

## LOCAL UNION

### BY-LAWS

#### ARTICLE 1

##### NAME

Section 1 - The name of this organization shall be *Local 521 International Association of Fire Fighters*.

Section 2 - References in these By-Laws to “*Local*” or “*Local Union*” shall refer to the *Local* as set forth in Section 1, above, and references to “*Association*” or “*International*” shall refer to the International Association of Fire Fighters.

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

#### ARTICLE 2

##### JURISDICTION

All persons engaged in Fire Fighting or Fire Prevention, who are permanent and paid employees of the Billings Fire Department, *and any other Fire or EMS employees that elect to be represented by the Local.* Including employees hired under Federal, State or Local Government programs, *when their term of employment exceeds six (6) months, shall be under the jurisdiction of these By-Laws.* *Employees not employed by the Billings Fire Department that wish to be represented by the Local must be accepted as members. This shall require a notice of intent to be posted in all stations of at least fifteen (15) days in advance of the date on which the vote for acceptance is to occur. The acceptance shall become effective upon a majority vote of the members in good standing, by secret ballot, at a regular or special meeting.* *No person shall be considered under this jurisdiction before they have satisfactorily completed a six (6) month probationary term of employment.*

## ARTICLE 3

### MEMBERSHIP

Section 1 – *Active* – Any person of good moral character, who at the time of making application, is engaged in service within the jurisdiction of this *Local*, as set forth in Article 2, will be eligible **and shall petition** for active membership. **Anyone eligible for membership in this local shall not be refused membership or, upon acceptance, be discriminated against because of race, color, creed, national origin, sex, or by reason of disability. Anyone eligible for membership in the Association shall not be refused membership or upon acceptance, be discriminated against because of age, race, color, religion, creed, national origin, sex, gender, sexual orientation, or by reason of disability.**

Section 2 – *Honorary* – For meritorious service to this *Local* or for distinguished public service, persons may be elected honorary members by majority vote. Honorary members shall not pay initiation fees, dues or other charges and shall convey no voice or vote in the *Local*. Such memberships are subject to revocation for good cause.

Section 3 – *Maintenance of Good Standing* – Membership in good standing includes any person who has fulfilled the requirements for membership in the *Local* and who has not voluntarily withdrawn, become ineligible for continued membership, or has been suspended or expelled as provided in the Constitution and By-Laws of the International Association of Fire Fighters or the By-Laws of this *Local*.

Section 4 – *Separation* – When any member in good standing becomes separated from the fire service, the Local **Union** may allow said member to retain **his-their** active membership or, in lieu thereof, upon request of said member shall issue **him-them** a withdrawal card; provided, however, that 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-their** active membership in this *Local*. **Members that wish to retain an Active/retired status with the Local shall pay Active retired dues required by the International.**

Section 5 – *Delinquent Members* – Members who fail to pay their dues or assessments within the periods prescribed the International Constitution and By-Laws or as required by these By-Laws, shall be notified by the Local Officer whose duty it is, that they are delinquent and will be automatically suspended and lose their good standing if payment is not made within 60 days following such notification. **Members who fail to pay their dues for a period of 90 days will be considered to have withdrawn voluntarily from the Local and are subject to the reinstatement fees referenced in Article 8 section 5. Withdrawn, delinquent and suspended members are not entitled to voice or vote in the Local or in the affairs of the Association-International. Withdrawn, delinquent, and suspended members shall not enjoy any privileges of the Local or International except those mandated by State or Federal statute.**

## ARTICLE 4

### MEETINGS

Section 1 – *Regular Meetings* of this *Local* shall be held on the first Tuesday of each month, 7 P.M. at the Labor Temple, 530 South 27<sup>th</sup> Street, Billings, Montana. The meeting location may need to be changed on occasion, if so the time and location shall be posted on union boards in stations, or email/text through Smart at least three (3) days prior to the meeting.

Section 2 – *Special Meetings* may be called by vote of a majority of the executive board. All members in good standing shall be notified by posting of bulletins in the stations, or email/text through Smart at least 3 days prior to the same. The notice shall state the business to be considered at such meeting, and no other business than that stated shall be in order at such meeting.

~~Section 3 – *Emergency Meetings* – No proposed Amendment written.~~

Section 4 – *Quorum* – The quorum for any meeting of this *Local*, either regular, special, or emergency shall be 9 10% of members in good standing. Online members shall count towards the quorum as one member per login.

