

# New York State Professional Fire Fighters Association

## **Constitution and By – Laws**

**Up-Dated 2017 By IAFF**

NYSPPFA  
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# ARTICLE ONE

## ORGANIZATION

### SECTION 1 NAME AND OBJECT

- A. This Organization shall be known as the New York State Professional Fire Fighters Association, Inc. it is affiliated with the International Association of Fire Fighters, AFL/CIO, CLC, and the New York State AFL/CIO.
- B. The object of the NYSPFFA shall be to organize all fire fighters and/or related services; to secure adequate compensation for their services, and equitable settlement of their grievances; to promote the establishment of just and reasonable OSHA approved working conditions; to place the members of the NYSPFFA on a higher plane of skill and efficiency; to promote harmonious relations between fire fighters and their employer; to encourage the formation of local unions; to encourage the establishment of seminars and schools of instruction for imparting knowledge of modern methods of firefighting, emergency medical services, health and safety regulations and fire prevention; to cultivate friendship and fellowship among the members; and to foster concern, care and support of all NYSPFFA locals.

### SECTION 2 CONSTITUENCY

The NYSPFFA shall consist of all local unions in New York State as set forth in this constitution and bylaws and all members of such bodies in good standing.

### SECTION 3 HEADQUARTERS

The headquarters and principal office of the NYSPFFA shall be located in the Capitol of the State of New York.

### SECTION 4 GOVERNMENT

- A. The delegates assembled at the state convention shall be the supreme authority of the NYSPFFA and all decisions and actions of said delegates shall be binding upon the officers, members and subordinate bodies of the NYSPFFA. They shall have sole authority to make, amend, revise, or modify the laws for the government of the NYSPFFA except that authority delegated at conventions to the officers of the executive board, or except, as such laws that may be superseded by applicable law.
- B. Between conventions of the NYSPFFA all administrative, executive and judicial powers of the NYSPFFA shall be vested in the executive board, except as otherwise expressly provided in this constitution and by-laws
- C. It is the obligation and responsibility of every officer, member and all chartered local unions, to comply with the provisions of this constitution and by-laws and the decision of the NYSPFFA officers in conformity therewith. They shall refrain from any conduct which interferes with the performance of the NYSPFFA or any of its subordinate bodies of their obligations under law or contract, or any conduct which defeats or subverts the lawfully

declared and established policies and objectives of the NYSPFFA, or which may defame it or any of its officers, members or subordinate bodies.

## SECTION 5 FISCAL YEAR

The fiscal year of the NYSPFFA shall be September 1 to August 31 of the succeeding year.

## ARTICLE TWO

### JURISDICTION

The jurisdiction of the NYSPFFA shall be as follows: all paid employees engaged in fire fighting and/or related services.

## ARTICLE THREE

### MEMBERSHIP

#### SECTION 1 ACTIVE

- A. Any person of good character who at the time of making application is engaged in service within the jurisdiction of the NYSPFFA as set forth in article two of this constitution and by-laws will be eligible for active membership through their chartered local union in New York State.
- B. Such local unions shall be divided into regional areas to be known as districts, and one (1) vice president shall be elected to act as representative in each district.
- C. Any local union; which is to be recognized as a district must pay per capita tax on 1000 members to maintain district status.
- D. The districts of the NYSPFFA shall be known and formed as follows, local unions in the following counties of the State of New York:
  - a. District 1: Cattaraugus, Chautauqua, Erie, Genesee, Monroe, Niagara, Ontario & Orleans
  - b. District 2: Cayuga, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, St. Lawrence & Seneca
  - c. District 3: *Local unions in the following counties of the State of New York except: IAFF Local 589, Newburgh Professional Fire Fighters, Orange County, New York - Albany Clinton, Dutchess, Franklin, Fulton, Montgomery, Orange, Rensselaer. Rockland, Saratoga, Schenectady, Sullivan, Ulster, Warren & Washington*

- d. District 4: Broome, Chemung, Chenango, Cortland, Otsego, Steuben & Tompkins
  - e. District 5: *All local unions in the following counties of the State of New York and IAFF Local 589, Newburgh Professional Fire Fighters, Orange County, New York: Nassau, Putnam, Suffolk & Westchester*
  - f. District 7: Inclusive of all members of Local 94, City of New York.
  - g. District 8: All local unions in the City of New York whose membership representing ranks of lieutenant, supervising fire marshals and above, as per Article 3, Section 1 of this Constitution and By-Laws
- E. All new local unions shall be assigned to a regional district by the President of the NYSPFFA with the approval of the executive board.

## SECTION 2 ELIGIBILITY

Anyone eligible for membership in the NYSPFFA shall not be refused membership or, upon acceptance, be discriminated against because of race, color, creed, national origin, sex, or by reason of being handicapped.

## SECTION 3 HONORARY

- A. The NYSPFFA may, for meritorious service to this association or distinguished public service, elect honorary membership by majority vote of the executive board or convention delegates.
- B. Such membership shall entail no payment of initiation fees, dues or other charges, and shall convey no voice or vote in the affairs of the NYSPFFA or its subordinate unions and are subject to revocation for good cause.

