

**PROFESSIONAL FIRE FIGHTERS
OF
WEST VIRGINIA
CONSTITUTION & B Y-LA WS**



AS AMENDED MAY 2006

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ARTICLE I; PURPOSE

Section 1: This organization shall be know as the “Professional Fire Fighters of West Virginia” chartered by the International Association of Fire Fighters, AFL-CIO, CLC, and shall be composed of paid fire fighters in the State of West Virginia provided however that they shall first be members of in good standing in the International of Fire Fighters.

Section 2: The object and aim of this organization shall be to cultivate a closer feeling of friendship among the paid fire fighters of the State of West Virginia, and the establishment of better working conditions, whereby the fire fighters will have time for social enjoyment and intellectual improvements and effective and substantial pension laws and civil service laws to protect the fire fighters in their positions, giving them the right of collective bargaining for the betterment of state fire fighters as whole.

Section 3: The membership of this organization shall comprise of such Local Unions of Fire Fighters in the State of West Virginia that are chartered and affiliated with the International Association of Fire Fighters, AFL-CIO, CLC.

Section 4: The State Association, its officers, representatives and members, shall recognize, observe and be bound by the provisions of the Constitution and By-Laws of the International Association of Fire Fighters 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 polices established by the delegates at conventions. Article XIV of the Constitution and By-Laws of the International Association is recognized as providing the basic rules governing this State Association.

ARTICLE II: DELEGATE REPRESENTATION

Section 1: A) Representation in convention shall be as follows: 1 to 30 members – 2 delegates, 31 to 60 members – 3 delegates, 61 to 90 members – 4 delegates, 91 to 120 members – 5 delegates, 121 to 150 members – 6 delegates, 151 to 180 members – 7 delegates, 181 to 210 members – 8 delegates, 211 to 240 members – 9 delegates, 241 to 270 members – 10 delegates, 271 to 300 members – 11 delegates. (2005)

B) No delegate shall be eligible to hold any office or to serve on any committee, unless he/she is a member of a local in good standing.

C) The officers of the Professional Fire Fighters of West Virginia shall also act as delegates for their locals in addition to the representation provided by the section.

D) Five delegates shall constitute a quorum, but less that may adjourn to meet at a future specified date.

Section 2: A) Credentials to the State Convention shall be mailed by the secretary-treasurer by certified mail, return receipts requested. Credentials to State Convention should be back (copy) in the hands of the secretary-treasurer thirty days (30) prior to the opening of the convention.

B) Each delegate and alternate delegate shall establish his/her identity and right to voice and vote in the convention by presenting to the credentials committee the original form of official credential signed by the President and Secretary-Treasurer of the Local Union or other subordinated body from which he/she is a delegate. Such credentials shall be registered with the credentials committee not later than the afternoon recess on the opening day of convention in order to qualify him as an accredited delegate. Such credential shall attest to the fact that he/she is a member in good standing of the local union represented, and that he/she has been duly elected or appointed by members of his/her local, or appointed by appropriate appointing officer of such body as required by this constitution and by-laws. (1984)

C) All resolutions emanating from local unions shall be sent to the State Association Secretary-Treasurer thirty (30) days in advance of the opening day of convention, and copies of the resolutions shall be mailed to the secretaries of member locals and shall bear the signatures of the President and Secretary, and seal of the proposing local. Resolutions emanating from the floor will require 2/3 vote of the voting delegates. (1998)

D) The Constitution and By-Law committee shall act on all resolutions having to do with changes in the Constitution and By-Laws.

E) The Resolution committee shall handle all other resolutions at all conventions.

F) The deadline for introducing resolutions at a convention shall be the end of morning session on the second day of convention. (1994)

G) In the absence of parliamentary authority, the proceedings of the Association shall be governed by Atwood's Rules for meetings.

