

**CONSTITUTION AND BYLAWS OF**

***Monmouth Co. Sheriff's Officers***

***Local No.314***

**OF THE NEW JERSEY STATE**

**POLICEMEN'S BENEVOLENT ASSOCIATION, INC.**

***ADOPTED, January, 2008***

**APPROVED BY THE NJSPBA BYLAWS COMMITTEE**

***Bro. Michael DiGuilmi, Committee Chairman***  
**(SIGNATURE COPY ON FILE )**

***28 February, 2008***

## ARTICLE I

### Section 1

#### **LOCAL ASSOCIATION'S NAME**

This Local Association will be known as the **Monmouth Co. Sheriff's Officers, Policemen's Benevolent Association, Local No.314**, a Local Association of the New Jersey State Policemen's Benevolent Association, Inc., (hereinafter referred to as the "State PBA" or the "Association"), within the County of Monmouth.

### Section 2

#### **PURPOSE**

The **Monmouth Co. Sheriff's Officers** Policemen's Benevolent Association, Inc., Local # 314, is formulated as a union of **Sheriff's Officers**, within the **County of Monmouth**. It being a well established fact that a number of individuals laboring for the accomplishments of the same purpose, and more likely to obtain the objects desired by combining their efforts than by separate action, and by forming themselves into an organized body will better protect their individual rights, promote their welfare and forward their interests, as well as extend their sphere of usefulness, we do therefore form ourselves into this Local Association of the New Jersey State Policemen's Benevolent Association, Inc. This Local Association will seek and obtain recognition or certification as the exclusive majority representative of employees within the meaning of the New Jersey Employer-Employee Relations Act, NJSA 34:13A-1.1 et. seq., as amended or as may be hereafter amended.

### Section 3

#### **COLLECTIVE BARGAINING AGREEMENT**

This Local Association will within 30 days of distribution of a printed executed collective bargaining agreement with the employer, submit a copy of said agreement to the State PBA Office. This agreement will be available to any State Delegate for inspection or research so long as that Local Association's collective bargaining agreement file is current and an appointment for a review is made with the collective bargaining consultant.

## ARTICLE II

### Section 1

#### **NEW JERSEY STATE PBA CONSTITUTION AND BYLAWS**

It is affirmed that Local Association # 314, hereby adopts the New Jersey State Policemen's Benevolent Association, Inc., Constitution and Bylaws for its rules and guidance. It is further understood and agreed that the Constitution and Bylaws of the State PBA cannot be amended by any Local Association. This Local Association, will adopt our Bylaws and under specific circumstances amend our Bylaws so long as they are not inconsistent, are subordinate with the Constitution and Bylaws of the State PBA and subject at all times to the approval of the New Jersey State PBA Bylaws Committee.

The adoption of the Constitution and Bylaws of this Local Association is hereby dedicated to the memory of all deceased members.

Any reference herein to the masculine will include the feminine.

### Section 2

#### **CLASSES OF MEMBERSHIP**

There will be three (3) classes of membership in the State PBA: Active, Supervisor and Retired.

### Section 3

#### **DEFINITION OF CLASSES OF MEMBERSHIP**

A. Active members are defined as any person regularly appointed as full-time sworn law enforcement officers and in accordance with Local Association requirements is eligible for membership. Any person who is not a member of a municipal police department, but who is a bona fide law enforcement officer, who resides in any municipality wherein a Local Association exists, will be entitled to membership in said Local Association, providing however that he is not already a member of another Local Association, or his employer does not have a PBA Local Association and that he conforms to all other requirements set forth in the Constitution and Bylaws of this Association. A law enforcement officer must join the Local Association of his department. A law enforcement officer who is otherwise eligible for membership in this Association will not be ineligible because he/she resides outside of the State of New Jersey;

B. Supervisor Officers are defined as full-time sworn law enforcement officers who are members of a Local Association and are permanently promoted to the rank of Sergeant or above, or the equivalent rank in a non-police department pursuant to New Jersey Statute;

C. Retired members are defined as any member of a Local Association who retires in

good standing.  
Section 4

**ENTITLEMENT FOR CLASSES OF MEMBERSHIP**

- A. Active members will be entitled to all rights, privileges and benefits promulgated and provided by the State PBA Bylaws.
  
- B. Supervisor Officers and Retired members will only be entitled to those specific rights, privileges and benefits promulgated and provided by the State PBA Bylaws.

## ARTICLE III

### MEMBERSHIP ELIGIBILITY

#### Section 1

#### **LOCAL ASSOCIATION'S MEMBERSHIP APPLICATION AND ELIGIBILITY**

A. Individual members will be admitted to this Local Association upon their regular appointment as a full-time sworn law enforcement officer. The Bylaws of this Local Association will, in no way, conflict with any of the Bylaws, or regulations of the State PBA. Upon admission to this Local Association, each member thereof becomes a member of the State PBA and is subject to its rules and regulations and their Bylaws thereof. A member ceasing to be a member of the Local Association ceases to be a member of the State PBA immediately. The State PBA may expel an individual member of a Local Association for a violation of its rules and regulations or Bylaws hereof;

#### **B. (NEW AMENDMENT ADOPTED AUGUST 22, 2006)**

**Any member of this Association, who is classified as "in good standing" with their Local Association shall be permitted to transfer to another Local of this Association. The member who is transfers to another Local of this Association, shall not have their membership breached or any other phrase which would deem them any less than a full member of the newly joined Local Association. When a member transfers to another Local, a letter from the duly authorized State Delegate from the departing Local sent to the duly authorized State Delegate of the newly joined Local will keep the membership continuous;**

C. Any member appealing a suspension and/or firing from their law enforcement position may retain their PBA membership during the entire appeal process. Local Associations, solely at their discretion, may waive dues and assessments during a member's appeal;

D. Applications for individual membership in a Local Association will be referred by the President of the Local Association to an investigating committee. At the next meeting of the Local Association, each applicant will be voted upon by the membership of the Local Association present;

E. Only individual members in good standing of a Local Association will be permitted to vote on any application for membership;

F. Local Associations are prohibited from the use of the blackball system in determining the merit of an application for membership;

G. Any individual applicant, upon rejection for membership, may thereafter apply for membership following a six (6) month period;

H. On any application for reinstatement by an individual member for membership in a Local Association, the vote will be by a closed ballot at a regular meeting, at which time a majority vote will prevail regarding said application for reinstatement;

I. The Secretary of this Local Association will forward the record of each new member within forty-eight (48) hours of his election and each Local Secretary will notify this Association's Financial Secretary and Recording Secretary of the death, resignation or expulsion of any individual member within 48 hours of its occurrence;

J. An up-to-date roster setting forth the membership of each Local Association will be submitted annually with the applications for dues cards by October 15th of each year to the State PBA Office.

