

BELLEVILLE FIRE OFFICERS ASSOCIATION

FMBA LOCAL 229

CONSTITUTION and BY-LAWS

REVISED: January 2000

**ARTICLE ONE
NAME/DEFINITIONS**

Section I. This Association shall be known and designated as Belleville Fire Officers Association, Local 229, Belleville, County of Essex, New Jersey.

Section II. Definitions: Whenever the terms listed below are used in this Constitution and By-Laws, the meaning set forth below is intended.

Association - means Local 229, Belleville, County of Essex, of the New Jersey State Firefighters Mutual Benevolent Association.

Officer/Member - means an officer/member of Local 229, Belleville, County of Essex, of the New Jersey State Firefighters Mutual Benevolent Association.

Post (ed, ing) – means the posting of notices in each fire station of the Township of Belleville, in the area designated for posting notices.

**ARTICLE TWO
MEMBERSHIP**

Section I. Eligibility: Any uniformed Officer, permanently employed in the Fire Department of the Township of Belleville, shall be eligible to membership in this Association accordance with Article Two, Section III.

Section II. Application Procedure: Application for membership shall be presented in writing at any regular meeting, stating the applicants name, age, and residence. Majority vote by membership present at the meeting will govern acceptance of applicant.

Section III. Acceptance Procedure: The following is required to be accepted as a member:

A. A majority vote in favor of the membership at a regular meeting in which the application is presented; and

B. In the case of an applicant who has been a Officer in the Belleville Fire Department for more than one year before the date of submission of the application for membership, said applicant must also pay all dues and assessments beginning from the date of his promotion to Officer in the Belleville Fire Department to the date of the meeting as indicated in subsection a of this Article, equivalent to that sum he would have paid had he became a member at the time of his promotion.

C. In the case of a member who previously had been expelled or who had resigned from this Association and then re-applied for membership, said

applicant must also pay all dues and assessments beginning from the date from his expulsion or resignation to the date of the meeting as indicated in subsection a, equivalent to the sum he would have paid had applicant continued to be a member during that time, and in addition, all dues and assessments that may have been due and owing from him at the time of his resignation or expulsion.

Section IV. Documents Presented to New Member: Each new member shall receive the following:

- A. Set of By-Laws governing this Association.
- B. Copy of the current contract, and
- C. Membership card

ARTICLE THREE MEETINGS

Section I. Regular Meetings:

- A. Regular meetings shall be held on the second Thursday of each month, except July and August. In the event of a death of a member, legal holiday, or in the performance of duty, the regular meeting that month will be held on any day at the discretion of the President.
- B. The exact time of day and place of the regular meeting shall be determined by the membership.
- C. The Secretary shall post notices of the regular meeting at least seven days prior to the regular meeting.
- D. Seven members shall constitute a quorum for the transaction of business at regular meetings.

Section II. Special Meetings:

- A. Upon a written request for a special meeting, signed by five members (non-officers) to the President, the President shall call for a special meeting. The written request must state explicitly the purpose for the special meeting and no other business shall be transacted at this meeting. All members signing the application **must** attend the meeting.
- B. In the event that the member is unable to obtain the required five signatures of members, the President may upon receipt of the written request for a special meeting and in the Presidents sole discretion, call a special meeting.
- C. Notices of a special meeting shall be posted at least 72 hours prior to such special meetings, if time permits.
- D. Seven members shall constitute a quorum for the transaction of business at regular meetings.

Section III. Rules of Order: All business transacted by this Association shall be according to parliamentary rules that usually govern all deliberative bodies. In the event of any dispute, reference shall be made to Robert's Rules of Order.

**ARTICLE FOUR
MEMBERSHIP OBLIGATIONS**

Section I. Dues and Assessments: All members are liable for dues and assessments.