## SECTION 4 MAINTENANCE OF GOOD STANDING

- A. Membership in good standing in the NYSPFFA includes any person who has fulfilled the requirements for membership and who has not voluntarily withdrawn from membership, become ineligible for continued membership, been suspended or expelled as provided in this constitution and by-laws or those of its subordinate unions approved as required herein.
- B. Members who fail to pay their dues or assessments within the periods prescribed in this constitution and by-laws will be considered delinquent and subject to automatic suspension from membership upon notification by an appropriate officer of their respective local union or other subordinate bodies of the NYSPFFA.
- C. Members who are delinquent, under suspension, or otherwise not in good standing are not entitled to any voice or vote in the NYSPFFA.

- D. Any local that willingly engages in the active recruitment of paid part time fire fighters shall be recommended to the NYSPFFA Executive Board to be reprimanded, fined or suspended. Any full time career fire fighter found to be in violation of this section of the Constitution & By-Laws shall be considered not in good standing and subject to reduction of benefits not supported by dues collection.

## SECTION 5 RETENTION OF MEMBERSHIP UPON SEPARATION FROM SERVICE

- A. When any member in good standing becomes separated from the fire service local unions may allow said member to retain active membership or, in lieu thereof, upon request of said member, shall issue a withdrawal card; provided, however, that a member who is duly elected as an officer of the NYSPFFA, or elected or appointed as a representative of or to an affiliated labor organization, shall retain, if possible, membership in said local union; provided further however, that any active member of a local union or subordinate body of the NYSPFFA who is inducted into or activated with the Armed Forces of the United States may continue to be carried as an active member of said union with payment of his dues, assessments or other union charges waived until such member is relieved from active duty with the armed forces.
- B. Any active member in good standing who is separated from employment due to a lay-off may continue to be carried as an active member while he remains on a preferred rehiring list. Payment of such member's per capita shall be waived and said member shall enjoy all rights of active membership except the right to vote in the local union on collective bargaining agreements.
- C. Any officer or member of a local union or other subordinate body of the IAFF; which ceases to exist because of anti-union action, as a result of which such officer or member is prevented from engaging in fire fighting and/or related services, may retain membership by the payment of per capita tax and other assessments to a local union in the same district.

## ARTICLE FOUR

### STATE CONVENTIONS

#### SECTION 1 TIME AND PLACE

- A. Conventions of the NYSPFFA shall be scheduled annually in such a city as shall have been selected by a majority of delegates present and voting for the convention site city at the previous annual convention. Such site shall meet the criteria of convention site rules in the policy statements of the NYSPFFA.
- B. In the event that no local bid is accepted for a convention the site selection shall be made by the executive board and approved by a majority of delegates present and voting for the convention site the following year. In the event of an emergency with the site selection by the convention delegates prior to the date of convention the executive board is authorized to make an alternate site selection.

- C. Should extreme or unusual circumstances be such as to prevent the holding of a convention in the location or city selected by either the executive board or the delegates as its convention site, the executive board shall designate a substitute location as soon as possible. Notification shall be promptly sent to each affiliate local for communication to their delegates.

## SECTION 2 ORDER OF BUSINESS

- A. All meetings of the NYSPFFA shall be conducted as follows:
  - a. Call meeting to order, pledge to flag and invocation and moment of silence
  - b. Roll call of officers
  - c. Report of Rules and Order Committee
  - d. Report of Credentials Committee
  - e. Roll Call of Delegates
  - f. Report of Legislative Committee
  - g. Report of Organizing Committee
  - h. Report of Convention Committee
  - i. Report of Resolution Committee
  - j. Report of Finance Committee
  - k. Unfinished Business
  - l. Nomination of Officers
  - m. Election of Officers
  - n. Naming of date, time and place of next convention
  - o. Adjournment
- B. At one session of each convention the chaplain shall conduct a memorial service for the deceased brothers and sisters of the NYSPFFA, families and friends.

## SECTION 3 QUORUM

Delegates from twenty (20) percent of the local unions of the NYSPFFA shall constitute a quorum at conventions.

## SECTION 4 RULES OF ORDER

- A. The Constitution and By-Laws of the NYSPFFA, the Constitution of the IAFF and Roberts Rules of Order shall be followed at all times.
- B. A parliamentarian shall be appointed to assist the President in the Rules of Order at conventions and at all meetings of the NYSPFFA.

## SECTION 5 REPRESENTATION AND DELEGATE VOTING

- A. Local unions paying on an active membership and active retired membership of seventy-five (75) or less shall be entitled to one (1) delegate. Locals with membership exceeding 75 shall be entitled to delegates as follows:

Number of Members	Number of Delegates
1 to 75	1
76 to 150	2
151 to 300	3
301 to 450	4
451 to 600	5
601 to 750	6
751 to 900	7
901 to 1000	8

The above formula determines the distribution and maximum delegate representation at a convention.

- B. In the case of a verbal roll call vote, on any resolution before the convention, the original sponsor must vote first, if requested, and the vote made known before the roll call and voting continues.
- C. A locals voting strength shall equal the number of entitled delegates.