**K. Each new member to pay \$200.00 to join the Local, to help defray new membership costs. Funds to pay the following: Per Capita and Legal Protection**

## Section 2

### **SUPERVISORS**

A. It is the policy of this Association those Supervisor Officers and rank-and-file members make every effort to remain as a single unit of employees in majority representation with their employers. Those instances where Supervisor Officers and rank-and-file members constitute an appropriate negotiating unit, at least one (1) Supervisor will serve on the Local Association's negotiating committee;

B. In the event that the Public Employment Relations Commission or court of competent jurisdiction directs that Supervisor Officers and rank-and-file members be represented in separate majority representative units within the meaning of the New Jersey Employer-Employee Relations act, NJSA 34:13A-1.1 et seq., as amended or as may be hereinafter amended, then said Supervisor Officers must formulate a separate PBA/Supervisor Officers Association (hereinafter, SOA);

C. It is hereby established that each and every SOA is simply a majority representative component of a Chartered Local Association of this Association and will remain subordinate to their Local Association's Bylaws;

D. Notwithstanding the above Section 5 (A), (B) and (C), if the New Jersey Employer-Employee Relations act, 34:13A-1.1 et seq, as amended or as may be hereafter amended or a court of competent jurisdiction directs that Supervisor Officers and rank and file members be represented in separate majority representative units or, if a Local Association's SOA petitions the State PBA for a Restricted Local Charter, as described in Article XVIII, Section 4, before said Restricted Local Charter is granted, the concurrence of the Board of State Delegates will be required. An SOA may have a separate treasury to use for majority representation. It will be the responsibility of the

Local PBA Association and their SOA to determine which portion of the dues will be remitted to the Local PBA for fraternal purposes only. Any portion paid by the SOA to the Local PBA for fraternal purposes will be kept in an account separate from the Local Association's account used for majority representation. Nothing herein will prohibit the Local Association from assessing all its members, including Supervisor Officers, for expenses related to fraternal purposes of this organization.

Any dispute between the Local Association and their SOA on whether an SOA may have a separate treasury or on the determination of the portion of dues remitted for fraternal purposes must be brought before the State PBA Organization Committee by the Local Association's President;

E. Any SOA who is granted a Restricted Local Charter will have, in addition to their Local Association's Bylaws, limited rights and privileges promulgated by the State PBA Bylaws for Local Association SOA's as follows;

1. One (1) President from a SOA will be selected by the SOA Presidents from within their respective County to become a member of the State PBA Supervisor Officers Associations Committee. The Chairperson will be selected by the State PBA President;

2. The Chairperson of the Supervisor Officers Associations Committee will be recognized to speak at an open meeting however, no member other than a State Delegate will nominate or second a nomination of any candidate, make or second a motion or vote on any matter(s) that is before the Board of State Delegates;

3. With respect to majority representation, when it becomes necessary for Supervisors to obtain information from the State PBA, the Supervisor recognized as the lead negotiator, or his designee, may do so upon notification to the Local Association's State Delegate;

4. Supervisors will not be eligible to hold any office on the State PBA Executive Board;

5. Supervisors will not be entitled to nominate or second a nomination of any candidate for the State PBA Executive Board;

6. Supervisors will not be entitled to vote for any candidate for the State PBA Executive Board;

7. Supervisors will not be eligible to hold the office of State PBA Delegate, Alternate Delegate or 1<sup>st</sup> Convention Delegate if the duties of the 1<sup>st</sup> Convention Delegate have been expanded to serve as the Local Association's Alternate Delegate;

8. SOA's will elect members to elective offices for the same term of office as their Local Association, with the exception of the position of State, Alternate or Convention Delegates. The minimum eligibility requirement for elective office within an

SOA is three (3) years as a member in good standing with the State PBA;

9. SOA's will formulate a Judiciary Committee, independent from their Local Association's rank and file and will retain jurisdiction over disputes between their members. A request for a stay or appeals from an SOA Judiciary Committee will be pursuant to Article XVI of the Bylaws.

Section 3

### **LOCAL ASSOCIATION'S ABSTENTION OF SUPERVISORS**

Notwithstanding Section 2 above or, Local options enumerated in Section 4 below, Supervisors will not be eligible to hold any office on a Local Association's Executive Board, make or second a motion, nominate or second a nomination of any candidate or vote on any matter(s) that is before the Local Association.

Section 4 **[SUPERVISORS ARE REPRESENTED BY A SEPARATE UNION](#)**

### **LOCAL ASSOCIATION'S OPTIONS FOR SUPERVISOR OFFICERS**

**A. Local option.** Supervisor Officers may attend open meetings of this Local Association and will be permitted a voice on the floor at such meetings, but they will not be permitted to vote at any time; **[PBA 314 DOES NOT CHOOSE THIS OPTION](#)**

**B. Local option.** Supervisor Officers will be entitled to a voice and vote on all matters relating to contracts, when both rank and file and Supervisor Officers are in the same majority representative unit; **[PBA 314 DOES NOT CHOOSE THIS OPTION](#)**

**C. Local option.** Supervisor Officers will be entitled to a voice and vote on all expenditures of funds within the majority representative unit and a voice and vote on all expenditures of a fraternal nature of the Local; **[PBA 314 DOES NOT CHOOSE THIS OPTION](#)**

**D. Local option.** Supervisor Officers in Local Associations may have an expanded voice on other matters under consideration by the Local Association, not to include nominating of officers or holding office in this Association, nor any important matter bearing on the rights of Patrolmen, or their equivalent; **[PBA 314 DOES NOT CHOOSE THIS OPTION](#)**

**E. Local option.** Supervisor Officers in Local Associations may vote for Officers and Trustees but may not nominate nor hold office in the Local Association; **[PBA 314 DOES NOT CHOOSE THIS OPTION](#)**

**F. Local option.** Supervisor Officers will have the right to cast their vote in their Local Association's State Delegate's election; **[PBA 314 DOES NOT CHOOSE THIS OPTION](#)**

**G. Local option.** Supervisor Officers will be entitled to vote upon requests for representation submitted pursuant to Section 2 (B) above; **PBA 314 DOES NOT CHOOSE THIS OPTION**

**H. Local option.** Local Associations may amend their Bylaws to allow their Supervisors to attend all meetings (open meetings, closed meetings, and special meetings) and have a voice and vote on all issues with the exception of nominating or voting of officers unless Local option 4 (E) is adopted allowing Supervisor Officers to have the right of vote for officers. Local Associations that adopt this option waive all restrictions pertaining to the above ranks that are adopted in Section 4 (A) above; **PBA 314 DOES NOT CHOOSE THIS OPTION**

**I. Local option.** A Local Association may amend their Bylaws to allow their Supervisors to nominate, hold office and have the right to vote for office within their Local Association. Said Supervisors will then be allowed to attend all meetings, have a voice and vote on all issues however, no Supervisor will be eligible to hold the office of the Local Association's President, Vice President, State Delegate, Alternate Delegate or 1<sup>st</sup> Convention Delegate; **PBA 314 DOES NOT CHOOSE THIS OPTION**

**J. Local option.** A Local Association may amend their Bylaws to allow their Supervisors to nominate, hold office and have the right to vote for office within their Local Association. Said Supervisors will then be allowed to attend all meetings, have a voice and vote on all issues however, no Supervisor will be eligible to hold the office of the Local Association's President, Vice President, State Delegate or Alternate State Delegate however, Section 2 (E) (7) above, will apply to this Local option; **PBA 314 DOES NOT CHOOSE THIS OPTION**

**K.** The provisions of Section 2 will be Local Association options which will supplement and not eliminate the provisions of Article III, Section 1, of the State PBA Bylaws. **PBA 314 DOES NOT CHOOSE THIS OPTION**

## **ARTICLE IV**

### **MEMBER STATUS**

#### Section 1

#### **MEMBER IN GOOD STANDING**

A “member in good standing” is defined as a member who is not in arrears in payment of dues, fees or assessments or whose membership is not under a disciplinary suspension or expulsion from the State PBA or his Local Association. A “member in good standing” will be entitled to all rights, privileges, benefits promulgated and provided by the State PBA and Local Association’s Bylaws in accordance with the member’s class of membership.

