

Constitution and By-Laws

International Assn. of
Fire Fighters, AFL-CIO, CIO
APPROVED

[Signature]
President *[Signature]* Date *[Signature]*

ARTICLE 1 Name and Objective

Section 1 The object if IAFF Local 384 shall be to unite fraternally, to protect and better the working and living conditions of its members, to act as bargaining agent for its members, to foster the finest traditions of American citizenship, to uphold our sworn oath and protect the lives and property of our fellow citizens.

Section 2 References in this Constitution and By-Laws to "Local" or to "Local Union" shall refer to the Local set forth in Section 1 above, and references to "Association" or to "International" shall refer to the International Association of Fire Fighters.

Section 3 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 General President, and General Secretary-Treasurer of the Association when made in conformity with the authority granted by the Constitution and By-Laws of the Association, and 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.

Section 4 Members shall be elected to this Association at a regular meeting.

ARTICLE 2 Members

Section 1 Members of this Association shall be as follows: Active, Retired, and Honorary.

Section 2 Any person of good moral character who at the time of making application is engaged in service within the jurisdiction of this Local will be eligible for active membership. Active members shall be members currently in active service, Probationary, 1st Grade and Officers.

Section 3 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 or by reason of disability.

Section 4 Retired members shall consist of members retired, resigned or relieved.

Section 5 For meritorious service to this Local or for distinguished public service, persons or benefactors 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 6 Membership in good standing includes any person who has fulfilled the requirements for membership in this Local and who has not been 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 7 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. 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 union 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.

ARTICLE 3 Officers, Delegates and Committees

Section 1 The elected officers of this Association shall be as follows: President, Vice-President, Recording Secretary, Treasurer, Sergeant-at-Arms, Board of Trustees, State Delegate (annual salary \$250) and Alternate State Delegate.

Section 2 All offices shall be for two (2) year terms, to coincide with terms of the state level of the IAFF.

Section 3 The office of Trustee shall be three (3) members for three (3) year terms.

Section 4 Committees shall be appointed at the discretion of the President.

Section 5 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. 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 4 Eligibility of Office

Section 1 Only active members shall be eligible to hold office. Candidates for office must be present at election meeting to hold office if elected. However, candidates may be nominated for office if they are absent for such reason as illness, injury, or vacation. Such nominations must be accompanied by a signed letter from the prospective nominee stating his intention to accept the office for which he is being nominated.

Section 2 No elective officer of this Local shall be entitled to hold more than one office at the same time, nor shall any candidates name appear more than once on any ballot for elective office.

ARTICLE 5 Elections

Section 1 Nominations for elective offices shall be held at the regular November meeting and prior to elections at the regular December meeting. A majority vote of those present and voting shall be sufficient for election.

Section 2 All members in good standing shall be given at least fifteen (15) days written notice, in writing, of the date, time and place at which nominations shall be held.

Section 3 Elections to be held by secret ballot, tallied by one (1) referee, and two (2) judges to be selected by the President at the time of election.

Section 4 If more than three (3) candidates are nominated for the same office, none of whom receives a majority of the votes cast on the first ballot, all candidates other than the three (3) leading candidates shall be dropped and the balloting shall continue, dropping the candidate with the least number of votes, until one candidate receives a majority.

Section 5 Upon completion of the tallying of the votes the newly elected officers will be sworn into office and immediately assume the duties commensurate with their respective offices.

Section 6 A special election shall be held to fill any vacancy in office. Election to be held within thirty (30) days of vacancy.

Section 7 Only active members present and in good standing shall be allowed to vote.

Section 8 The Secretary shall, at the time of elections, furnish the referee with a list of members in good standing.

Section 9 If nominations and/or elections take place off the fire premises, then those members on duty shall be considered present and hold the rights thereof.

Section 10 The ballots and all other records of an election shall be preserved by the Secretary for one year following such election.

ARTICLE 6 Duties of the President

Section 1 The President shall preside at all meetings, special or otherwise. He shall name the date of all special meetings and have the power to convene such meeting. He shall preserve order and enforce the Constitution and By-Laws of the Association. He shall sign all vouchers, warrants and checks on the treasury for monies ordered paid by the Association from the General Fund. He shall perform all other duties as the Constitution and By-Laws of the Association shall direct. He shall be bonded and receive a salary of \$750 per year. He shall be permitted to vote in case of a tie only.

ARTICLE 7 Duties of the Vice-President

Section 1 It shall be the duty of the Vice-President to aid the President in conducting all meetings and, in his absence, to assume all the powers and duties of the office of President. He shall be bonded and receive a salary of \$250 per year.