### SECTION 6 SPLIT VOTES & ALTERNATE DELEGATES

- A. Local unions are permitted to split their allotted votes into one-half ( $\frac{1}{2}$ ) votes, not to Exceed the number of said votes allotted.
- B. Alternate delegates may be seated in the absence of regular delegates upon presentation of proper credentials from the local union of which he is a member.

### SECTION 7 PER CAPITA TAX AND ASSESSMENTS

Local unions shall have the per capita tax and assessments paid on its full membership at least one (1) month prior to the date of convention. Representation to the current convention is to be based on the average per capita tax paid on its membership during the twelve (12) months preceding upcoming convention. The average per capita shall be rounded up to the nearest whole number. No local union shall pay on more than one thousand (1000) members. The voting strength of each local shall be published and sent to all local presidents sixty (60) days prior to any convention by the secretary-treasurer. This section cannot be repealed, changed or amended without the consent of two-thirds ( $\frac{2}{3}$ ) vote of all delegates assembled in convention.

### SECTION 8 PROXY AND PROXY VOTING

- A. Only local unions of fifty (50) or less who do not send a delegate to the convention may be represented by a joint delegate (and also the alternate local union delegate) provided the following conditions are fulfilled:
  - a. A local union granting a proxy and the local union accepting the proxy must be in the same district of the NYSPFFA

- b. No local union may accept proxies to represent more than one other union. In case a local cannot send their full complement of delegates to a convention they may have their delegates attending carry their remaining votes.
  - c. Proxy vote credentials shall be typed; computer generated or legibly printed and will be sent to the NYSPFFA headquarters and postmarked no later than sixty (60) days prior to the annual convention. Such proxy vote credentials shall be signed by the president and secretary of the local, carry the name and number of the local designated to carry said proxy vote. Unassigned proxy votes and proxy vote credentials received at headquarters not following the above criteria will be null and void.
  - d. Proxy voting at convention shall be permitted only in a call of the roll vote and in the election of officers and shall be cast by the delegate carrying the proxy.
  - e. Delegates of a local who are registered and in attendance at a convention, and subsequently must leave due to a bona fide emergency or other reason deemed appropriate by the executive board of the NYSPFFA and approved by a majority vote of the delegates present and voting at convention shall be allowed to cast their election vote(s) by proxy through a local union of their choice.
- B. Local Unions of more than fifty (50) of the NYSPFFA shall be authorized by approval of the delegates of that local to allow any delegate of that local to cast all votes on behalf of the local.

In addition, any local that is the only local in their district, may allow their NYSPFFA District Vice-President, if that, District Vice President is also eligible to be a delegate of that local, to cast the votes for their local with the approval of the delegates of that local.

*Added at the 2004 Annual Convention*

## ARTICLE FIVE

### ASSOCIATION OFFICERS AND ELECTIONS

#### SECTION 1 NUMBERS AND TITLES

- A. The officers of the NYSPFFA shall consist of:
- a. President
  - b. Secretary/Treasurer
  - c. Executive Vice President
  - d. One (1) Vice President for each regional district

#### SECTION 2 ELIGIBILITY TO HOLD OFFICE

- A. To be eligible for nomination to an office in the NYSPFFA or serve on a committee, the individual must be a delegate to convention in good standing.

- B. Any officer of the NYSPFFA shall not be ineligible for re-election if prevented from attendance at a convention by the employer.
- C. The nomination must carry a certification of approval from the individual local excepting incumbent state officers seeking re-election.
- D. Nominations for office of President and Secretary-Treasurer must have the following signed agreement.
  - a. complete union release time, or,
  - b. take a leave of absence as an active firefighter within three (3) months if elected, or
  - c. retire from active service within three (3) months if elected.
- E. No candidate's name shall appear more than once on any ballot for officers of the NYSPFFA.

### SECTION 3 METHOD OF NOMINATION AND ELECTION

- A. The President, Executive Vice President and Secretary/Treasurer shall be nominated and elected by the duly accredited delegates assembled in convention every two (2) years by a majority vote upon a written ballot.
- B. Where there is no contest in a specific election, the Secretary/Treasurer shall cast one ballot.
- C. In the event no candidate receives a majority vote the two (2) candidates receiving the highest number of votes shall remain in a run-off vote.
- D. Newly elected officers shall officially take office and assume all duties including compensation, as of September 1 of the election year.
- E. No election material in any form shall be allowed within the general meeting room.

### SECTION 4 REGIONAL DISTRICT VICE PRESIDENTS

- A. Regional District Vice Presidents shall be nominated from locals in their respective districts and elected by written ballot of the duly accredited delegates from the regional district assembled in convention every two (2) years.
- B. In the absence of the Regional District Vice President who is the representative for that respective district it shall be the responsibility of the President to call for a caucus of that district to elect a duly accredited delegate to serve in the absence of the Regional District Vice President and that the delegate-elect receive the powers of representation and voting privileges appropriate to executive board member until the District Vice President returns to the convention or continues in accordance with the language of the NYSPFFA Constitution and By-Laws governing Article (5) section (5).
- C. All locals in the NYSPFFA who pay per capita tax on one thousand (1000) active members and/or active retired members as of the date of the convention shall have one

(1) member of that local as a Regional District Vice President until the next annual convention.