ANNUAL CONVENTION

Section 3: A) This Association shall convene annually on the second full weekend in May, which happens to fall on Thursday, Friday, and Saturday. Convention sites shall be so selected as to give the host local two years prior notice. The State Association shall reimburse the host locals convention expenses, not to exceed \$2,000.00, and itemized statements must support all such expenses. (1999)

B) At the odd numbered years convention delegates attending shall vote proxies of their locals allotted number of delegates on a roll call vote. The odd year convention shall deal with all matters of the association except for the election of officers. The state shall reimburse the convention expenses not to exceed \$2000.00, and all such expenses must be supported by itemized statements. (1999)

C) The Executive and Advisory Boards, Delegates and Alternates to all conventions of the Professional Fire Fighters of West Virginia shall pay a registration fee of \$30.00 to the host local the time of registration. (2001)

ARTICLE 111; OFFICERS

Section 1: A) The officers of the Association shall consist of the President, Vice-President, Secretary-Treasurer, and Advisory Board of seven members, all of whom shall be elected by the convention in regular biennial session, provided however, that each local will be limited to one representative in the State Association as pertaining to elective officers. The officers shall hold office until their successors are elected and qualified. The members of the advisory board will select their chairman. No state officer shall have more than one vote in convention, and he/she shall not be permitted to vote by proxy for another delegate of his/her own or another local.

B) In the event that two or more locals are merged into one local, and the said merged locals have more than one member on the Executive or Advisory Board that those elected members be allowed to fulfill their duties of office until the next regular scheduled election. (2005)

Section 2: The Executive Board consisting of the President, Vice-President, and Secretary-Treasurer, shall have their expenses paid according to the rate set annually for mileage and meals by the IRS, and the average prevailing rate for a single room, whether in State or out of State on Association business. (1994) In the event that members of the Advisory Board are called out by order of the Executive Board, their expenses shall be paid as governed above, while actually in performance of business for the Association. All delegates of this Association attending the International Association of Fire Fighters Convention shall be given an additional sum of \$200.00. All officers and advisory board members attending the State Convention shall include their registration fee in their expenses. (1999)

Section 3: In the event any officer of the association is required to be away from their regular employment on state business, said officer shall be reimbursed in the amount of two hundred (\$200.00) dollars per scheduled working day. (1999) (See Presidential policy #1)

ARTICLE IV:OFFICERS DUTIES

Section 1: Duties of the Advisory Board shall be to audit the books of the Association, including the books of the secretary-treasurer, and shall approve with the Executive Board of the bonding of the officers. The Advisory Board shall act as a credentials committee after the host local has presented them with a list of delegates and alternates, along with their credentials. They shall perform all other duties as requested by the President. (1994)

Section 2: A) Duties of the President shall be to preside over all meetings. He/she shall be a member of all committees. He/she shall submit to each convention a written report of all his/her official acts during his/her term of office. He/she shall be chairman of the Executive Board. He/she shall sign all checks along with the secretary-treasurer or vice president.

B) The President shall appoint a sergeant at arms at the opening of each convention and instruct he/she of the duties. He/she shall appoint committees, with no committee having more than one delegate from each local in attendance at convention.

C) The President shall have authority to appoint a legislative committee, or to request that any member assist him/her in legislative matters. Said members shall have the recommendation of their home local. The committee members shall have their expenses paid at the same rate as Advisory Board members. (1981)

D) The President must give reasonable notice to all locals, which he/she anticipates to visit. His/her itinerary shall be as comprehensive as possible. The expenses of the President or his/her representative shall be paid by the association, while he/she is visiting said local. An itemized statement must be presented to the secretary-treasurer, of said visit, so that it will be included in the financial report, of the secretary-treasurer. His/her expenses shall be governed by Article III, Section 2. The President shall receive a monthly salary of \$100.00. (1996)

E) The President shall appoint one representative from the ranks of the Executive and Advisory Boards to attend all Supreme Court hearings, that any local has a court case on the docket. The expenses shall be reimbursed the same as any member representing the State Association on any of its business. (1986)

Section 3: Duties of the Vice President shall be to preside over all meetings in the absence of the President and to perform the duties of the President during his/her absence. In the absence of the President or Secretary-Treasurer the Vice President shall be authorized to sign checks with the remaining officer.