A. Dues: Dues for each member is \$17.00 per week, payable by payroll deduction. Dues will be raised accordingly to salary increases as per contract negotiations. The seventeen dollars shall be broken down as follows:

11.65	Dues
1.50	Kitty
1.75	Legal Fund
2.00	Dance Fund
.10	TV Fund

- B. Assessments: Assessments to the membership shall be made by discussion and vote from the floor at meetings. Assessments to this Association from the State FMBA shall automatically be deducted from each member's pay when convenient to the payroll department. All other assessments will be voted on by the membership, and shall take effect after posted for a vote for one month and one week.
- C. In the event a member becomes on arrears for two months for dues and assessments, the Secretary shall notify the member by registered mail, that the member will be suspended effective in seven days from the date appearing on the notice. During the period of suspension, the member shall not be entitled to vote or participate in any Association functions.
- D. In the event a member becomes in arrears for four months for dues and assessments, the member shall automatically be expelled from this Association. Upon expulsion, the membership has ceased. The member will also have three times the original assessment forfeited from the members' retirement benefit. All properties belonging to the FMBA will be returned immediately upon expulsion.
- E. Should the expelled member at any time wish to regain his membership, he must make application as provided in ARTICLE TWO, Section III, subsection C.
- F. Any uniformed officer who is a nonmember of this Association is responsible for 85% of the regular membership dues, fees and assessments as per Employer-Employee Relations Act, Title 34, 34:13A-5.5b.

Section II. Other Obligations of Members:

- A. All members are bound to keep to themselves anything that may transpire in regard to any business that may come up before this Association, and try to induce, by all honorable means, all Officers of the Fire Department to join this Association who may not have already done so.
- B. Any member of this Association who may violate any of its' obligations, other than being in arrears, or make known any of its' affairs to others than those entitled to know, shall be subject to expulsion from this Association.
- C. The Secretary will notify any member suspected of violating subsection B of this article, by registered mail, to appear at a regular or special meeting in his own behalf to answer charges of violating subsection B. In the event the member fails to appear, he will be notified by registered mail to appear before the Arbitration Committee. After a complete investigation, the member can be expelled by a majority vote of the entire membership and based on the findings of the Arbitration Committee, he will be notified by registered mail if he is expelled.
- D. All members shall make an attempt to attend monthly and special meetings.
- E. It shall be the responsibility of each member to remove the FMBA automobile shield and window decal from his vehicle when he sells it.

**ARTICLE FIVE
ELECTION OF OFFICERS**

Section I. Designation of Officers: The Association shall be governed by elected officers, specifically a President, Vice-President, Secretary, Treasurer, Delegate and Alternate Delegate. They shall be elected by a majority vote of the membership. All Officers may serve unlimited terms.

Section II. Eligibility:

- A. All Officers of this Association shall be from the Officers of the Fire Department, and
- B. Any member in good standing, who is paid in full for dues and assessments at the annual election of the Officers, is eligible to run for office he is nominated to.
- C. The nomination of Officers shall take place in November of each year and remain open until the regular meeting in December. Those elected take office the first meeting in January.

Section III. Vacancies: In case of any vacancy occurring in any elective office, from any causes whatsoever, the President, if living, and if not, the Vice-President shall fill the vacancy with a member in accordance with Section II of this Article until the results of the special election are made known.

**ARTICLE SIX
DUTIES OF OFFICERS**

- Section I. Duties of the President: It shall be the duty of the President to preside at all meetings and enforce all laws, rules and usage of this Association; decide on all points of order, act as a judge, and declare the results of elections approve. The President shall not be entitled to a vote, except when members are equally divided on any vote and for the election of Officers. He shall see that all Officers properly perform the duties of their positions and perform such other duties as the laws and rules of the Association may direct. The President shall have the power to replace or fill any vacancy in a committee or an appointive office. He is also an ex-officio member of all committees. The President shall receive \$50.00 for each State FMBA monthly meeting he attends and shall receive \$100.00 to attend the mid-year and annual FMBA Convention and an annual expense account of \$400.00 accounted for by receipts.
- Section II. Duties of the Vice- President: It shall be the duty of the Vice-President to aid and assist the President in conducting all meetings, and in the President's absence, he shall assume all his powers and duties. The Vice-President shall receive \$100.00 to attend the mid-year and annual FMBA Convention.
- Section III. Duties of the Secretary: It shall be the duty of the Secretary to attend 75% of all the regular meetings and all the special meetings, except in the case of illness or in the performance of his duty, and to keep a roll of membership and accurate records of the proceedings of all meetings, read communications, report bills, conduct all correspondence and such other duties as the Association may assert. The Secretary shall receive an annual salary of \$200.00 and \$100.00 to attend the mid-year and annual FMBA Convention. The Secretary shall post all notices or motions to be voted on, within ten days after the regular meeting at which they were brought up. All communications of any type shall be made within ten days following the meeting. He shall register all new members.
- Section IV. Duties of the Treasurer: It shall be the duty of the Treasurer to receive all money paid into the Association and shall give receipt for same, to at once, deposit the same into a bank designated. To prepare and sign all checks and shall make reports on; cash received and from what source it was received, cash paid for what purpose it was paid, expenses in detail and balances on hand. When his term of office expires, he shall turn over all money, vouchers, etc. to his successor in office. His books shall be open to inspection at any and all times. The books shall be audited once a year by three members of the Association appointed by the President. The Treasurer shall keep a permanent log journal of any dues and/or assessments that have become in arrears for all members. The Treasurer shall receive an annual salary of \$200.00 and \$100.00 to attend the mid-year and annual FMBA Convention.