- D. In the event the per capita membership is reduced during the time between conventions, the Regional District Vice President may be removed by a majority vote of the executive board.
- E. For a member to run for election to the office of District Vice-President, he/she must be an active member of the NYSPFFA. For a member to run for re-election to the office of District Vice President he/she may be active or retired. In the case of a retiree seeking re-election to office he/she must be a member in good standing and have no break in service as the District Vice President.

## SECTION 5 VACANCIES

- A. Should a vacancy occur in any of the NYSPFFA offices due to death, resignation, incapacity or other cause, the vacancy shall be filled in the following manner:
  - a. In the event of a vacancy in the office of President the Secretary/Treasurer shall immediately assume all the duties and responsibilities of the President.
  - b. In the event the Secretary/Treasurer is unable to accept and assume all the duties and responsibilities of the President, the Executive Board no later than ten (10) days from the date the office is vacated, shall meet and elect by secret ballot one of their own members to fill the un-expired term of President until the next annual convention.
  - c. In the event of a vacancy in the office of Secretary/Treasurer the Executive Board shall hold an emergency meeting to vote on a replacement to fill the unexpired term of Secretary/Treasurer until the next annual convention.
  - d. In the event of a vacancy in the office of Executive Vice President the President shall, with the approval of the executive board appoint a member of the NYSPFFA to the office of Executive Vice President until the next annual convention.
  - e. In the event of a vacancy in the office of Regional District Vice President, the President shall, within thirty (30) days of such vacancy, cause a meeting to be held within such district for nominations and election to fill the office of regional district vice-president for the remainder of the elected term.
- B. Persons occupying the position of Acting President, Executive Vice President or Secretary/Treasurer shall receive compensation as dictated in the policy manual.

## SECTION 6 EMERITUS POSITIONS

- A. The NYSPFFA in convention, by majority vote, may award Emeritus positions to the President, Secretary/ Treasurer, and Executive Vice President only. They may be removed for just cause.

- B. Emeritus may be parliamentarian at convention, when asked, but without vote.
- C. Emeritus may not be elected to any office of this association.
- D. Emeritus positions shall carry ex-officio life-time membership in the NYSPFFA and automatic selection as delegate-at-large with voice but no vote at each convention. They shall advise and consult with the state officers and/or the executive board upon request, when such service is desired and in the best interest of the NYSPFFA.

## SECTION 7 PRESENT EMERITUS POSITION

- A. President:
  - a. Robert F. Gollnick
  - b. James J. McGowan
  - c. Charles Morello
- B. Secretary/Treasurer:
- C. Executive Vice-President:
  - a. Donald Killian

## ARTICLE SIX

### AUTHORITY AND DUTIES OF NYSPFFA OFFICERS

#### SECTION 1 PRESIDENT

- A. The state President shall be the executive head of the NYSPFFA and shall preside at all meeting of the executive board and conventions.
- B. The President shall also be a delegate-at-large to all conventions of the NYSPFFA and shall have a voice and vote on all matters before such conventions but shall not exercise such vote except to resolve a tie vote.
- C. After consulting with the District Vice Presidents the President shall appoint all convention committees as may be necessary for the official business of convention and the NYSPFFA seeing that one (1) member of the executive board is a member of each committee. The President shall be ex-officio of all committees.
- D. The President, together with the Secretary/Treasurer shall sign all orders and checks of the NYSPFFA, which are lawfully and properly drawn and shall execute such contracts and agreements on behalf of the NYSPFFA as are necessary for the proper discharge of its business, submitting a copy of same to the executive board.

- E. In conjunction with the executive board and the Secretary/Treasurer, the President shall have control of all NYSPFFA publications, printing and releases.
- F. The President shall submit to each regular convention of the NYSPFFA a report of official acts during the interim between conventions and shall from time to time be responsible for informing all local unions of such improvements or changes in the conduct of the affairs of the NYSPFFA as in the judgment of the President are necessary or desirable for the advancement of the NYSPFFA's best interests.
- G. The President shall have the authority to call a special meeting of the executive board by giving such members at least seventy-two (72) hours notice. In an emergency he can exercise the use of a conference telephone call.
- H. The President shall perform such other duties as delegated or assigned by the executive board or convention.
- I. The President shall appoint at each convention three (3) Finance Committee Trustees from among the delegates assembled who shall examine the financial records of the NYSPFFA. This committee shall report their findings on the examination of the financial records to the executive board and delegates assembled at convention.
- J. The President shall appoint a chaplain(s) for the NYSPFFA with voice but no vote in all meetings and conventions.
- K. At the request of the Local President, the President or his designee shall involve himself and the influence of his office in any attempts at privatization affecting any member local in good standing of the NYSPFFA.