Section 4: A) Duties of the Secretary-Treasurer shall be to keep a record of all proceedings, and all other records of this association. He/she shall keep a record of all memberships of the locals, and the names and addresses of the secretaries of each local. The secretary-treasurer shall have printed and sent to all locals, suitable credentials and forms to be furnished to each authorized delegate attending the convention. He/she shall submit in writing to the state convention, a report showing the number of locals and their membership. He/she shall submit in writing a report of all his/her official acts during his/her term of office. He/she shall be the custodian of all money received. He/she shall deposit all money from member local unions. He/she shall submit a brief written report to the convention of all money received and disbursed. He/she shall be bonded at all times in an amount of not less than one hundred (\$100.00) dollars greater than deposits in the treasury, the cost of the bond to be paid by the association. He/she shall receive a reimbursement for expenses of two

hundred (\$200.00) dollars per month, and he/she shall be paid all the legitimate expenses incurred during his/her term of office. (1996)

- B)** The secretary-treasurer shall maintain a tape recorder and ample tapes, to be used to record convention business sessions, and any other pertinent meetings during the year. The secretary-treasurer shall retain said tapes for a period of not less than three years. (1979)
- C)** A bi-monthly news letter and copies of pertinent legislative news bulletins shall be sent to each local secretary during legislative sessions. Phone contact shall be made, if immediate response on a given issue is necessary. (1979)
- D)** The secretary-treasurer shall mail to all local secretaries, and each Executive and advisory Board member a detailed semi-annual financial report, at the close of business on December 31st and June 30th each year. (1988)
- E)** The secretary-treasurer shall mail a brief financial report of legislative expenses, along with the final legislative report following each legislative session. (1981)
- F)** The secretary-treasurer shall send to each local, and all officers of the association, an updated copy of the Constitution and By-Laws thirty days after approval by the IAFF. (1982)
- G)** The secretary-treasurer shall have copies of the Constitution & By-Laws for each local on the first day of each convention. (1982)
- H)** The secretary-treasurer shall forward all fire commission reports to all locals. (1981)
- I)** The secretary-treasurer of the State Association secures the C.P.I. increase each year, and mails it to the local secretary-treasurer. (1988)
- J)** The secretary-treasurer of this association shall upon notification by individual local secretaries of the death of any fire fighter, who may be killed in the performance of duty, send a floral offering.

Section 5: A) There will be a meeting of the Executive and Advisory Boards and the Legislative committee to be held annually during the legislative session to discuss all bills concerning Professional Fire Fighters in the State of West Virginia, unless a majority of the Board members deem it inappropriate. (1984)

B) The Executive and Advisory Boards shall meet each fall to discuss, the upcoming legislative session and any other issues the Board deems necessary. (1997)

Section 6: The Executive Board shall execute all of the association business, not otherwise provided for two (2) members shall constitute a quorum.

Section 7: Emeritus Status for members of the Executive Board. In order to be considered for a PFFWV Emeritus the following must be met: (2004)

1. The retired officer shall have served a minimum of 5 terms (10 years) on the advisory/executive boards.
2. Of the 5 terms, at least 2 terms shall have been as a member of the Executive Board.
3. The retired officer shall remain a member of the IAFF and the PFFWV.

If these minimums have been met, the nomination and awarding of the title of “Emeritus shall be by passage of simple majority during an annual convention.

Sub-section: DUTIES OF EMERITUS STATUS.

- a. The duties of Emeritus will be set by the Executive and Advisory Boards and he/she will serve at the will of the President.

ARTICLE V: DUES AND ASSESSMENTS

Section 1: The fiscal year of this association shall be May 1st. to April 30th. (1984)

Section 2: The revenue of this association shall be derived as follows: effective July 1, 2003, three dollars and fifty (\$3.50) per active member per month, and one dollar and twenty-five cents (\$1.25) per retired member per month and effective July 1, 2004, four dollars (\$4.00) per active member per month. Retiree per capita shall be voluntary. (2003)

Section 3: Any local union accepting new members into their organization and not reporting same to the association, and failing to pay their per capita on same, unless sufficient reason can be given, shall be deemed in violation of their membership agreements and shall be subject to expulsion from the Professional Fire Fighters of West Virginia.