#### Section 2

#### **MEMBER NOT IN GOOD STANDING**

A “member not in good standing” is defined as a member who is in arrears of payment of dues, fees or assessments pursuant to Article XVII, Section 1 (C) of the State PBA Bylaws or whose membership is under a disciplinary suspension or expulsion from the State PBA or his Local Association. A “member not in good standing” will not be entitled to any rights, privileges, benefits promulgated and provided by the State PBA or Local Association’s Bylaws. Additionally, the beneficiary(ies) or legal representative(s) of a “member not in good standing” will not be entitled to any benefits of the State PBA or Local Association.

## **ARTICLE V**

### **LOCAL ASSOCIATION'S BOARD OF OFFICERS/ BOARD OF DIRECTORS**

A. The Board of Officers of this Local Association will be limited to the President; Vice President; Treasurer; Financial Secretary; Recording Secretary and Sergeant-at-Arms;

B. The Board of Trustees of this Local Association will be limited to three (3) Trustees and they will be elected for a one, two or three year terms. Commencing in June, 2007 and in June of each third year thereafter, the term of office for Local Association Trustees will be three (3) years;

C. The Board of Officers and the Board of Trustees collectively will constitute both the Local Association's Executive Board and for the purposes of the State of New Jersey Not-For-Profit Corporation Laws and the Local Association's Articles of Incorporation, the Local Association's Board of Directors and will have control of all matters pertaining to the good and welfare of this Local Association and of all other matters pertaining to the business of this Local Association referred to for its decision. All such matters referred to it will be brought to the notice and attention of said Board by the Recording Secretary;

D. Between regular meetings of this Local Association the Executive Board will be empowered to act on behalf of the Local Association, when necessary. In matters requiring action by the Local Association's Executive Board when not in formal session, they may act by telephone or by other means of communications;

E. All decisions rendered and submitted by the Local Association's Executive Board will be final and can only be overruled by a majority vote of the members present at a regular meeting;

F. Any vacancy on this Local Association's Executive Board will be filled in succession by the Local Association's President with the Local Association Executive Board member immediately below the vacant position and the Local Association President will appoint a member of the Local Association to the Executive Board until the next election.

## **ARTICLE VI**

### **LOCAL ASSOCIATION'S BOARD OF TRUSTEES**

A. The Board of Trustees of this Local Association will be sole custodian of all property and records of this Local and will approve all bills ordered paid;

B. The Board of Trustees of this Local Association will maintain general supervision over the financial affairs of this Local Association and investigate all claims and bills referred to it. It will have custody of the bonds of the Officers of this Local Association as required and will demand such bonds from any Officer designated under these Bylaws, before such Officer will assume the duties of his office;

C. The Board of Trustees of this Local Association will have access to all books, records, files, papers, etc., of this Local at all times. The Board of Trustees of this Local Association will examine the books and records of the Financial Secretary, Treasurer, and the bank accounts at least once every six (6) months and will submit a semi-annual itemized statement, once at the June meeting, comprising the following items: Cash received and the purpose therefore; amount of money invested, character of securities and stocks, respectively; and perform such other duties as prescribed by this Local;

D. The Board of Trustees of this Local Association will keep an accurate record of the date, payee, object, account, and date of approval of each account approved by them. They will choose a Chairperson who will preside at their meetings and be their spokesperson;

E. The Board of Trustees of this Local Association will also select from their members a secretary who will notify all members and the President, Financial Secretary and Treasurer of the time and place of all meetings;

F. The President and the Board of Trustees are authorized to invest funds of this Local Association to the maximum extent possible in sound investments. Investment activities will be consistent with a specific statement of investment policy, objectives, and guidelines. Such statement of investment policy, objectives, and guidelines will be subject to the approval of a 2/3's vote of the Local Association's entire membership.

## **ARTICLE VII**

### **STATE DELEGATE AND ALTERNATE STATE DELEGATE**

#### Section 1

##### **PRINCIPAL DUTIES OF THE LOCAL ASSOCIATION'S STATE DELEGATE**

A. The governing, legislative power and control of the State PBA are vested in a Board of State Delegates consisting of a representative from each Local Association. All State Delegates of the State PBA, individually and collectively, will endeavor at all times to promote its welfare during their term in the State PBA;

B. Notwithstanding Article IV, Section 5, (E1, E2 and E3) of the State PBA Bylaws, the State Delegate will represent this Local Association at all State meetings and act as liaison between the two organizations. He will report all State activities, including legislative efforts, to the Local Association, keeping it advised of all current matter of interest. He will maintain public relations with local legislators and keep advised of any and all legislation affecting law enforcement officers or law enforcement in any way. He will also serve on all important committees of the State PBA as appointed by the State PBA President; will be a member of all important committees on a Local Association level and will keep advised of any change or amendment in the Bylaws and so notify the Local Association. He will also process all communications between the Local Association or its individual members and the State PBA, particularly as to any grievances or appeals that may be processed. A State Delegate will not withhold the dues card from any member in good standing of their Association;

C. Within five (5) business days of being elected to the position of State Delegate, the State Delegate will notify the State PBA Office giving their name, address, phone numbers and Local Association they represent. The newly elected State Delegate will be advised of the date to attend the next New Delegates meeting, prior to being sworn in by the State at a monthly Board of Delegates meeting. The new State Delegate must submit a copy of their Local Association's current collective bargaining agreement(s) to the Chairman of the New Delegates' Committee when attending the New Delegates meeting, prior to being sworn in;

D. If any State Delegate is elected to the position of State PBA President or Executive Vice President, they will be considered the permanent State Delegate from their respective Local Association and will not be required to run for re-election as State Delegate for as long as they serve as State PBA President or Executive Vice President of this Association;

E. Any State Delegate, upon election to a State Office, will represent his Local Association as its State Delegate until the expiration of his term of office and the term of a State Delegate will not expire until after the close of Unfinished Business at the annual convention;

F. The Local Associations which the State PBA President and the Executive Vice President represent may elect an Alternate Delegate who will be allowed to perform the normal State Delegate's responsibilities, except for voting on issues before the State Board of Delegates, which will still be performed by the State President and the Executive Vice President. The main purpose of this sub-section is to relieve the State PBA President and the Executive Vice President of some of the duties normally performed by a Local Association's State Delegate;

G. This Local Association will defray the expenses of their State Delegate, and failure to do so will subject the Local Association to suspension from the State PBA.