ARTICLE 8 Duties of the Recording Secretary

Section 1 It shall be the duty of the Recording Secretary to attend all meetings and keep an accurate record of the proceedings in a book prepared for that purpose. He shall draw all orders, vouchers and warrants for monies drawn from the General Fund, and sign same in conjunction with the President. He shall cause to be entered all disbursements as ordered by the Association in a book provided for that purpose. He shall perform such duties as may be directed by the Constitution and By-Laws or by resolution. He shall receive a salary of \$500 annually.

ARTICLE 9 Duties of the Treasurer

Section 1 It shall be the duty of the Treasurer to receive all monies due the Association for dues or otherwise. He shall pay, by check, all orders drawn on him and sign in conjunction with the President, all checks for money so ordered and drawn, he shall have a petty cash account of \$50 and a voucher drawn for the same. He shall keep regular and correct account of all monies received and paid by him in the General Fund in a book provided for that purpose. He shall make deposits in a National Bank and Trust Co., named by the Association. He shall deposit all monies in the name of the Association and perform all other duties as directed by the Constitution and By-Laws or by resolution of the Association. He shall be bonded and receive a salary of \$500 annually.

ARTICLE 10 Duties of Trustees

Section 1 It shall be the duty of the Trustees to examine all bills and accounts of the Association and to verify their correctness from time to time. They shall report the state of books of the Treasurer, Secretary, and general financial condition of the Association every three (3) months. They shall have charge of, and take care of, the property of the Association and keep a correct list of same in a book provided for that purpose. They shall acquire, when needed, a safe deposit in a National Bank and Trust co., named by the Association for the safe keeping of all valuable records and papers of the Association. The officers of the Association shall afford them all the information they may require concerning their books and accounts. They shall perform such duties as the Constitution and By-Laws may direct or order by resolution of the Association. They shall attend to the bonding of the officers when directed to do so. They shall approve all bills, except any anticipated expenditure, which shall be passed by a motion

on the floor. They shall audit the books after the November meeting for the years' business and certify correctness of the same to the membership of the Association in a full report at the January meeting.

ARTICLE 11 Duty of the Sergeant-at-Arms

Section 1 It shall be the duty and function of the Sergeant-at-Arms to attend the door, assist in preserving order, and to perform other such duties as the Association may direct.

ARTICLE 12 The Executive Board

Section 1 It shall be the duty and function of the Executive Board, of this Local, to make any and all decisions affecting the well-being of this Local when a quorum of twelve (12) members be missing from the regular monthly meeting, such decisions being subject to confirmation by the membership at the next regular meeting of the Local. The Board shall consist of all the elected officers plus one (1) shop steward from each of the four (4) tours of duty. No members of this Local shall be denied a voice or vote at a meeting of the Executive Board when such Board is acting in lieu of the regular monthly meeting.

Section 2 When a quorum of twelve (12) members cannot be raised, and there be less than six (6) Executive Board members present, then the monthly meeting shall be posted.

ARTICLE 13 The Grievance Committee

Section 1 It shall be the duty and function of this Committee to receive all grievances pertaining to any alleged violations of the existing contract between said Local and the City of Asbury Park, and also, any legal proceedings bearing the name IAFF Local 384.

Section 2 The grievance shall be submitted in writing, on the prescribed form, to the tour shop steward who will then meet with the with the other members of this committee for their recommendations and conclusions. Their findings shall be presented to the President at the earliest possible time, but no later than seven (7) days from the date of occurrence.

Section 3 If a member of this committee be directly involved with the instituting of a grievance, then he shall forfeit his right to vote on said issue when it is before the committee.

Section 4 If the vote of the committee ends in a tie, due to abstention, illness, vacation, or direct involvement of a committee member, etc., then it shall be the duty of the President to break the tie casting vote.

Section 5 The decision of the Grievance Committee shall be binding. However, the Executive Board reserves the right to question the decision and submit to a majority vote of Board if so desire.

Section 6 The committee shall be comprised of five (5) members all of whom will be appointed by the President. The term of office of this committee will be for a two (2) year period to coincide with the Local's election. The President also has the power to replace any member of this committee, if in his opinion such removal best serves the Local's interest.

ARTICLE 14 Application for Membership

Section 1 All applications for membership properly filled out shall be made to the Secretary within thirty (30) days of appointment as probationary firefighter.

Section 2 All persons who have not made application for membership s provided by Section 1 above, shall be required to pay back all back dues and assessments from date of appointment.

Section 3 Probationary firefighters applying the fifteenth (15th) or thereafter, of any given month, shall not be required to pay dues for said month.

SECTION 15 Dues and Assessments

Section 1 Active members shall be required to pay monthly dues of \$30 per month.

Section 2 Honorary and Retired members shall not be required to pay dues or assessments.

Section 3 Members who failed to pay their monthly dues or assessments by the fifteenth (15th) day following the month such dues are payable, shall be notified by the Treasurer by letter 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 are not entitled to voice or vote in the Local or in the affairs of the International.