Section 5 – *Rights of Members* – Every member in good standing shall have the right to attend any meeting and to participate in such meetings in accordance with the recognized rules as set forth in the manual of parliamentary procedure adopted by this *Local*. Members shall conduct themselves in such a manner as not to interfere with the legal or contractual obligations of the *International* or of this *Local*.

Section 6 – *Rules for Meetings* – The rules contained in Atwoods Rules for Meetings Roberts Rules of Order, shall govern the meetings of this *Local* in all cases not in conflict with these By-Laws, or the Constitution and By-Laws of the *International*, or interpretations of these documents.

Section 7 – *Virtual attendance of Meetings* – All members in good standing will be allowed to attend all meetings of the local virtually through a platform provided by the Local. Each member will log into the meeting on a separate device if they wish to be counted towards a quorum and be counted in any votes taken during the meeting. Members will also display their full name if their camera is turned off. All virtual members will be held to the same decorum as in person attendees. All virtual members will be required to turn on their camera for a roll call vote.

## ARTICLE 5

### OFFICERS AND ELECTIONS

Section 1 – The officers of the *Local* shall consist of a President, Vice President, Secretary-Treasurer and two (2) members of the Executive Board, one (1) of which shall be the Chairman of the Finance Committee, who shall hold office for one (1) year and until the election and installation of their successors unless removed from office as provided in the Constitution and By-Laws of the *International* or these By-Laws.

Section 2 – *Eligibility for Office* – Any member in good standing shall be eligible to be a candidate for office in this *Local*.

Section 3 – *Rights for Candidates* – Every candidate for office shall have the right to request distribution of campaign literature, by mail or otherwise to all members in good standing, at the candidates own personal expense. A candidate for office includes a candidate for membership on the Executive Board. There shall be no discrimination in favor or against any candidate with regard to the use of membership lists.

Section 4 – *Use of Funds Prohibited in Elections* – No funds received by this *Local* through initiation fees, dues or assessments or otherwise, shall be contributed or applied to promote the candidacy of any person in election of officers. This section does not prevent the expenditure from local funds for notices, factual statements of issues and other necessary expenses to conduct elections so long as they do not involve promotion of any candidate.

Section 5 – *Method of Nomination and Election* – All members in good standing shall be given at least fifteen (15) days advance notice of the date, time and place at which nominations shall be made, and the date, time, and place at which elections shall be held. Any member in good standing may nominate eligible members for office. Election shall be by secret ballot, even though only one candidate is nominated for a given office. Ballot boxes shall be placed in each station for a period of ten (10) days so that all members may have the opportunity to cast their vote. There shall be no voting by proxy in the election of local officers. The candidate receiving a majority of the ballots cast shall be declared elected. If no candidate receives a majority of the ballots cast, the balloting shall continue until there is a majority vote.

Section 6 – *Elections Committee* – The President shall appoint an elections committee which shall be responsible for distributing and tabulating ballots and shall have such functions as are provided in Article 13, Section 11 of the International Constitution and By-Laws. Each candidate for office shall be entitled to appoint one observer who shall be permitted to witness the manner of distribution and casting of ballots and attend the meeting of the elections committee at which votes are tabulated.

Section 7 – *Ballots Preserved* – The ballots and all other records of an election shall be preserved by the Secretary-Treasurer for one (1) year following such election.

Section 8 - *Vacancies in Office* – When an office becomes vacant by reason of death, resignation, or removal of the incumbent, the Executive Board shall elect a successor by majority vote, no later than thirty (30) days from the date the office is vacated.

## ARTICLE 6

### DUTIES OF OFFICERS

Section 1 – It shall be the duty of the *President* to preside at all meetings of the *Local* and at meetings of the Executive Board. ~~He~~ ~~They~~ shall be the executive head of the *Local*. ~~He~~ ~~They~~ shall be a member Ex Officio of all committees. ~~He~~ ~~They~~ shall serve as Chairman of the Negotiations Committee and as Chairman of the Grievance Committee. ~~He~~ ~~The President~~ shall appoint such committees as may be provided for in this Constitution and By-Laws and such special committees as may be authorized by the *Local*. ~~He~~ ~~They~~ shall enforce strict observance of the Constitution and By-Laws of the *International* as this document relates to the *Local* and the Constitution and By-Laws of the *Local*. ~~He~~ ~~The President~~ shall have general supervision of the activities of the other Officers and Chairmen of committees.