## Section 2

### **ELIGIBILITY**

A. The State Delegate will be elected as prescribed by this Local Association's Bylaws at a regular meeting of the Local Association in June. Nominations for said office will be at the preceding regular May meeting. A member, to be eligible for office, must have been a member of this Local Association for three (3) or more years at the time of nominations. This does not apply to a new Local Association with less than three (3) years affiliation. The official date of affiliation will be the date which appears on their Charter and concurs with the date of approval by the Board of State Delegates. The term of office for a State Delegate will be three (3) years. Upon the State Delegate failing to complete his term for any reason, the Local Association will immediately upon termination conduct an election for the unexpired term of said office;

B. A State Delegate who is permanently promoted to the rank of Sergeant or above, or the equivalent rank in a non-police department pursuant to New Jersey Statute will retain the position of State Delegate until the new State Delegate commences his term pursuant to Article XII, Section 5, (B) of the State PBA Bylaws but, will not retain the position beyond one hundred twenty (120) days of said permanent promotion or the next May nominations and elections in June, whichever comes first.

## Section 3

### **LOCAL ASSOCIATION'S ALTERNATE STATE DELEGATE**

Each Local Association must select an Alternate State Delegate who will be elected pursuant to his Local Association's Bylaws unless a Local option is adopted stating he may be appointed by the Local Association's State Delegate. The Local Association must provide the name of the elected or appointed Alternate State Delegate to the State PBA within five (5) calendar day of said election or appointment. The primary duty of the Alternate State Delegate will be to attend the Board of State Delegates meeting(s), when the duly elected State Delegate is unable to attend. The Alternate State Delegate will be allowed to cast any vote(s) called for at a meeting when he/she is in attendance in place of the duly elected State Delegate. A member, to be eligible for office, must have been a member of a Local Association for three (3) or more years at the time of nominations. This does not apply to a new Local Association with less than three (3) years affiliation.

The official date of affiliation will be the date which appears on their Charter and concurs with the date of approval by the Board of State Delegates. The term of office for the elected or appointed Alternate State Delegate will coincide with the Local Association's State Delegate's term of office. Upon an Alternate State Delegate failing to complete his term for any reason, the Local Association will immediately upon termination conduct an election for the unexpired term.

#### Section 4

### **LOCAL ASSOCIATION'S OPTION FOR APPOINTING AN ALTERNATE STATE DELEGATE**

**Local option.** In lieu of an election, the Local Association's State Delegate may appoint the Alternate State Delegate. **PBA 314 DOES NOT CHOOSE THIS OPTION**

#### Section 5

### **EXPANDING THE DUTIES OF THE LOCAL ASSOCIATION'S DULY AUTHORIZED 1<sup>ST</sup> CONVENTION DELEGATE**

The Local Association may expand the duties of the member elected as 1<sup>st</sup> duly authorized annual Convention Delegate pursuant to his Local Association's Bylaws to serve as the Local Association's Alternate State Delegate unless a Local option is adopted stating the Local Association's State Delegate may appoint and expand the duties of the 1<sup>st</sup> Convention Delegate, to serve as the Local Association's Alternate State Delegate. When the duties of the 1<sup>st</sup> Convention Delegate has been expanded, the Local Association will advise the State PBA of that fact and provide the name within five (5) calendar days of said member's election or appointment. Effective July 1, 2006, and each July 1<sup>st</sup> thereafter, the term of office for the 1<sup>st</sup> Convention Delegate serving as the Alternate State Delegate will be for one (1) year. Nothing in Article VII is intended to limit the number of authorized Delegates who may attend the convention on paid leave pursuant to State law or applicable collective bargaining agreement.

#### Section 6

### **LOCAL ASSOCIATION'S OPTION FOR EXPANDING THE DUTIES OF THE DULY AUTHORIZED ANNUAL 1<sup>ST</sup> CONVENTION DELEGATE**

**Local option.** In lieu of an election and the decision by the Local Association to expand the duties of the duly authorized annual 1<sup>st</sup> Convention Delegate to serve as the Alternate State Delegate, the Local Association's State Delegate may appoint and expand the duties of the duly authorized annual 1<sup>st</sup> Convention Delegate to serve as the Alternate State Delegate. **PBA 314 DOES NOT CHOOSE THIS OPTION**

## ARTICLE VIII

### CONVENTION DELEGATES

#### Section 1

#### **LOCAL ASSOCIATION'S DULY AUTHORIZED ANNUAL CONVENTION DELEGATES**

Each Local Association must select two (2) duly authorized annual Convention Delegates who will be elected pursuant to the Local Association's Bylaws unless a Local option is adopted stating he may be appointed by the Local Association's State Delegate. The duly authorized annual Convention Delegates will be elected in numerical order as the 1<sup>st</sup> and 2<sup>nd</sup> Convention Delegates and in a separate bracket from either the State Delegate or the Alternate State Delegate. The term of office for said Convention Delegates will expire the following year at the conclusion of the annual State PBA mini- convention.

#### Section 2

#### **LOCAL ASSOCIATION'S OPTION FOR APPOINTING THE DULY AUTHORIZED CONVENTION DELEGATES**

**Local option.** In lieu of an election, the Local Association's State Delegate may appoint the duly authorized annual 1<sup>st</sup> and 2<sup>nd</sup> Convention Delegates. **PBA 314 DOES NOT CHOOSE THIS OPTION**

#### Section 3

#### **REPRESENTATIVES TO THE ANNUAL AND MINI CONVENTION**

A. The convention delegation from each Local Association for any State PBA Annual Convention and Mini-Convention will be composed of any and all duly authorized representatives who will be designated and authorized to attend by each Local Association. Local Association's will have the sole authority to determine the number of duly authorized representatives to attend any State PBA Convention and Mini-Convention. One of the representatives must be the State Delegate or in his absence, the Alternate State Delegate, who will cast the vote for the Local Association. In the State Delegate's or Alternate State Delegate's absence, the 1st duly authorized Convention Delegate will cast the Local Association's vote. The 1<sup>st</sup> and 2<sup>nd</sup> duly authorized Convention Delegate's duties apply only for the duration of the Annual Convention and Mini-Convention. Supervisor Officers will not be eligible to become the 1<sup>st</sup> Convention Delegate unless the Local Option in Article III, Section 4 (J) is adopted;

B. The State Delegate will handle any additional monies allotted by the Local Association for expenses for other members of the Local who may be attending.

## ARTICLE IX

### LOCAL ASSOCIATION'S QUORUM REQUIREMENTS

A quorum for Local Associations with sixty (60) or more voting members will be ten percent (10%) or one-hundred (100) voting members at a General Membership meeting, whichever is less. A quorum for Local Associations with fifty-nine (59) or less voting members will be six (6) voting members at a General Membership meeting;

**Local option.** A Local Association may amend their Bylaws to include an adjusted quorum percentile, however, said adjusted quorum percentile will be no less than ten percent (10%) but no more than thirty percent (30%) or one-hundred (100) voting members at a General Membership meeting, whichever is less;

A majority of the Local Association's Executive Board members at an Executive Board meeting will constitute a quorum;

A majority of the Local Association's Board of Directors at a Board of Directors meeting will constitute a quorum;

A majority of the Local Association's Committee members at a Committee meeting will constitute a quorum;

In the absence of a quorum, any business transacted will be null and void.