## SECTION 2 EXECUTIVE VICE-PRESIDENT

- A. The Executive Vice-President shall aid and assist the President in conducting meetings of the executive board and sessions of the NYSPFFA conventions.
- B. The Executive Vice-President shall be Chair of the Health and Safety Committee.
- C. The Executive Vice-President shall become knowledgeable with the monetary workings of the NYSPFFA, and have the power to sign checks in the absence of the President and/or Secretary/Treasurer.
- D. The Executive Vice-President is responsible for informing the regional District Vice-Presidents that all proxy votes in their districts are to be sent to the IAFF convention in accordance with IAFF by-laws and shall submit a written report to the NYSPFFA convention informing the delegates of the number of votes from New York State that will be carried to the IAFF convention.
- E. The Executive Vice-President, in addition to the foregoing, shall exercise authority and perform such other duties as are additionally described in the constitution and by-laws or which may be delegated or assigned by the President, executive board or convention.

### SECTION 3 SECRETARY/TREASURER

- A. The Secretary/Treasurer shall receive all monies due the NYSPFFA from whatever source, and, shall be the custodian of the official seal, and all records, books, papers and property of the NYSPFFA except, as may be otherwise provided in this constitution and by-laws.
- B. The Secretary-Treasurer shall keep or cause to be kept and maintain an accurate recording of all convention proceedings, and shall make the recording available for inspection using the guidelines spelled out in letter K of Section 3.
- C. The Secretary/Treasurer serving as secretary, shall keep and maintain, or cause to be kept, minutes of the proceedings of the executive board.
- D. The Secretary/Treasurer shall maintain and keep current, a record of all members of the NYSPFFA, including their addresses, together with their local union and other subordinate union affiliation.
- E. The Secretary/Treasurer at each annual convention shall submit to the committee on credentials a statement on union membership strength and the number of delegates entitled to a seat in convention.
- F. The Secretary/Treasurer shall submit at each annual convention a report of his official acts during the interim between conventions together with recommendations or suggestions for improvement or changes in the conduct of the office that are desirable and necessary to the advancement and best interests of the NYSPFFA.
- G. The Secretary/Treasurer shall have charge of all funds of the NYSPFFA and shall make disbursements there from by voucher-check system countersigned by the President or in the absence of the President, the Executive Vice-President to cover all expenses of operation, business and affairs of the NYSPFFA as authorized by the constitution and by-laws and any resolution adopted by the executive board pursuant to authority herein granted.
- H. The Secretary/Treasurer shall prepare a proposed budget, prior to convention for the executive board taking the C.P.I. of all New York State and showing C.P.I. increases where necessary, but not to exceed the total C.P.I. cap reflecting the C.P.I. of the previous year.
- I. The Secretary/Treasurer will review the line item budget with the executive board and together prepare resolutions for convention action on the proposed budget.
- J. The Secretary/Treasurer shall have the financial books of the NYSPFFA audited by a certified public accountant each year and copies distributed to the executive board, finance committee members and each local president ten (10) days prior to the convention.
- K. The Secretary/Treasurer shall have the books of the NYSPFFA open to the inspection between the hours of 9:00 am and 5:00 p.m. by appointment only on any business day to

a duly authorized representative of any local union of the NYSPFFA provided said person is a member in good standing in his local union, with authority certified by the President and Secretary of the local union, typewritten, under seal, and with a least two (2) weeks advance notice.

- L. The Secretary/Treasurer, in the absence of the President, shall have full power and authority of the President. In the event of the resignation or death of the President, the Secretary/Treasurer shall immediately assume all the duties and responsibilities of the President.
- M. The Secretary/Treasurer shall discharge on behalf of the NYSPFFA such duties as may be imposed by applicable law, including the execution and filing of reports to federal and state authorities. The Secretary/Treasurer shall cause to be maintained by the NYSPFFA such records as the law may require to be kept in support of reports by the NYSPFFA.
- N. The Secretary/Treasurer shall be empowered to put all monies into interest bearing accounts, and shall also if deemed necessary, make deposits in money market accounts.
- O. The Secretary/Treasurer shall perform such other duties as may be additionally prescribed in this constitution and by-laws, or which may be delegated or assigned by the President and/or the executive board or convention.
- P. The office of Secretary/Treasurer shall not be vacated until after the expiration of a thirty (30) day period and an audit of the books and finances made before the Secretary/Treasurer relinquishes the office to a successor.
- Q. The Secretary/Treasurer shall break down each resolution with a per capita cost increase to show exactly how he/she arrived at the cost increase also the Secretary/Treasurer shall break down the cost for each one cent per capita increase he or she shall assign to any resolution he or she deems to have a cost factor the Secretary Treasurer shall provide the breakdown of the per capita cost increase to each delegate at the time of check in at the State Convention.