The President shall discharge on behalf of the *Local* such duties as may be imposed upon ~~him~~ ~~them~~ by applicable law including the execution and filing of any reports to Federal or State authorities, and ~~he~~ shall cause to be maintained by the *Local* such records as the law requires to be kept in support of reports filed by it. ~~The President shall be compensated four hundred fifty dollars (\$450.00) per month. The President shall also receive a twenty-five-dollar (\$25.00) fuel stipend and a thirty-dollar (\$30.00) phone stipend.~~

Section 2 – The *Vice President* shall assist the President in such a manner as the President may determine. In the absence of the President, ~~he~~ ~~the Vice President~~ shall preside at meetings of the *Local* and of the Executive Board. If the office of the President becomes vacant, the Vice President shall be acting President until the office of the President is filled by election by the Executive Board. ~~The Vice President shall be compensated two hundred dollars (\$200.00) per month. The Vice President shall also receive a twenty-five dollar (\$25.00) fuel stipend and thirty-dollar (\$30.00) phone stipend.~~

Section 3 – The *Secretary-Treasurer* shall have custody of all documents, records, books and papers belonging to the *Local*, except as may be otherwise provided by this Constitution and By-Laws. ~~He~~ ~~They~~ shall keep an accurate record of the meetings of the *Local* and of the Executive Board, of which ~~he~~ ~~they~~ shall be the Secretary. ~~He~~ ~~The Secretary-Treasurer~~ shall attest all official documents with ~~his~~ ~~their~~ signature and the seal of the *Local*. ~~He~~ ~~They~~ shall conduct the correspondence of the *Local* promptly. ~~He~~ ~~They~~ shall maintain the official list of members in good standing, which shall be kept

accurately and on a current basis. ~~He~~ **The Secretary-Treasurer** shall discharge on behalf of the *Local* such duties as may be imposed upon ~~him~~ **them** by applicable law including the execution and filing of any report to Federal and State authorities and shall cause to be maintained by the *Local* such records as the law requires to be kept in support of reports filed by it. ~~He~~ **The Secretary-Treasurer** shall receive all money due the *Local*, from whatsoever source and shall disburse the same in conformity with a vote of the *Local*. ~~He~~ **They** shall maintain and keep a record of members with their dues payments, assessments and all financial transactions promptly and accurately entered. ~~He~~ **They** shall be prepared to exhibit receipts and vouchers upon the audit of the books. ~~He~~ **They** shall forward the annual audit of the *Local* no later than **June 1<sup>st</sup>** of each year. **The Secretary-Treasurer shall be compensated three-hundred seventy-five dollars (\$375.00) per month. The Secretary-Treasurer shall also receive a twenty-five-dollar (\$25.00) fuel stipend and a thirty-dollar (\$30.00) phone stipend.**

Section 4 – *The Executive Board* shall consist of the President, Vice President, Secretary-Treasurer, Chairman of the Finance Committee and one (1) member who is elected at the annual election. It shall be the duty of the Executive Board to exercise general supervision and control of the invested funds and property of the *Local*. It shall have the authority to act in the name of the *Local* during intervals between meetings, such acts being to confirmation by the membership at the next regular meeting of the *Local*. It shall provide for an annual audit of the Secretary-Treasurers books. It shall meet at the call of the President or on call signed by a majority of its members. A majority shall constitute a quorum. **The Chairman of the finance Committee and the Elected Member shall receive a thirty-dollar (\$30.00) phone stipend.**

Section 5 – *All Officers and employees* of the *Local* who handle funds or property of the *Local* shall be bonded in such amounts as may be required by the Board of Trustees and International Secretary-Treasurer, in compliance with applicable law. ~~The expense of such bonds shall be borne by the International.~~ **The expense of the first five thousand dollars (\$5,000.00) shall be borne by the International. If additional bond is necessary, the Local shall pay the additional premium. The Local shall have sufficient bond to cover at least ten (10%) percent of its current liquid assets.**

## ARTICLE 7

### DELEGATES AND ALTERNATES TO CONVENTIONS

Section 1 – Delegates and alternates to *International Conventions* – In accordance with Article 4, Section 2, of the International Constitution and By-Laws delegates and alternates to the International convention shall be elected by secret ballot of the members in good standing. The credentials of delegates and alternates must certify this method of election.