## **ARTICLE X**

### **LOCAL ASSOCIATION'S MEETINGS**

A. The President of the Local Association will determine the date, time and location of the monthly or special meetings however, a meeting notice and agenda will be posted conspicuously to the Local Association's membership ten (10) calendar days prior to said meeting;

B. Special meetings will be called by the Local Association's President upon written request of one third (1/3) of the total number of members, or when, in his judgment, it may be necessary. In the case of such special meeting, the object of said meeting will be stated in said notice enumerated in the above paragraph (A) to the Local Association's membership;

C. Retired members will only have a voice on fraternal matters of this Local Association. They will not nominate or second a nomination of any candidate, make or second a motion or vote on any matter(s) before this Local Association.

## **ARTICLE XI**

### **LOCAL ASSOCIATION'S RESPONSIBILITY**

A. This Local Association will be responsible for any damage caused by any member or guest of the Local Association during any PBA convention or function. This determination will be made by the State PBA Executive Board after completing an investigation. Restitution for the damage must be made by the Local Association within sixty (60) days after receipt of notification from the State PBA Executive Board. Failure to adhere to this requirement will subject the Local Association to revocation of its Charter;

B. The annual Valor Awards fee is mandatory for all Local Associations and must be payable to the New Jersey State PBA Survivors' and Welfare Fund on or before the August monthly meeting of the Board of State Delegates. The annual Valor Awards fee may be amended by a majority vote of the Board of State Delegates at a monthly meeting.

## **ARTICLE XII**

### Section 1

#### **LOCAL ASSOCIATION'S ORGANIZATIONAL DISCIPLINE**

A. Any Local Association Executive Board member or State Delegate may be removed or otherwise disciplined pursuant to Article X, Section 2, of the State PBA Bylaws for in competency, neglect of duty, failure to comply with the Bylaws of the State PBA or their Local Association or for conduct unbecoming their standing in the State PBA or Local Association;

B. Local Association Executive Board members and State Delegate may be removed or otherwise disciplined pursuant to Article X, Section 2, of the State PBA Bylaws upon three (3) unexcused absences from three (3) consecutive meetings;

C. Notwithstanding the provisions of these Bylaws to the contrary, a majority vote of the total membership eligible to vote and in attendance at any regular meeting is necessary to remove an Executive Board member or State Delegate of this Local Association. Written notice, by posting in the area where meeting notices are normally posted; by hand delivery; or by placing in each Local members mail slot at their place of employment, (headquarters, institution, etc.), of such action will be given to all members at least ten (10) calendar days prior to said meeting and written notice, by hand delivery, placing it in the member's mail slot at their place of employment, or by mailing via first-class mail, setting forth the basis for such action will be given/mailed Certified Return Receipt requested, to the Executive Board member or State Delegate so charged at least thirty (30) days prior to said meeting;

D. Any member of a Local Association may be disciplined pursuant to Article X, Section 2 of the State PBA Bylaws for failure to comply with the Bylaws of the State PBA or their Local Association or for conduct unbecoming their standing in the State PBA or Local Association.

### Section 2

#### **APPEALS**

Any Local Association Executive Board member or State Delegate so removed or otherwise disciplined will have the right to appeal to the State PBA Judiciary Committee pursuant to Article XVI, Section 3, of the State PBA Bylaws.

### Section 3

#### **STAYS**

Any Local Association Executive Board member or State Delegate so removed or otherwise disciplined will have the right to request a stay to the State PBA Judiciary Committee Chairperson pursuant to Article XVI, Section 4, of the State PBA Bylaws.

## ARTICLE XIII

### LOCAL ASSOCIATION'S EXECUTIVE BOARD AND STATE DELEGATE

#### Section 1

#### **EXECUTIVE BOARD AND STATE DELEGATE**

A. The Executive Board of this Local Association will be the Board of Officers as follows: President, Vice-President, Treasurer, Financial Secretary, Recording Secretary, Sergeant-at-Arms and the Board of Trustees. The Board of Officers will be elected for a term of two (2) years. The Board of Trustees will be elected to a term as enumerated in Article V, section 2 (B) of the State PBA Bylaws;

B. The State Delegate will be elected to three (3) year terms (Note: A newly elected State Delegate will commence his term pursuant to the State PBA Bylaws, Article XII, Section 5 [B] );

C. The voting members of this Local Association will be notified ten (10) calendar days prior to nominations with the date, time and location of said nominations, elections and the election rules of this Local Association.

#### Section 2

#### **ELIGIBILITY FOR ELECTIVE OFFICE**

A. Any member seeking an elective office in the Local Association must have been a member of this Local Association for three (3) or more years. When no member meets the three (3) year requirement for nominations to an elective office, only then will nominations be open to members with less than three (3) years;

B. In the event a member quits the Local Association and returns or loses his membership for non-payment of dues or assessments, he or she would have to wait three (3) years to be eligible to run for Local office.

**C. Any Member wishing to run for an elected position must have 70% attendance of the regular Local monthly meetings in the preceding two years.**

#### Section 3 (NEWAMENDMENT ADOPTED APRIL 11, 2006)

#### **LOCAL ASSOCIATION OPTIONS FOR ELEGIBILITY FOR LOCAL ELECTIVE OFFICE**

**A. With the exception of the Local Association President or State Delegate, any member seeking an elective office in his or her Local must have been a member of his Local Association for three (3) or more years. When no member meets the three**

**(3) year requirement for nominations to an elective office, only then will nominations be open to members with less than three (3) years. Any member seeking the office of Local Association President or State Delegate must first serve as a member of his or her Local Association's Executive Board for two (2) full terms prior to nominations for said Local Association President or State Delegate;**

**[PBA 314 CHOOSES THIS OPTION](#)**

**B. Any member appealing a termination from his or her employment as a Law Enforcement Officer may retain their membership in their Local Association and the Legal Protection Plan pending the exhaustion of the appeal(s) process and full payment of their Local Association's membership dues on the date determined by the Local Association. Pending the exhaustion of the appeal(s) process, said member will only have a voice on fraternal matters of this Local Association and will not hold any elective office, nominate or second any nominations of any candidate, make or second any motions or vote on any matter(s) before the Local Association until all appeal(s) are exhausted.**

**[PBA 314 CHOOSES THIS OPTION](#)**

Section 4

#### **NOMINATIONS FOR ELECTIVE OFFICE**

A. The Local Association will nominate their Officers, Trustees and State Delegate at the regular meeting in May and elections will be held at their regular meeting in June. The Alternate State Delegate, 1<sup>st</sup> and 2<sup>nd</sup> annual Convention Delegates may be elected or as a Local option, appointed by the Local Association's State Delegate pursuant to Article VII, Section 3 of the State PBA Bylaws. The duly authorized 1<sup>st</sup> annual Convention Delegate may also serve as the Local Association's Alternate Delegate pursuant to Article VII, Section 3 (C) of the State PBA Bylaws;

B. Upon ratification of these Bylaws, if this Local Association is not in compliance with Section 3(A) above, then it will extend the term of the Officers, Trustees, State Delegate and Alternate State Delegate to the preceding month of May when nominations and elections for Officers, Trustees, State Delegate and Alternate State Delegate, if applicable, will be held in compliance with Section 3(A) above;

C. In the event that any member of this Local Association will have been suspended or removed from his law enforcement duties during the period of nominations for office or the elections thereof, or both, said individual may be considered eligible for nomination or election, pending a departmental appeal, and if said individual is elected, he may hold office unless and until he is finally removed from his department following appeals.