ASSESSMENTS AND FINES

Section 4: Assessments may be levied by the State Association against local membership when it becomes necessary to carry on the work of the State Association. A majority vote of the Executive and Advisory Boards shall be necessary to levy assessments. The secretary-treasurer shall present ballots to the Executive and Advisory Boards for the purpose of voting on assessments against locals shall be paid by the local within sixty (60) days of notification of assessments. This assessment is only effective until the next regular convention of the association. (IAFF Constitution & By-Laws Article XIV, Section 8C)

Section 5: Executive Board is hereby vested with the power an authority to revoke, suspend, and/or fine membership of any local that shows disloyalty to the State Association, or where such local shows an adverse or detrimental effect upon the welfare of the rank and file of the State Association. The Executive Board shall

report in detail all evidence upon which it revoked the membership of any local, and such local shall have the right to appeal to the Advisory Board of the Association to have such actions of the Executive Board set aside. Such local shall have the right to appeal the Advisory Boards decision to the convention.

Section 6: Any local union affiliated with the association which fails to pay per capita upon all members on or before the fifteenth (15) day of the following month shall be notified by the secretary-treasurer, and if at the end of three (3) months it is still in arrears, said local shall become suspended from membership. Any local suspended for three (3) months shall surrender its charter to the secretary-treasurer, and forfeit all privileges in this association.

RE-INSTATEMENTS

Section 7: A suspended local may be re-instated in this association upon payment of all arrearages, provided however, that it is with a majority vote of the Executive and Advisory Boards. They shall, in exceptional cases have the power to remit such arrearages when circumstances warrant.

Section 8: Any local whom voluntarily drops out of the Professional Fire Fighters of West Virginia shall be able to apply for re-instatement at any time, by one of the following methods:

- A) By submitting a letter of intent to the secretary-treasurer. At such time the secretary-treasurer will mail a ballot to each local in the association by certified mail, and each local will vote and return the ballot by certified mail with the seal of local to the secretary-treasurer. The majority of votes cast shall rule, and in case of a tie, the local in question will be accepted.
- B) A letter signed by the secretary-treasurer and president of the dropped out local Bearing the seal of local having been sent to the Secretary-Treasurer of the State Association ninety (90) days prior to the opening of the convention, so that the Association secretary-treasurer may notify all locals of dropped out local's intentions To re-instate at the forth coming convention.

For re-instatement of a dropped out local, it shall take a majority of votes cast, of delegates assembled in convention.

- C) All locals, which have dropped, out or have been suspended shall pay a penalty of six months. Said local will lose its right to vote at convention, unless local is paid up thirty (30) days prior to convention.

PENALTY FOR RE-INSTATEMENT

- A) The local in question shall, if accepted, pay all dues and assessments in arrears up to but not exceeding six (6) months prior to their letter of intent.

- B) For a second offense the rules for re-instatement shall consist of fines, arrears, dues, assessments, etc. as set forth by the majority of delegates assembled in convention.

ARTICLE VI; IMPEACHMENT PROCEEDINGS

Section 1: Impeachment proceedings against any or all officers may be had by petition of five locals under rules provided by the Advisory Board.

Section 2: All petitions properly signed and sealed by said locals shall be sent to all members of the Executive Board who shall set a date for a hearing within ten (10) days after receipt of said petition.

ARTILCE VII; AMENDMENTS TO CONSTITUTION

Section 1: This constitution shall not be amended except by two thirds vote of the delegates present, and voting, at the annual convention, or by two thirds majority votes cast by referendum of the entire membership. (1994)

ARTICLE VIII; SPECIAL MEETINGS

Section 1: Upon request to the president by a majority of the Executive Board, the president shall hold a special meeting, when the good and welfare of the association is involved.