#### SECTION 4 SALARIES AND EXPENSES OF OFFICERS

- A. The salaries of the President, Executive Vice-President and Secretary/Treasurer shall be established by appropriate vote of the delegates at convention and the dollar amount published in the policy manual.
- B. The Executive Board shall be allowed per diems, travel fare and authorized expenses while in the act of performing duties as an officer such as:
  - a. attending district meetings
  - b. legislative sessions
  - c. performing organizing work
  - d. special committee work assigned by the president

- e. representatives of the NYSPFFA attending the conventions of the NYSPFFA, NYS AFL/CIO and the IAFF, one of whom will be the President, shall be allowed the same expenses.
- C. Dollar amounts will be determined and approved by delegate action at Convention and the dollar amount shall be published in the policy manual.
- D. In order to be eligible for per diems the President, Executive Vice President or Secretary/Treasurer shall be out of their home town, working outside of normal business hours. This shall not include any normal business conducted in Albany.
- E. Per diems shall not be paid when using the state credit card to cover personal meals.

## SECTION 5 REGIONAL DISTRICT VICE-PRESIDENTS

- A. There shall be a Regional District Vice-President for each established regional district. They serve as representatives of their respective regional districts and are empowered and charged with the responsibility of advising local unions in their district regarding NYSPFFA policy and procedure. They shall provide services and experience to local unions in their district when so directed by the president.
- B. They shall attend all conventions, meetings of the executive board and district meetings. In the event a Regional District Vice-President misses two (2) meetings in a row, without a reasonable excuse, removal from office may take place after due consideration by the executive board.
- C. By virtue of their election they shall be delegates-at-large at all conventions of the NYSPFFA, with voice, vote and full participation in convention proceedings, and be responsible for seeing that every possible vote in their district be brought to the IAFF convention in accordance with IAFF constitution and by-laws.
- D. They shall preside at the NYSPFFA convention when called upon to do so by the President.
- E. They shall make a typewritten report available at each regular convention of the NYSPFFA on the official acts and work done since the last convention; which shall appear in the written minutes of the convention.

## SECTION 6 DISTRICT MEETINGS

- A. District caucuses may vote to create a dues structure to support their activities.
- B. That all district meetings of the NYSPFFA should follow the following guidelines.
- C. There are three different types of meetings:

- a. Regular
- b. Special
- c. Emergency

D. Definitions of meetings are as follows:

- a. Regular meeting is held with a specific degree of regularity, (i.e. weekly, monthly, quarterly, etc.)
- b. A special meeting breaks the routine of the regular meeting and is called by the Vice President for a specific purpose and/or agenda; which is always announced in advance in the call of the meeting.
- c. An emergency meeting is called to deal with a specific problem that is of an emergency nature and that cannot wait for a regular or special meeting.

E. Notification of Meetings by the District Vice President

- a. Preliminary notification at the adjournment of the previous meeting to delegates and officers present and to the President and/or Secretary of each local in the district in writing, by telephone or email two (2) weeks prior to the date of the next regular meeting
- b. For a special meeting at least seven (7) days notice in writing, by telephone, or email to the President and/or Secretary of each local in the district.
- c. For an emergency meeting, at least twenty four (24) hours notice by telephone to the President and/or Secretary of each local in the district.

F. Quorum for Meetings.

- a. For meetings in the district, one (1) more than 25% of the locals in the district present at the regular, special or emergency meeting
- b. For meetings held during the call of the regular or special convention of the NYSPFFA one (1) more than twenty-five (25%) of the delegates registered and attending the convention shall constitute a quorum.

G. Suggested agenda of all meetings with official minutes taken by a secretary or a designated alternate.

- a. Call to order
- b. Pledge to the flag
- c. Invocation
- d. Signing attendance record
- e. Minutes of previous meeting. If mailed in call of the meeting they need not be read, but should be approved.
- f. Financial Report
- g. Reports
- h. Correspondence
- i. Old Business
- j. New business
- k. Confirmation of the date, time and place of the next meeting.
- l. Adjournment

Note: During the call of the convention meeting should recess until the next call of the chair from recess stating the date, time and place of the meeting and if possible, the suggested agenda of business.

For special and/or emergency meetings the agenda may be modified and shortened but only the special order of business in the call may be presented, discussed and acted upon.

#### H. Voting:

- a. In the district, regular business voting will be done by one local, one vote, unless a roll call vote is called for. Thirty (30)% of locals present shall be required to force a roll call vote
- b. In the district elections, unless there is no contest a written ballot with a simple majority of those present and eligible to vote at the time of voting needed for election.
- c. In convention all votes shall be by delegate strength of those present, registered and eligible to vote with a simple majority needed for an election.

#### I. Qualifications for Position of Secretary/Treasurer:

- a. Eligibility:
  - i. Shall be a principal officer of his respective local and endorsed by same.
  - ii. Term of office shall coincide with that of the district vice president
- b. Duties and Responsibilities:
  - i. Take and record minutes of all district meetings
  - ii. Receive all funds and dispense same according to district mandate.
  - iii. Notify all locals of district of any scheduled meetings their location and time, and the agenda for that meeting.
  - iv. Maintain an accurate record of attendance by locals at meetings.
  - v. Shall be responsible for promptly collecting all dues and/or assessments imposed.
  - vi. Shall give a financial report at each district meeting

#### J. Vacancies in Office:

- a. When the office of secretary/treasurer becomes vacant, a successor shall be elected by a majority vote at the following district meeting.