Section 5

## **AMERICAN ARBITRATION ASSOCIATION**

**Local option.** The Local Association President will enter into an agreement with the American Arbitration Association who will administer the elections for elective office(s) of the Local Association. The Local Association will abide with the election rules of the American Arbitration Association.

### Section 6

## **LOCAL ASSOCIATION ELECTIONS RULES**

A. There will be an Election Committee consisting of three (3) members appointed by the Local Association's President prior to the May monthly meeting. The Chairperson is to be elected by the members of the Election Committee and said Committee will have all powers necessary to conduct a fair, open and complete election;

B. Nominations for Office in a Local Association will be made from the floor at the May monthly meeting. The incumbents will be allowed to nominate after all other nomination(s) have been made. At the close of nominations, if a candidate is unopposed for Office, the Recording Secretary will cast one (1) vote and that candidate will be deemed elected;

C. Once nominated, a candidate may withdraw his name from nominations at any time prior to the adjournment of the May monthly meeting;

D. Elections for Office in a Local Association will be held at the June monthly meeting and must be held within the State of New Jersey. The Election Committee Chairperson will declare the election results at this meeting;

E. Proxy voting will not be allowed in this Local Association;

F. Absentee Ballot voting may be permitted as a Local Association option and only if the member is absent for good cause;

G. A write-in vote will not be allowed at any election of this Local Association;

H. Each candidate for office will be entitled to one poll watcher selected by the candidate. Either the candidate or their selected watcher may be present during the vote count; however, a candidate cannot be present during the actual voting process. When a slate of officers has been nominated, the Election Committee Chairperson will limit the number of poll watchers for that particular slate of candidates;

I. The hours for the election vote will be determined by the Chairperson of the Election Committee however, each eligible member will be given the opportunity to cast his vote until the vote is completed;

J. There will be no electioneering or polling on the day of the election;

K. All elections held by this Local Association will be governed by plurality vote. In an election, a candidate has a plurality when he has a greater vote than any other candidate for that elective office;

L. The Local Association's Election Committee will be the custodian of the election ballots. The election ballots will not be destroyed until all challenges and appeals have been exhausted pursuant to Articles XV and XVI of the State PBA Bylaws and only then, upon a motion adopted by the members at a monthly meeting.

#### Section 7

### **CHALLENGES OF LOCAL ASSOCIATION NOMINEES**

A. Any challenge relating to a nominee or his qualifications will be promptly made within seven (7) calendar days following the nomination. The failure to assert any impropriety concerning a nominee or candidate for office within such a period of time will constitute and be deemed a waiver of any defect therein. Any challenge relating to an election or its manner of conduct will be promptly made within seven (7) calendar days following the election. The failure to assert any impropriety concerning an election or its manner of conduct within such a period of time will constitute to be deemed a waiver of any defect thereto. A challenge directed to a nominee or candidate for office or his qualifications or in any manner directed toward said nominee's eligibility for office will be made within seven (7) calendar days following the nomination and cannot be made, in all events, following the election. Only questions or improprieties concerning the election itself can be made within seven (7) calendar days following election. The distinction between the challenge to a nominee or candidate for office and an election will be rigidly adhered to and enforced;

B. Challenges enumerated in Section 6 (A) above, will be pursuant to Article XII, Section 6 and Articles XV and XVI of the State PBA Bylaws.

#### Section 8

### **LOCAL ASSOCIATION EXPIRATION OF TERM OF OFFICE**

All Officers of the Local Association will have their books, records, files, papers, etc., available at all times for the inspection by the Board of Trustees. All Officers, upon expiration of their term of office, or when promoted to the rank of a Supervisor, or when resigning from or upon dismissal from the police department, will turn over to their successors in office, or upon demand of this Local Association, all money, books, records, files, papers or any other matter in their possession which is or may be considered the property of this Local Association. This section will not apply to the President, who must turn over all money, records, books, files and papers, etc. to the Executive Board upon their demand.

Section 9

**PROMOTIONS**

Notwithstanding Article III, Section 4 (I) or (J) of these Bylaws, any Executive Board member of this Local Association who is permanently promoted to the rank of Sergeant or above pursuant to New Jersey Statute will no longer retain the position of Executive Board member and the President of the Local Association will declare the office vacant and filled pursuant to the Local Association's Bylaws.

Section 10

**LOCAL ASSOCIATION EXPENSES FOR OFFICERS, TRUSTEES AND STATE DELEGATE**

Expenses may be paid to each Officer, Trustee and State Delegate of this Local Association per annum as follows:

<b>President</b>	<b><u>\$500.00</u></b>	<b>Recording Secretary</b>	<b><u>\$50.00</u></b>
<b>Vice-President</b>	<b><u>\$200.00</u></b>	<b>Trustee</b>	<b><u>\$25.00</u></b>
<b>Treasurer</b>	<b><u>\$50.00</u></b>	<b>Delegate</b>	<b><u>\$500.00</u></b>
<b>Financial Secretary</b>	<b><u>\$25.00</u></b>	<b>Sgt.-At-Arms</b>	<b><u>\$25.00</u></b>

**In addition to above :**

- A. Any Member, traveling within New Jersey, and that travel requiring them to stay overnight, while on Local business, shall receive \$50.00 per day.**
- B. Any Member, traveling outside New Jersey, while on Local business, and that travel requiring them to stay overnight, shall receive \$100.00 per day.**

**These monies are to be paid before the Member travels and shall require no additional vote.**

## **ARTICLE XIV**

### **DUTIES OF OFFICERS**

#### Section 1

#### **LOCAL ASSOCIATION PRESIDENT**

A. The President of this Local Association will have the power to call monthly meetings and to conduct the meetings in accordance with these Bylaws and parliamentary procedure by Roberts Rules;

B. The President will be the Chief Executive Officer of this Local Association. The President will preside at all meetings; enforce the strict observance of the Constitution and Bylaws of this Local Association, advise the Local Association in its work and proceedings; see that all officers perform their respective duties; decide questions of order, subject to appeal of the membership present at such meetings; sit as judge and declare the result of all elections; appoint all committees; sign all orders; countersign all checks on the treasury for money ordered paid by the Local Association, sign all legal documents and other instruments of this Local Association, call special meetings when, in his judgment, it will be necessary for the best interest of the Local Association to hold such meetings, or when requested by the members; call upon any member for aid or assistance; and perform any and all such other duties as may be prescribed by these Bylaws or assigned to them by the Local Association;

C. The President will be ex-officio member of all committees and of the Board of Trustees, but will not be entitled to vote, except when balloting for a candidate at an election of officers or when the members are equally divided on other questions, when he will have the deciding vote;

D. The President is authorized and empowered to summon any member of this Local to appear at any regular or special meeting of the Local for the purpose of ascertaining information in connection with the business of the Local. Any member refusing to comply with any such summons will be subject to suspension pending formal charges pursuant to Article X of the State PBA Bylaws;

E. The President may appoint not more than two (2) members of the Local to serve as additional members of the Local's Executive Board, which normally will consist only of elective officers of the Local Association. In multi-town Locals, he may appoint one (1) representative and/or an alternate from each municipality within the Local.