ARTICLE IX; FILLING VACANCIES

Section 1: Whenever an officer in the State Association leaves the employment of his fire department. He/she shall immediately become ineligible to hold office in the State Association, and his/her office shall immediately become vacant. He/she shall surrender to the Executive Board, all books, money, papers and all other articles of the State Association that may be in his/her possession.

In case of the death or resignation of the President, the Vice-President shall succeed him/her. Then the Chairman of the Advisory Board shall become Vice President. In the case of death or resignation of the Secretary-Treasurer, the Chairman of the Advisory Board shall succeed him/her. In the case of death or resignation of the Vice President, the Chairman of the Advisory Board shall succeed him/her. In case the Chairman of the Board declines any of the above offices, the Advisory Board shall have an election from its' members, to name a successor for the vacant office. In case of death, resignation, or advancement of an Advisory Board member their replacement shall be chosen from and by the local, which originally created the vacancy. This replacement appointee shall be seated as a member of the Advisory Board, and serve out the unexpired term. In the event a local fails to fill a vacant seat within 45 days, the PFFWV Secretary-Treasurer shall request, in writing, a name from all locals not represented on the Executive and Advisory Board. After the secretary-treasurer receives a list of names from each eligible local the Executive

Board shall make a selection based upon guidelines recommended by the IAFF. (2003)

- Section 2: A)** When a vacancy occurs on the West Virginia State Fire Commission, involving the three (3) positions held by the PFFWV, the vacancy shall be filled in the following manner.
- B)** The Executive and Advisory Boards shall submit two (2) names to the Governor, selected from the entire membership of the State Association. The members so selected may have the sanction of their respective local unions. The Governor shall select one (1) name from the two (2) names submitted.
- C)** The Fire Commission members from the State Association shall elect a chairman, and he/she shall submit a brief summary of all Fire Commission meetings to the secretary-treasurer of the PFFWV.
- D)** At least one active PFFWV member shall be seated on the WV State Fire Commission. (2005) Section 2 D shall become effective in the year 2008. (2005)

- Section 3: A)** Any retiree, who has served on any committee and/or commission while an active member of the association shall be eligible to be reappointed to that same committee and/or commission or any other committee that the PFFWV has appointments to. He/she must pay the current retiree monthly per-capita. (1997)
- B)** These appointees or reappointees must have the approval, by a majority vote of their affiliated local, and of the Executive Board of the Professional Fire Fighters of West Virginia or the governing body at the convention, next preceding his appointment or reappointment.

ARTICLE X:

Section 1: Order of Business:

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| 1. Call to Order | 12. Unfinished Business |
| 2. Invocation | 13. Report of Committee |
| 3. Pledge of Allegiance | 14. New Business |
| 4. Report of Credentials Committee | 15. Proxies to IAFF Convention |
| 5. Roll call of officers | 16. Good & welfare |
| 6. Roll call of delegates | 17. Nominations of officers |
| 7. Reading of minutes | 18. Election of officers |
| 8. Appointment of Parliamentarian | 19. Convention site selection |
| 9. Report of Officers | 20. Appointments to fire commission |
| 10. Report of locals | 21. Adjournment |
| 11. Report of IAFF Vice President | |

The order of business may be transposed at any time by a majority of delegates present in convention.

Section 2: ELECTION OF OFFICERS

Each office shall be filled by election and all nominations shall be on the next to the last day of the convention. All elections shall be by secret ballot. A majority of delegates present, and voting shall be required to elect any officer. No member seeking office can be nominated for more than one office.

Section 3: The newly elected officers will take their places in front of the Presidents' chair. The President elect on the right, and the Vice President elect on his/her right, and the Secretary-Treasurer in the order here stated. All members will rise and remain standing while the presiding officer administers to the officers collectively the following obligations.

"I _____, do hereby pledge my honor to perform the duties of my office as prescribed by the By-Laws of the PFFWV and to bear true allegiance to the IAFF. I will deliver to my successor in office all books, papers, and other property of this organization that may be in my possession at the close of my official term. I will also deliver all property of the IAFF to the General President of the same upon demand. All of this I solemnly promise, with full knowledge that to violate this pledge is to stamp me as a man/woman devoid of principle and destitute of honor."