- Section V. Duties of the Delegate: The Delegate shall represent this Association at the State FMBA meetings and Conventions and report on it. The Delegate shall receive a fee of \$75.00 for each State FMBA meeting attended and \$100.00 to attend the mid-year and annual FMBA Convention.
- Section VI. Duties of the Alternate Delegate: The Alternate Delegate shall represent this Association at the State FMBA meetings and Convention when the Delegate is unable to attend. When the Alternate Delegate fills in for the Delegate at State FMBA meetings and Convention, he shall receive the Delegate's fee. The Alternate Delegate shall receive an annual salary of \$75.00.
- Section VII. Three Delegates and one Executive Delegate shall attend the State FMBA Convention as per New Jersey State FMBA By-laws, Article II, Section 2.
- Section VIII. Any Officer attending the State FMBA Convention in place of a Delegate shall receive the convention salary of the Delegate he is replacing.

ARTICLE SEVEN ARBITRATION COMMITTEE

- Section I. There shall be appointed by the President, each year, an Arbitration Committee of three members and one alternate.
- Section II. In the event that any member have cause for complaint or dispute of any matter within this Association, which complaint or dispute cannot be amicably adjusted; or if any member shall be charged with conduct injurious to the order, peace, interest or welfare of this Association, or if a member shall be charged with conduct at variance with this Association, Constitution and By-laws, then upon written complaint signed by the complainant(s) and submitted to the Arbitration Committee, the matter shall be heard and determined by a majority vote of such committee.
- Section III. The Arbitration Committee shall inform said member, in writing, furnishing said member at least five days notice to appear before the Arbitration Committee to answer thereto.
- Section IV. The Committees' determination, in writing, shall be promptly forward to the President, and to the member charged. The Arbitration Committee shall expel no member from this Association, with the exception of expulsion due to arrears in dues and/or assessments, until a fair and impartial hearing only, whose recommendations shall be presented, through the President, to the Association for final disposition. By a majority vote, the committees' determination shall be approved or disapproved, except that no member shall be expelled except by **two-thirds vote** of the Associations membership.

Section V. In its determination, the Arbitration Committee shall have the authority to recommend if there is to be censure, suspension or expulsion, and may also recommend a probationary period if its determination is other than expulsion, which shall become effective for such a length of time the President and Arbitration Committee may determine.

Section VI. The Arbitration Committee shall also follow the protocol set up in Article Eight of these by-laws.

ARTICLE EIGHT IMPEACHMENT OF OFFICERS

Section I. An Officer of this Association may be impeached and removed from office during his term pursuant to the following provisions:

- A. Any member may file a written, signed complaint with the Arbitration Committee and a copy to the affected Officer setting forth the grounds, reasons and/or charges for impeachment.
- B. The Arbitration Committee shall investigate the complaint(s) and conduct a hearing within thirty days of said complaint(s), affording the affected Officer an opportunity to defend against the complaint(s) or charge(s) brought against the Officer.
- C. The Arbitration Committee shall issue a determination, in writing, to the President within thirty days of completion of the hearing and the affected Officer stating its findings, conclusions and recommendations for a final approval by the President.
- D. An action on the recommendation shall be a two-thirds vote of the membership and shall be final and binding upon the affected Officer.

Section II. When an Officer is impeached and removed from office, that office shall be filled in accordance with Article V of the by-laws, and a special election shall be held.