## Section 2

### **LOCAL ASSOCIATION VICE PRESIDENT**

A. The Vice President will observe and obey all orders of the Local Association's President and in the absence or disability of the Local Association President then the Vice President will assume the authority of the Local Association President;

B. In the absence of the Local Association's President, the Vice President will assume the authority, duties and responsibilities of the Local Association President. In the event of the death, resignation, retirement, removal from office or permanent incapacity of the Local Association President, then the Vice President will assume the authority of the Local Association President until the next election of the Local Association's Executive Board.

## Section 3

### **LOCAL ASSOCIATION TREASURER**

A. It will be the duty of the Treasurer to receive all money from the Financial Secretary due the Local from whatever source, giving a receipt for same. The Treasurer will be chief custodian of the funds of the Local received by him and disbursing officer for same; will pay no money except on an order signed by the President; will attend all meetings of the Board of Trustees; will file and preserve all such orders on the treasury as vouchers. All payments will be made by check, countersigned by the President. The Treasurer will keep an accurate record of all money received and paid; deposit all money of this Local in a secure bank or banks with the sanction and approval of the Board of Trustees; have all accounts ready for settlement in the month of June of each year; make a semi-annual statement in triplicate, comprising of the following items: Cash received and for what purpose and expense of the Local. One copy will be submitted to the Recording Secretary, which will be entered in the minutes, the other copy submitted to the Board of Trustees, the original to be retained by the Treasurer, the contents of which will be made known to the members present at the June meeting of each year; and perform such other duties as prescribed by the Local;

B. The Treasurer will be bonded for the proper performance of his duties and the faithful accounting of all money received by him, which bond will remain in the custody of the Board of Trustees. The Trustees will fix the sum of the bond subject to the approval of this Association, which bond will be executed by a responsible security organization with all costs of said bond to be defrayed by the Local Association.

## Section 4

### **LOCAL ASSOCIATION FINANCIAL SECRETARY**

A. It will be the duty of the Financial Secretary to keep an accurate account of all money collected, give a receipt and pay all monies so received to the Treasurer, obtaining a receipt for same. He will have the Local's accounts ready for settlement in the month of June of each year and will make a semi-annual statement in triplicate comprising the following items: Cash received and for what purpose and disposition of the same; names of all members dropped from the rolls of membership, together with the cause of such action, one copy to be submitted to the Board of Trustees and one to the Recording Secretary, the original to be made known to the members present at the June meeting of each year. He will forthwith notify by Certified Mail, Return Receipt requested, all members of this Local who are in arrears for their dues and assessments, also all members who have failed to pay their dues on or before the date specified for the payment of same, and he will announce at the open meeting the names of all members who are in arrears. He will keep a card index record of the members of this Local. He will issue the yearly traveling and dues card; and perform such other duties prescribed by the Local as the president may at any time direct;

B. The President, Treasurer, and the Financial Secretary of a Local Association will execute a bond in a sum to be fixed by the Trustees and approved by the Local Association which will be placed in the custody of the Board of Trustees and handled in the same manner as the Treasurer's bond. The Financial Secretary will attend all meetings of the Trustees.

## Section 5

### **LOCAL ASSOCIATION RECORDING SECRETARY**

A. It will be the duty of the Local Association's Recording Secretary to keep and have full charge of the minute book and the general roll call. He will keep an accurate record of the proceedings of the meetings and a correct account of the total membership of the Local Association. He will read the proceedings of the previous meeting together with all communications, reports, petitions, bills, etc., to the members present at each regular meeting or at a special meeting if directed to do so. He will attend and perform the duties of secretary at all meetings of the Executive Board, rendering a report at each meeting as to the recommendations made by the said Board. In the event of there being no meeting of the said Board, he will so state. The Recording Secretary will keep a card index file or a record of the members of the Local Association and perform such other duties as prescribed by the Local Association and the President; and conduct correspondence as necessary.

Section 6

**LOCAL ASSOCIATION SERGEANT-AT-ARMS**

The Local Association's Sergeant-at-Arms will enforce order at all meetings, particularly as to those attending and their right to attend. He will remain at the entrance door and permit no person to enter without being properly vouched for and identify.

## **ARTICLE XV**

### **LOCAL ASSOCIATION'S ATTORNEY**

- A. The Local Association's President will appoint an attorney(s) to represent the Local Association, such appointment to be made only with the approval of the members;
- B. The duties of the attorney will be to advise on all legal matters pertaining to the good and welfare of the Local Association. The attorney will advise on and render all legal opinions requested by the President of this Local Association. In the event of court litigation which may require his services, he will be paid a separate fee;
- C. Said attorney will serve at the pleasure of the Local Association's President but in no event is the attorney to serve beyond the term of the Local Association President.

## ARTICLE XVI

### LOCAL ASSOCIATION'S JUDICIARY COMMITTEE

A. The President of this Local Association will appoint a Local Judiciary Committee consisting of five (5) members; each must have been a member of the said Local Association for at least two (2) years. The President of the Local Association will designate one of the members as Chairperson of the Committee who will serve at the pleasure of the President. The President will refer all charges to the Local Judiciary Committee, which is authorized and empowered to investigate said charges and conduct hearings. In the event that charges are preferred by or against the President of the Local Association, the Vice President will appoint a special judiciary committee as aforesaid to hear the matter, except if the President prefers charges against the Vice President, or vice-versa, then the Local's Treasurer will appoint said committee. Any Judiciary Committee empanelled is empowered to summon or request any member to testify with respect to the issue(s) of investigation;

B. The trial of all charges will be held before the Local Judiciary Committee at such time and place as the Local Judiciary Committee may determine and within thirty (30) days of notice and receipt of charges. The complainant and respondent may each be represented by a member of the Local Association or an attorney, provided, however, that the Local Association will not be responsible for the cost of an attorney. It is understood that any attorney appearing before a Judiciary Committee hearing on behalf of the client is there solely to advise the client and not to present their case;

C. All decisions of the Local Judiciary Committee will be in writing and will be final unless rejected by a 2/3's vote of the members present at the meeting when the aforesaid decision is rendered and submitted, provided that prior notice will be given to all members of the Local, as part of the usual meeting notice, advising of the fact that the Judiciary Committee will be rendering a decision on a particular matter. The decision of the Local Judiciary Committee may be appealed to the State PBA pursuant to Article XVI of the State PBA Bylaws. The filing of such an appeal will not constitute a stay of action taken by the Local Association's Judiciary Committee. Applications for a stay must be filed in writing with the State PBA President pursuant to Article XVI, Section 4 of the State PBA Bylaws;

D. Whenever fraternal charges are preferred against a Supervisor officer within a Local Association, by a rank and file member of the Association, the President of that Association will assign some Supervisor Officers to the Judiciary Committee for that hearing only. The Chairperson of the Judiciary Committee will remain a rank-and-file member;

E. Local Associations who have a Supervisor Officers Associations will not be responsible for any Judiciary Committee hearings on infractions made by a member of

their SOA. Any SOA member may prefer charges against another member of their SOA and the matter will be heard before the SOA's Judiciary Committee. Appeals from those hearings will be forwarded to the State President and will be handled the same as any other appeal covered by the State PBA Bylaws;