Section 4 Increases in dues and/or assessments and initiation fees and reinstatement fees, shall be made by a majority vote of the members in good standing by secret ballot at a regular or special meeting thirty (30) days notice is required prior to date of vote.

Section 5 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 affective upon a majority vote of the members in good standing, by secret ballot at a general or special meeting.

Section 6 This Association shall pay yearly dues to the Fire Fighters Exempt Association for members, active and retired who are eligible to collect benefits. Dues being \$1.20 per year, and to pay future increases in dues.

ARTICLE 16 Initiation and Reinstatements

Section 1 Ten dollars (\$10) of each initiation fee paid to the Local by applicants for membership shall be paid by the Local to the International.

ARTICLE 16 Section 2 Active members who become delinquent shall be reinstated upon payment of a reinstatement fee sufficient enough to cover the amount owed the IAFF and all back dues and assessments owed to Local.

ARTICLE 17 Finances and Funds

Section 1 Revenues in the General Fund of this Association shall be derived from dues, donations, assessment, profits from social and other proper sources. Upon receipt, all revenues shall be deposited in the bank account of the Association as provided in duties of Treasurer. The monies in the General Fund shall be used to defray all expenditures. All regular-operating expenses shall be paid out of the General Fund after approval as prescribed by the Association. The organization shall not borrow money; pledge its credit, sell, mortgage or lease any of its property, whether real or personal, nor enter onto any contract.

Section 2 The President shall have the right to make an emergency expenditure up to but not exceed two-hundred dollars (\$200). Emergency expenditures to comprise of such things as repairs to Local equipment, and the ordering of office supplies, etc.

Section 3 Revenues in the Charities Organization of this Association shall be derived from fund raising, games of chance, 50/50's, etc. The monies in the Charities Organization shall be used for donations only.

Section 4 Revenues in the Flower Fund of this Association shall be derived from monies collected from Union vending machines. The monies collected in this fund will be distributed according as to Article 18, Flower Fund.

ARTICLE 18 Flower Fund

Section 1 The President shall oversee and elect a two (2) member committee to fill vending machines and collect all revenues. A balance of fifteen-hundred dollars (\$1500) will be kept in the Flower Fund account. All other revenues will be deposited in the General Fund as provided by the Treasurer.

Section 2 This fund will provide flowers at the funerals of active and retired members and immediate family of active members.

Section 3 Flowers/gift will be sent to the wives of members who have given birth, and any member or wife hospitalized for at least three (3) days.

Section 4 Members may request flowers/gifts for non-members to the Flower Fund committee for approval.

Section 5 Accommodations, food, beverages, etc., during the funeral of an active member shall be paid from this fund, with consent of immediate family.

Section 6 All flowers, gifts, donations shall not be less than thirty-five dollars (\$35) and no more than fifty dollars (\$50).

ARTICLE 19 Retirement Fund

Section 1 The President shall elect two (2) members to manage fund. The committee shall have the rights to trade stock, bonds, and mutual funds within the account. The President and committee must all be in agreement before any transaction is made. Union Trustee's will receive yearly reports.

Section 2 All members must be in good standing (dues and assessments) with the IAFF, PFANJ, and the Local upon date of withdrawal or retirement must have completed one (1) full year of membership with the Local and have no departmental charges pending upon leaving. Any member that is terminated by the City of Asbury Park upon being found guilty of a crime or unlawful act shall not receive any benefits from fund.

Section 3 Full payment will be disbursed within ninety (90) days of withdrawal or retirement date. The amount, will be the balance of total years recorded on your last official day as a dues-paying member of Local.

Section 4 Method of years and payment shall be disbursed in the following manner. Each member receives one (1) share for every year of membership. The retiree will have his shares deducted from the total amount of shares within Local.

Section 5 All earnings will be reinvested in said fund and half of all interest made on CD's will be invested in fund.

ARTICLE 19 Meetings

Section 1 The regular meeting of this Association shall be held at 8:00 p.m. on the third (3rd) Thursday of every month.

Section 2 The President shall upon request of twelve (12) or more active members in good standing, call a special meeting; he shall also have the authority to convene such a meeting, if in his opinion it is necessitated. The object of said meeting and notification of such meeting to be posted on the Local board for seventy-two (72) hours or less, the Secretary will notify all members by phone. Only members not on duty for the aforementioned seventy-two (72) hours will be so notified.

Section 3 Twelve (12) members in good standing shall constitute a quorum.

Section 4 To maintain membership in good standing any member must be up to date in dues and assessments.

Section 5 Members not in good standing will have no voice or vote.

Section 6 Only the President or Vice-President shall preside at a regular or special meeting.

