form provided by the International and shall keep all such transactions up to date.

Trustee: It shall be the duties of the board of trustees to check the records and Audit the financial books of this association each year in the month of January. They shall have the authority to demand a financial statement from The secretary-treasurer, with his signature, of the financial status of the funds of this association.

The Local Executive Board shall consist of the President, Vice President and Secretary-Treasurer, and member 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 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.

Bonding of Officers and Employees

All officers and employees of the Local that handle funds or property of the local shall be bonded in such amounts as may be required by the Local and the International General Secretary/Treasurer, in compliance with applicable law. The expense of the first \$2500.00 of bond shall be borne by the International. If additional bond is necessary, the Local shall pay the additional premium.

Article 8

Delegates and Alternatives to International Convention

Section 1:

If, in accordance with Article 4, Section 2 of the International Constitution and By- Laws, this Local is entitled to Delegates in addition to the President, they shall be elected by secret ballot of the members in good standing.

Section 2:

Delegates and Alternatives to all conventions of organizations of which the Local is a member shall be elected by secret ballot cast by members present and voting at a regular scheduled monthly meeting. A 2/3 majority vote of the members present and voting is

necessary for election. The credentials of delegates and alternatives must certify to this method of election.

Article 9

Initiation Fees, Dues, and Assessments

Section 1:

Dues shall be one percent of the starting salary of the Campbell County Department of Public Safety. This amount will be divided into twelve parts and paid monthly to the Local union treasurer.

Section 2:

Anyone who pays dues may make a request to the Treasurer that due to hardship, their dues may be paid by an alternative manner. The Executive Board will decide this on case by case basis. All request will be held in strict confidence and no information will be released other than to the person making the request. It is the decision of this local that members may go three months delinquent on there dues; however at the end of those three months all dues are to be paid in full.

Section 3:

All current eligible employees requesting membership in the Local after January 30, 2011 will be required to pay a \$50.00 initiation fee plus all the additional required fees (penalty fee (\$50.00) and monthly dues), with exception to new employees who will be granted a 13 month grace period in which they may join the Local with payment of necessary fees.

Section 4:

Assessments may be made only in the following manner: Each member in good standing shall be notified in writing at least 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 on good standing, be a 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 a proposed increase to be given to the members in good standing at least thirty days in advance of the date on which the 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 regular or special meeting.

Article 10

Misconduct, Trials, and Appeals

Section 1:

Any member charged with misconduct as defined in article XV of the International Constitution and By-Laws, shall be served with written specific charges as required in Article XVI of the Association Constitution and be given a reasonable time to prepare his or her defense and afford a hearing as provided in Article XVII of the Association Constitution.

Section 2:

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 30 days of the action to be appealed.

Article 12

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 General Secretary-Treasurer over the seal of the Local within 180 days of the close of the Locals fiscal year and shall include an accurate accounting of all employees within the local unions department of public safety.

Article 13

Committees

Section 1:

Committees shall be appointed by the President and shall remain in effect at the pleasure of the President. The president serves as the Chairman of all the union committees. No member shall serve on more than 4 committees at the same time.

Section 2:

The By-Laws committee is a standing committee and shall receive and review suggestions and make recommendations for changes in the By-Laws of the Local. Suggestions received and recommendations made will be presented to the membership for action at the next regular meeting.

The By-Laws committee shall be required to submit an annual review of the By- Laws at the November meeting.

The Chair of the By-Laws committee will serve as the parliamentarian.

Article 14

Order of Business

The order of business at all meeting, except special meetings, shall be as follows:

1. Call to order
2. Opening prayer
3. Pledge of allegiance
4. Reading of the minutes
5. Treasurers report
6. Membership status
7. Committee reports
8. Unfinished business
9. New business
10. For the good of the local
11. Announce time and place of next meeting
12. Adjournment

Article XIII

Policies

Section 1:

All members shall turn in to the Treasurer within 10 days of the termination of the event or transaction, all receipts, bills or cash intended for the Local. These receipts, bill or cash will be supported and explained in full in neat and comprehensible writing.

Section 2:

Expenses for public relations type and functions will be paid for by fund raising activities, no out of funds from the operating budget, unless approved by the Board of Trustees of the Local.

Section 3:

The minimum of one month's dues shall be retained in the checking account balance established by the Secretary/Treasurer at the close of each fiscal year. An audit report shall be sent for approval to the International General Secretary- Treasurer.

Section 4:

After payment of dues, all leftover monies will be divided into equal shares, ½ to the operating fund and ½ to the Legal fund.

Section 5:

The President may authorize up to but not exceed \$300.00 dollars without the approval of the membership or emergency expenses.

Article XI 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 9, 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:

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.

Section 3:

No one may use the name of this Local to represent themselves as the local unless approved by the President and/or Executive Board.