*Note: Vice President shall assume all duties of the Secretary/Treasurer in the interim*

## SECTION 7 EXECUTIVE BOARD

- A. The executive board shall consist of the President, Executive Vice-President, Secretary/Treasurer and the Regional District Vice-President from each established regional district. The President shall be the chair of the executive board.
- B. The executive board, unless otherwise provided in this constitution and by-laws shall have full and complete charge of all business of the NYSPFFA in the interval between conventions. Their decisions shall represent the final judgment of the NYSPFFA, unless appealed to and reversed by a 2/3 vote by the convention delegates.

- C. The executive board shall meet at the call of the President or at the call of a majority of members. Six (6) members shall constitute a quorum to transact business. Minutes of all meetings shall be kept by the Secretary/Treasurer or other persons so designated who shall provide each executive board member and local union secretary a copy within thirty (30) days.
- D. The executive board shall exercise general supervision and control over the investments and disbursements of NYSPFFA funds as specified in the constitution and by-laws, or authorized by any executive board resolution between conventions or convention resolution.
- E. The executive board is authorized to summarily suspend from membership any officer or member of an affiliated local union not complying with the constitution and by-laws, except that no member shall be suspended or dropped from membership without due process stipulated by the IAFF, AFL/CIO.
- F. The money and property of the NYSPFFA shall be used only for the benefit of the NYSPFFA and not for the personal gain or profit of any officer or member. Officers of the NYSPFFA shall not contract or charge local unions for services provided in the areas of contract negotiations, grievance handling, organizing, and processing of safety complaints or any other directly related union activity.
- G. The chain of command of the NYSPFFA shall be:
  - a. President
  - b. Secretary/Treasurer
  - c. Executive Vice President
  - d. Regional District Vice-Presidents by continuous seniority in office
- H. All officers and employees of the State Association who handle funds or property of the State Association shall be bonded in such amounts as may be required by the Board of Trustees and the International General Secretary/Treasurer, in conformance with applicable law. The expense of the first \$5,000 of bond shall be borne by the International. If additional bond necessary, the State Association shall pay the additional premium.

## SECTION 8 TABLE OF ORGANIZATION

- A. There shall be held annually an advisory board meeting of the NYSPFFA consisting of a member from each local designated by the local president. Representatives carry one vote and shall be the sole spokesman for each local at the meeting. Expenses shall be the responsibility of the local union.
- B. There shall be a standing committee on "Health and Safety" chaired by the Executive Vice-President who will report annually to the convention.
  - a. Membership is as follows:
    - i. Each established Regional Vice-President will recommend to the President one (1) chief representative to the H&S Committee and

- ii. Each established Regional Vice-President will recommend to the President one (1) alternate as a member of the committee to ensure that each regional district is represented at each quarterly meeting.
- C. There shall be a standing committee on "Emergency Medical Services" chaired by appointment of the President who will report annually to the convention.
  - a. Membership is as follows:
    - i. Each established Regional Vice-President will recommend to the President one (1) chief representative to the Emergency Medical Services Committee and
    - ii. Each established Regional Vice-President will recommend to the President one (1) alternate as a member of the committee to ensure that each regional district is represented at each quarterly meeting.
- D. There shall be a non standing selection committee for the NYS Fallen Fire Fighters Memorial. The committee will select a chair who will report to the membership at convention.

## ARTICLE SEVEN

### OFFICERS' RETIREMENT BENEFITS

DOES NOT APPLY TO THE NYSPFFA

## ARTICLE EIGHT

### REVENUE AND FUNDS

#### SECTION 1 PER CAPITA TAX AND FEES

- A. The per capita tax amount per member up to one thousand (1000) members of the NYSPFFA shall be set by resolution at the annual convention and the dollar amount published in the policy manual.
- B. The initiation fee amount for each new member will be set by resolution at the annual convention and the dollar amount published in the policy manual.
- C. Active retired members will be charged an amount per month per member set by resolution at the annual convention and the dollar amount published in the policy manual.

#### SECTION 2 INSURANCE FUND

- A. The Secretary/Treasurer will report annually to the convention delegates a dollar figure, if any, the administrative fee for the current fiscal year from Insurance Fund I.

- B. The dollar amount shall be determined and approved by delegate action at convention and the dollar amount of each shall be published in the policy manual.

### SECTION 3 LEGISLATIVE CONFERENCE

- A. There shall be a registration fee to attend the conference. The dollar amount shall be determined and approved by the executive board at their January board meeting and said amount shall be published in the policy manual.

### SECTION 4 CIVIL INVOLVEMENT FUND

- A. Each month the Secretary/Treasurer will deposit into the New York State Professional Fire Fighters Civil Involvement Fund (political action) the sum designated by delegates at convention in full or partial payments.
- B. The dollar amount shall be determined and approved by delegate action at convention and the dollar amount shall be published in the policy manual.

### SECTION 5 SPECIAL ASSESSMENTS

Special assessments may be levied only when determined necessary by the executive board to carry out the work of the NYSPFFA. Said assessments shall not be more than \$1.00 per member per year. This assessment shall be made on not more than one thousand (1000) members per local per year and only after approval by a majority vote of the convention delegates present and voting.