ARTICLE NINE DISBURSEMENT OF FUNDS

Section I. When necessary, Officers of this Association are permitted to spend up to \$500.00 without an entire membership vote. A report of the bills to cover the amount spent to be presented at the following regular meeting.

Section II. Any amount of money to be spent exceeding \$500.00 is subjected to a majority vote of the entire membership.

Section III. The Association may defend a member, but only once on the same charge. The amount to be spent in defending a member pending the decision of the Arbitration

Committee. It shall be the duty of the Arbitration Committee to approve, subjected to a majority membership vote, legal representation for a member when deemed necessary and within reason.

Section IV. The working tour on Christmas Eve and New Years Eve shall receive a sum of \$100.00 per night.

ARTICLE TEN VOTING

Section I. A. When required, entire membership vote is required in the following instances:

1. Amount to be spent is in excess of \$500.00, excluding lodging for State FMBA Conventions.
2. Voting on by-laws amendments.
3. Election of Officers.
4. Expulsion of a member.
5. Ratifying a contract.
6. Voting as a “catch-all” for important votes such as in the discretion of the President, the matter to be vote on would be of substantial impact on the Association as to warrant an entire membership vote.

B. The Secretary shall poll the membership ten days after the meeting to five days prior to the next monthly meeting.

Section II. All Other Voting:

- A. All voting other than those instances set forth in Section I of this Article, shall be by a majority vote of those present at the regular or special meetings; and
- B. Upon motion at said meeting for the polling of the members then presently on work duty, shall be made a part of the vote.

ARTICLE ELEVEN OTHER PROVISIONS

Section I. All members attending meetings shall be treated as equals, regardless of rank.

Section II. Any monies collected, donated and refunds belonging to this Association must be returned to the Association in a period of thirty days. Persons not returning the same, are to be dismissed from this Association, member being liable for the same. Money to be taken from him in a manner that may seem fit to the Association.

Section III. No financial backing, donations or parties to be given for or to any political party or campaign.

Section IV. Committee Appointments: When selecting a committee, the President may select the committee members from the membership, if none volunteer. There shall be a minimum of three members on all standing committees and the maximum number of members of any committee shall be left to the discretion of the President.

- A. There shall be appointed, each year, by the President, a committee of three members to correct any disputes regarding the by-laws.
- B. There shall be a Safety Committee of three members, to be appointed by the President, to review practices of this Associations' members and to make recommendations to the President.
- C. There shall be appointed, each year, by the President, a Grievance Committee of three members to address any and all grievances brought forth by any member of this Association. This committee shall act as an liaison between this Association and the Chief of the Fire Department to address and amicably resolve grievances in a timely manner.
- D. There shall be appointed, each year, by the President, a Scholarship Committee of three members to review scholarship applications to choose a Belleville High School senior who shall receive a scholarship from this association.

Section V. Death of Members or Members Immediate Family:

- A. In the event of the death of a member of this Association, \$150.00 shall be spent as an expression of condolence for that member. In the event of the death of s retired member of this Association, \$100.00 will be spent as an expression of condolence for that member.
- B. In the event of the death in the immediate family of any member of this Association, \$100.00 shall be spent as an expression of condolence for that member's family. Immediate family shall be considered Father, Mother, Brother, Sister, Spouse, Child, Stepbrother, Stepsister, Stepparents, Grandparents, Grandchildren, Father-in-law, Mother-in-law, Brother-in-law or Sister-in-law.
- C. In the event of the death of member of the Fire Department, \$150.00 shall be spent as an expression of condolence for that member.
- D. In the event of the death of a retired member of the Fire Department, \$50.00 shall be spent as an expression of condolence for that member.

Section VI. Scholarship Fund: An annual scholarship fund shall be set up to assist graduating Belleville High School seniors with their tuition to further their education. An annual donation of \$300.00 will be set aside for this fund and the scholarship committee shall decide which applicant is the most deserving. A full membership vote is not required for this donation.

ARTICLE TWELVE
MEETING ORDER OF BUSINESS

1. Call to order.
2. Reading of minutes.
3. Delegates report.
4. Treasurers report.
5. Reading of communications.
6. Reports of committees.
7. Old Business.
8. New Business.
9. Good and welfare.
10. Adjournment.