Section 2 – Delegates and alternates to *State and Regional Conventions* – Delegates and alternates to State and Regional conventions shall be appointed by the **President,**

**Executive Board.** subject to approval by the membership. Notice of these appointments must be posted in all stations at least **30** days prior to State and Regional Conventions.

## ARTICLE 8

### INITIATION FEES, DUES AND ASSESSMENTS

Section 1 – *Initiation fees* shall be paid in the amount of ten dollars (**\$10.00**) by all new members upon acceptance by the *Local*.

Section 2 – *Dues* shall be ~~Forty-Seven dollars (\$47.00)~~ **seventy-eight dollars and 40 cents (\$78.40)** per month. The dues will automatically increase annually based on cost-of-living adjustment negotiated by the *Local*, not to exceed three percent (3%). Members shall also pay an additional ten dollars (**\$10.00**) per month for the funding of the *Local's* commissary account.

Section 3 – *Assessments* may be made only in the following manner: A notice must be posted in all stations at least **30** days in advance of the date on which the vote for an assessment is to occur. The proposed assessment shall become effective upon a majority vote of the members in good standing, by secret ballot, at a regular or special meeting.

Section 4 – *Increase in rates* of initiation fees, reinstatement fees, dues or assessments shall require a notice be posted in all stations of such proposed increase at least **30** days in advance of the date on which the vote for such increase is to occur. The proposed increase shall become effective upon a majority vote of the members in good standing, by secret ballot, at a regular or special meeting.

Section 5 – *Reinstatement fees* **for other than separation** shall be ~~ten dollars (\$10.00)~~ **two hundred fifty dollars (\$250.00)**, plus all unpaid dues retroactive to the time of withdrawal from the *Local*. **Reinstatement for reasons of separation shall be ten dollars (\$10.00) under Article 3 Section 4.**

## ARTICLE 9

### MISCONDUCT, TRIALS AND APPEALS

~~Section 1 – *Misconduct* shall consist of the following:~~

- ~~a. – Refusal or failure without justifiable cause to comply with or abide by the provisions of the Constitution and By-Laws of the *International*, the valid decision of any officer or officers thereof, or the valid decisions of the *International Executive Board* or those of the *International convention*, or the valid provisions of this Constitution and By-Laws, or of the state or provincial or joint council Constitutions and By-Laws.~~

- b. Committing any act of fraud, embezzlement, larceny, or misappropriation of any funds or property or other things of value belonging to the *Local* or *International*, or refusing, failing or neglecting to comply with the provisions of the *International* constitution and By-Laws requiring a full and accurate accounting of all funds, property, books and records for examination and audit.
- e. Libeling or slandering or causing to be libeled or slandered any officer or member of the *Association* or of any local union or other subordinate body thereof, except in the form of charges of misconduct properly filed against an officer or member as provided by the *International* Constitution and By-Laws.
- d. Failing, refusing or neglecting to appear without proper cause, as a prosecuting witness after filing charges against a member or officer of the *Association*.
- e. For advocating or encouraging any labor or other rival organization or acquiring membership in any such organization.
- f. Maintaining membership in the Communist Party or advocating or encouraging communism.
- g. Acquiring membership by fraud, false representation or deceit.
- h. Filing false charges against any officer or member of the *Association* or of any local union or other subordinate body of the *Association*; provide, however, that it is understood that for the purposes of this provision false charges are not merely charges of which an officer or member is acquitted but rather charges which are filed recklessly or in bad faith without substance, foundation, or reasonable basis of support.
- i. Committing any physical assault upon any officer, member, representative or employee of the *Association* or of any subordinate body thereof while such person is engaged in the performance of his duties for the *International* or subordinate unions.
- j. Engaging in conduct detrimental to the best interests of the *Association* or its subordinate unions which places or tends to place them in disrepute with other labor organizations, employers, or the public.
- k. Failure or refusal to abide by the rules of order or parliamentary procedure established for the conduct of meetings of the *Association*, a local union, or other subordinate body of the *Association* or at *International* conventions.
- l. Conduct unbecoming a member of the *Association*; provided, however, that utilization of this provision shall be valid only when charges are set forth in



specific terms, specifying the act or acts or conduct alleged to be unbecoming a member.