PRESIDENT; "You will now proceed to your respective stations and perform the duties devolving upon you."

The out-going officers then surrender their chairs to their successors.

All delegates seeking any office in this association will be asked to devote his/her fair share and equal time to the legislative effort at the request of the President of the State Association.

Section 4: DELEGATES TO IAFF CONVENTION;

The President and Secretary-Treasurer shall be the State Association delegates to all International Conventions. The Vice President shall be first alternate, and the Chairman of the Advisory Board shall be the second alternate. Delegates to the IAFF convention cannot cast a vote for International Officers. In the event that a reasonable amount of PFFWV Locals do not elect to send delegates to the IAFF Convention, then the delegates at the State Convention shall authorize the President to assign an alternate delegate to the IAFF Convention, provided that he/she shall be a member from the Executive or Advisory Boards. (1997)

ARTICLE XI OFFICERS BONDING

Section 1: All officers and employees of the State Association who handles funds or property of the Association shall be bonded in such amounts as may be required by the Board of Trustees and the IAFF General Secretary-Treasurer, in compliance with applicable law. The expense of the \$5000.00 of bond shall be by the International. If additional bond is necessary, the association shall pay the additional premium.

Section 2: The Executive Board may spend up to \$2,000.00 per year without the approval of the membership for the purchase of office equipment. (1997)

***CONSTITUTION AND BY-LAWS WERE REWRITTEN AND AMENDMENTS
ADDED TO AS PRESCRIBED IN THE 2006 ANNUAL CONVENTION HELD IN,
FAIRMONT - BRIDGEPORT MAY 12, 13 AND MAY 14, 2006
MICHAEL A. ZAMBITO, DEPUTY SECRETARY-TREASURER
PFFWV
250 SPRINGDALE AVE.
WHEELING, WV 26003***

Presidential Policies

- 1.** Any Officer of the PFFWV who is assigned to work an eight-hour shift will be reimbursed \$150.00 for lost time while on association business. Any Officer of the PFFWV who is assigned to a twenty-four hour shift will be reimbursed \$200.00 for lost time while on association business. (1999)
- 2.** The proceeds from any vendor attending PFFWV Conventions, which is donated to the PFFWV be given to the convention host local and let that local do what ever they deem necessary with the money. (2004)
- 3.** An Associate Member shall be a paid professional fire fighter, who resides in West Virginia, and is employed in another state. The associate member shall be a card carrying IAFF member in good standing. The associate member will be entitled to participate in the PFFWV License Plate Program. The associate member may attend PFFWV Conventions as a registered guest. The associate member shall not have any voice or voting privileges while attending the convention. The associate member shall pay a per-capita of \$25.00 per year. (2004)

4. The Executive Board shall be authorized to appoint an individual to conduct the duties of the Association Secretary-Treasurer in compliance with the PFFWV Constitution & By-Laws, Article IV, Officer Duties, Section A. This individual must be an active or retired member of the PFFWV & IAFF in good standing. The appointee shall have the authority of the secretary-treasurer with the exception of voting privileges on the Executive Board. This position shall be known as the Deputy Secretary-Treasurer. The Deputy Secretary-Treasurer shall receive the compensation of the Secretary-Treasurer's Office. If a member is selected to hold the position of Deputy Secretary-Treasurer this selection shall not prohibit another member from the same local from being elected to a position on the PFFWV Executive or Advisory Board.

Addition to Constitution & By-Laws Article IV: Officers Duties, Section 4, Duties of the Secretary-Treasurer: In the event that the Executive and Advisory Boards appoint a Deputy Secretary-Treasurer. The Secretary-Treasurer should forfeit his/hers reimbursement of two hundred dollars (\$200.00) to the Deputy Secretary-Treasurer.

Delegates to IAFF Convention: Article X, Section 4: In the event a Deputy Secretary-Treasurer is appointed, and the individual is approved by the delegation at the PFFWV Convention the Deputy Secretary-Treasurer may be a delegate, or alternate to the IAFF Convention. (2006)