### SECTION 6 FAILURE TO REPORT

Any local union accepting members into their organization and not reporting same to the NYSPFFA and not complying with the constitution and by-laws shall be deemed in violation of their membership agreement and shall be subject to expulsion.

### SECTION 7 FAILURE TO PAY PER CAPITA TAX

Any local union affiliated with the NYSPFFA; which fails to pay per capita tax on all members, on or before the twentieth 20th day of the following month, shall be notified by the Secretary/Treasurer. When any local union affiliated with the NYSPFFA is three (3) months in arrears, such local union and all the members become automatically suspended from membership in good standing from the NYSPFFA.

### SECTION 8 REINSTATEMENT

A suspended local union affiliated with the NYSPFFA may be reinstated upon payment of all arrears, except that if it conflicts with Article 12, section 2 of the IAFF Constitution and by-laws.

## ARTICLE NINE

### PUBLICATIONS

#### SECTION 1

- A. Publications and subscription price (if any) of the NYSPFFA will be under the direction and supervision of the president in accord with policies approved by the executive board.
- B. The NYSPFFA shall publish and maintain a policy manual consisting of:
  - a. Policies adopted by the delegates at convention, which can only be amended, adopted or deleted by delegate action at convention.
  - b. Policies adopted by the executive board, which can only be amended, adopted or deleted by a majority vote of the executive board.

## ARTICLE TEN

### DELEGATES TO AFL-CIO AND CANADIAN LABOR CONGRESS CONVENTIONS

Does not apply to the NYSPFFA

## ARTICLE ELEVEN

### SUSPENSION OF OFFICERS OF SUBORDINATE UNIONS

See Constitution and by-laws of the IAFF

## ARTICLE TWELVE

### DISSOLUTION

See Constitution and by-laws of the IAFF

## ARTICLE THIRTEEN

### LOCAL UNIONS

See Constitution and by-laws of the IAFF

## ARTICLE FOURTEEN

This State Association, its officers and representatives 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 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 XIV of the Constitution and By-Laws of the Association is recognized as providing the basic rules governing this local.

## ARTICLE FIFTEEN

### MISCONDUCT AND PENALTIES

See Constitution and by-laws of the IAFF

## ARTICLE SIXTEEN

### CHARGES

See Constitution and by-laws of the IAFF

## ARTICLE SEVENTEEN

### TRIALS

See Constitution and by-laws of the IAFF

## ARTICLE EIGHTEEN

### APPEALS

See Constitution and by-laws of the IAFF

## ARTICLE NINETEEN

### AMENDMENTS AND CONVENTION RESOLUTIONS

#### SECTION 1 WHO MAY SUBMIT

Resolutions may be submitted by locals, signed by the President and Secretary; by authorized and appointed committees at a convention of the NYSPFFA signed by the duly authorized representatives; the NYSPFFA executive board, signed by the President and Secretary/Treasurer.

## SECTION 2 HOW PROPOSED AND ADOPTED

- A. Resolutions intended for adoptions at convention shall be presented to the Secretary/Treasurer with one (1) original and two (2) copies stamped with the seal of the local, on or before the first day of convention. They shall be clearly typewritten and at least double spaced and require a majority vote for adoption, unless otherwise stated.
- B. Resolutions presented after the opening session shall be in accordance with the rules adopted by convention.
- C. Resolutions with a cost factor shall be received at the state office thirty (30) days prior to convention, have the cost factor affixed by the Secretary/Treasurer, and carry automatic per capita increase if adopted.
- D. Resolutions regarding amendments to the constitution and by-laws require two-third (2/3) vote of delegates present and voting and all other resolutions require a majority. These resolutions must be received by the Secretary/Treasurer no later than forty-five (45) days immediately preceding the opening of the convention in order that such amendments and resolutions may be printed and distributed to each local fifteen (15) days prior to the opening of convention.
- E. However, if an emergency situation occurs between the forty-five (45) day period immediately preceding the convention and the convention itself which manifestly is of such an emergency nature as to require late submission the resolution may be received upon two-thirds (2/3) consent of the convention delegates present and voting.

The NYSPFFA shall not submit any resolution to the IAFF convention unless adopted by delegates at a convention of the NYSPFFA.

## SECTION 3 AMENDMENTS BY EXECUTIVE BOARD BETWEEN CONVENTIONS

- A. The executive board of the NYSPFFA shall have authority between conventions to amend this constitution and by-laws as necessary to remove any conflict between its provisions and those of any applicable federal or state law.
- B. The executive board is also empowered to modify such provisions as necessary to conform to amendments adopted at conventions.

## ARTICLE TWENTY

### GENDER AND "APPROVAL"

Whenever any words are used in this constitution and by-laws of the NYSPFFA in the masculine gender, they shall be construed as though they were also in the feminine and neutral gender in all situations where they would apply.

Whenever the word "approval" appears in this constitution and by-laws or in written policies of the NYSPFFA it shall mean "prior approval" unless specifically written to the contrary.