Section 2—Charges—Any member in good standing may prefer charges of misconduct as defined in Section 1, against any officer or member of the *Association* or of any of its subordinate unions.

Section 3—All charges shall be preferred in the following way:

- a.—Be in writing;
- b.—Be signed by the party or parties preferring the same;
- c.—Contain a statement of the facts out of which such charges originated and set forth the specific act or acts alleged to constitute misconduct, the dates, places, and persons involved;
- d.—State the nature of the violation or violations alleged;
- e.—Refer to the Articles and Sections of the International Constitution and By-Laws, the constitution and By-Laws of the subordinate union, the established policies, decisions, rules or regulations or other governing laws which it is alleged have been or are being violated.

Section 4—Notice of charges against any officer or member of a local union or other subordinate organization of this *Association* shall be sent by the officer or member preferring the charges by registered mail to the local union, association or joint council with which the accused is affiliated, and a copy sent by registered mail to the accused.

Section 5—Trials—Whenever charges are preferred against an officer or member of a local union or officer or individual member of a state or provincial association or joint council, the accused shall be tried within twenty (20) days by a trial board of three (3) members to be selected and appointed by the President (or corresponding executive officer) of the subordinate union with which the accused is affiliated. If the President is directly or indirectly involved as a party, witness, or otherwise, in the conduct giving rise to the charges, the Secretary-Treasurer (or corresponding executive officers) of the subordinate union shall appoint the members of the Trial Board. If the Secretary-Treasurer (or corresponding executive officer) is also directly or indirectly involved as a party, witness, or otherwise, in the conduct giving rise to charges, the International President shall designate the Vice President of the District in which the local union is located to appoint the members of the Trial Board. The appointing officer shall submit the names of seven (7) members in good standing to the accused of which the accused shall reject four (4) and the remaining three (3) shall be appointed as the Trial Board; and the accused shall make his selection no later than seven (7) days following said submission at the expiration of which time in absence of selection by the accused the appointing officer shall designate the three (3) members of the Trial Board.

Section 6 — No name submitted for selection as member of a Trial Board shall be that of anyone directly or indirectly involved as a party, witness, or otherwise in the conduct giving rise to the charges, and in the event any of the members are so involved they shall be disqualified to sit as a member of the Trial Board, and the appointing officer shall submit three additional names from which the accused shall select one to sit as a substitute member.

Section 1: Any member charged with misconduct as defined in Article XV of the International's Constitution and By-laws shall be served with written specific charges as required by Article XVI of the International Constitution.

Section 2: Appeals may be made in accordance with Article XVIII of the International's Constitution and By-Laws. Such appeal must be filed with the International General President of this Association within thirty (30) days of the action to be appealed.

## ARTICLE 10

### AUDIT

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

Local Union books and accounts are subject to audit at any time by the General Secretary-Treasurer as provided by Section 2 of Article VI, and he/she shall have full access to all financial records and membership lists of Local unions.

Section 1: As required by Article XIII, Section 9 of the IAFF Constitution and By-Laws, this local shall have an independent inspection of all its books and accounts performed annually. A financial report of this inspection, on a form provided by the IAFF General Secretary-Treasurer's office, shall be prepared, signed and forwarded each year to the IAFF General Secretary-Treasurer within 180 days of the close of the local's fiscal year.

## ARTICLE 11

### AMENDMENTS

Section 1 – This Constitution and By-Laws made under its provisions, may be amended by a two-thirds vote at a regular meeting, provided that a notice of the proposed amendment is posted in every station at least fifteen (15) days in advance of the meeting at which the vote will be taken.

Section 2 – Whenever increases in the rates of initiation fees, reinstatement fees, dues or assessments of Local Unions are proposed, notice of such proposal shall be posted at least thirty (30) days in advance of the meeting at which the vote will be taken. The proposed increase shall take effect upon a majority vote of the members in good standing, by secret ballot, at a regular or special meeting.

Section 3 – A proposed amendment to this Constitution or any By-Laws made under its provisions, shall be submitted for approval to the International **General** President prior to its printing, issuance, or effectiveness.