Section 7 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 as set forth in the manual of parliamentary procedure adopted by this Local.

Section 8 The rules contained in Roberts Rules of Order shall govern the meetings of this Local in all cases not in conflict with this Constitution and By-Laws of interpretations of these documents.

Section 9 If the regular or special meeting of this Local be held outside of Fire Headquarters, then those members in good standing are stationed on duty shall be considered present, and provisions shall be made for their participation in all matters

requiring a vote. However, those members stationed on duty, at a time of said meeting, shall not be counted for the purpose of establishing a quorum to hold a regular or special meeting.

ARTICLE 21 Charges, Trials, and Appeal

Section 1 Any member charged with misconduct as defined in Article 15 of the International Constitution and By-Laws 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 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 By-Laws; such appeal must be filed with the President of the Association within thirty (30) days of the action to be appealed.

Section 3 The Officers of the Association may be suspended, removed, or expelled from office for incompetency in attention to duties of their respected office, or for conduct unbecoming their standing in this Association, by a three-quarters vote of the entire membership after written charges are preferred at a regular meeting, but their right to continue membership shall not be suspended except under Section 1 of the above.

ARTICLE 22 Amendments

Section 1 All amendments to this Constitution shall be made by the following steps:

1. A motion for change to be made at a regular monthly meeting.
2. A complete explanation of amendment and new By-Law will be posted by the Secretary for a period of not less than twenty-five (25) days.
3. Proposed amendment will be voted on at the next regular meeting. A two-thirds majority vote of the members present shall be sufficient to carry a motion for amendment to this Constitution.
4. A proposed amendment to this constitution, or any By-Laws made under its provisions, shall be submitted to the International General President prior to its printing, issuance or effectiveness, after it has been adopted by the membership.

ARTICLE 23 Audit

Section 1 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 no later than the first June annually.



ARTICLE 24 Order of Business

Section 1 The order of business of this Union shall be as follows:

- 1 Call to order
- 2 Salute to flag and moment of silence
- 3 Roll call
- 4 Reading of previous minutes
- 5 Communications
- 6 Reading of bills
- 7 Report of Officers
- 8 Report of Committees
- 9 Unfinished business
- 10 New business
- 11 Good and Welfare
- 12 Adjournment

Section 1

Management of Fund

- A committee of the Union President will manage fund
- Committee will buy and sell CD's, trade stocks, bonds, mutual funds
- All transactions in agreement before any transaction is made.
- Union Trustees will receive yearly reports

Section 2

Requirements

- All members must be in good standing (dues and assessments) with the IAFF, PFANJ, and Local 384 upon date of withdrawal or retirement.
- Must have completed a minimum one (1) full year of membership (Local 384).
- Have no departmental charges pending upon leaving.
- Any member that is terminated by the City of Asbury Park upon being found guilty of a crime or unlawful act shall not receive any benefits from this fund.
- Any members having legal charges brought against this Union (Local 384) during their tenure will have a vote taken by the Executive Board of Local 384 to decide if funds will be given.
- All agreements are final.

Section 3

Payment

- Full payment will be disbursed within ninety (90) days of withdrawal or retirement.
- The amount will be derived from the balance of your shares recorded on your last official day as a dues paying member of Local 384.
- A share consists of one (1) full year of membership.

Method

- At the date of retirement, total years of all members will be determined.
- Total shares will be divided by the balance of the fund.
- Each share will have a value which is determined by the fund.

1-2-07

The following is an amendment to the by-laws of local #384 Asbury Park Professional Firefighters. Please remove pages 2,3,4, from your ~~Contract Book~~ for the contract period of 2004 through 2007 and replace with the following pages.

Thank you,

BY-LAWS

ARTICLE 3

Section 1 The officers of this Association shall be as follows: President, Vice President, Recording Secretary, Treasurer, Sergeant-at-Arms, Board of Trustees, State Delegate, and County Delegate.

Section 2 All officers shall be for two (2) year terms, to coincide with terms of the state level of the union.

Section 3 The office of Treasurer shall be elected by members for three (3) year terms.

Section 4 Delegates shall be appointed at the discretion of the President.

Section 5 In accordance with Article 10, Section 3 of the International Constitution and By-Laws, this Local is entitled to elect one in addition to the President. They shall be elected by secret ballot of the members in good standing. Alternates to conventions shall be elected by secret ballot of the members in good standing. The credentials of delegates and alternates must verify to this method of election.

ARTICLE 4

Eligibility

Section 1 Only active members shall be eligible to hold office. Candidates for office must be present at election, seeking to hold office if elected. However, candidates may be nominated for office if they are absent for such reason as illness, injury, or vacation. Such nominations must be accompanied by a signed letter from the prospective nominee stating his intention to accept the office for which he is being nominated.

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