F. The Judiciary Committee of this Local Association will have jurisdiction over fraternal disputes between members of such Local Associations and disputes between members of such Local Association and the Local Association. The decision rendered by the Local Judiciary Committee will be immediately confirmed unless rejected by a two-thirds (2/3's) vote of the members present at the meeting when the aforesaid decision is rendered and submitted. The usual meeting notice used by the Local Association to advise its members of an Association meeting will include the fact that the decision will be rendered at the upcoming meeting. The notice will be posted no later than seven (7) working days prior to the meeting. An appeal may be filed under pursuant to the State PBA Bylaws;

G. The decision of a Local Judiciary Committee by any member adversely affected by such decision. The notice of appeal must be filed with the State President within 30 days following the final decision of the Local Judiciary Committee. The appeal must be in writing and delivered or mailed, Certified Return Receipt requested, to the State President. Upon receipt of the appeal, the State President will deliver the notice of appeal to the Chairperson of the Judiciary Committee who will process the matter in accordance with the provisions of the State PBA Bylaws. Failure to file the appeal within the 30 day period aforesaid will constitute a bar to any further action on the matter.

## ARTICLE XVII

### FUNDS

#### Section 1

#### LOCAL ASSOCIATION'S DUES

A. The Local Association will be supported by their members, each of which will pay an annual dues in an amount established by the Local Association. Said dues must be paid on a date agreed to by the Local Association;

B. The annual dues for Local Association members will be **.75% of top pay** and may be amended by a majority vote of the Local Association's members at a monthly meeting;

1. **Local dues to be fixed in the amount of .75% of top base salary (rounded down to the nearest dollar) and payable in 12 equal monthly installments.**

**EXAMPLE: Top base salary in 2006 is \$79,367.00.  
\$79,367 X .0075 = \$595.25  
\$595 / 12 months = \$49.58 per month dues**

2. **Local Dues check to be dispersed in the following manner:**
  - A. **\$1250.00 per Month into the Legal Protection Plan Account**
  - B. **\$1250.00 per Month into the Contract Fund**
  - C. **Balance every Month into the General Account**

#### Section 2

#### PER-CAPITA TAX; ASSESSMENTS & FUNDS

A. The State PBA will be supported by Local Associations, each of which will pay an annual per-capita tax for each of its active members in an amount established by the Board of State Delegates. Said tax must be paid on or before March 31st. Extensions of time for payment of the current year's per-capita tax may be granted by the State PBA President. Any Local Association granted an extension of time in paying their entire current annual per-capita tax will make quarterly payments, with the initial payment due on or before March 1<sup>st</sup> of the appropriate year. Subsequent quarterly payments are due on or before; June 1<sup>st</sup>, September 1<sup>st</sup>, and December 1<sup>st</sup>. If an extension is needed beyond December 1st, it may be granted by the State PBA President with the consent of the State Executive Board;

B. The annual per-capita tax for active members will be \$52 per member and may be amended by a majority vote of the Board of State Delegates at a monthly meeting;

C. Any Local Association not in compliance with the above paragraphs (A) and (B) and whose annual per-capita tax or any other monies owed are in arrears for three (3)

consecutive months will be automatically suspended from this Association. Any Local Association who is designated as suspended from this Association will be automatically dropped from the rolls of this Association if all arrears per-capita tax or monies owed this Association are not fully paid before the end of six (6) consecutive months with respect to the payment of annual per-capita tax or any other monies owed. For the purposes of the three (3) consecutive months described above, the time period will commence upon notification of such arrearage by certified mail, return receipt requested and regular US mail to the Local's State Delegate and the postmark date will be the date of notification;

D. Any Local Association who is designated as suspended or dropped from the rolls of this Association will not be entitled to any rights or benefits as outlined in these Bylaws;

E. A Local Association who has been dropped from the rolls of membership may apply for reinstatement except that the requirement will be the repayment of all arrears per-capita tax or monies owed. Repayment of arrears per-capita tax or monies may be waived or reduced by a majority vote of the Board of State Delegates;

### Section 3

#### **PER-CAPITA TAX**

Pursuant to the State PBA Bylaws, the following will be applicable to this Local Association:

A. This Local Association will not be required to pay per-capita tax on retired members;

B. This Local Association with members having life cards issued by the State PBA or the Local Association will continue to pay a per-capita tax to the State PBA for such members while active in the police department or other law enforcement agency. Upon retirement of such members, Section 1 (A) above will be applicable;

C. A vote of all the members present at a regular monthly meeting, or special meeting called for an expenditure(s), will be taken on all motions for expenditures of money in excess of **(\$100.00) ONE HUNDRED DOLLARS;**

D. This Local Association will have the absolute right and privilege to levy any and all assessments on each member for any and all purposes that may be required by this Local Association. No such assessment will be made except by 2/3's vote of a quorum therefore at a regular or special meeting called for that purpose. In addition, no assessment can be levied against any member of this Local Association for collective bargaining or majority representative purposes who is not a member of that bargaining unit;

E. The records of all income and expenditures of this Local Association will be audited annually by an independent Certified Public Accountant. Upon the written request of any member, the corporation shall mail to that member its balance sheet as at the end of the preceding fiscal year, and its statement of income and expenses for that fiscal year;

F. Upon the Local Association having a member killed while in the performance of his law enforcement duties, but not as a result of natural causes, this Local Association, through its State Delegate, will immediately notify the President of the State PBA in writing. The State President will verify the facts and circumstances concerning the member's death as related by the Local Association in order to determine whether the death payment stated below will be paid. Disputes or disputed claims hereunder will be subject to final decision by the State PBA President at his sole discretion. Upon his determination the State PBA will pay the sum of twelve thousand dollars (\$12,000) to an individual or individuals designated in writing by a notarized request from the member. Absent a special request, the payment will be made as follows: first to the spouse; if no surviving spouse, to the children equally; if no surviving children, to the parents equally; if no surviving parents, then to the officer's estate or trust. All monies will be paid immediately. Currently, upon such designation by the President of the State PBA, a payment of one thousand dollars (\$1,000) will be paid to the deceased member's Local Association to pay for food at a repast;

G. Any Local Association having a State Delegate killed while going to or from State meetings or committee meetings of this Association or its annual convention will immediately notify the State President in writing. The State President, will verify the facts and circumstances concerning the State Delegate's death as related by the Local Association. Disputes or disputed claims hereunder will be subject to final decision upon the advice of the State Association's attorney. Upon the determination by the President of this Association, the State PBA will pay the sum of twelve thousand dollars (\$12,000.) to an individual or individuals designated in writing by a notarized request from the member. Absent a special request, the payment will be made as follows: first to the spouse; if not surviving spouse, to the children equally, if no surviving children, to the parents equally; if no surviving parents, then to the Delegate's estate or trust. All monies will be paid immediately. Currently, upon such designation by the President of this Association, this Association will pay one thousand dollars (\$1,000.), which money will be paid to the deceased State Delegate's Local Association to pay for food at a repast;

H. Section (F) above is inapplicable if death occurs as a result of a common carrier disaster going to or from the annual convention or mini-convention.

Section 4

### **SOLICITATION**

A. A Municipal Local Association will not solicit beyond its geographical limits;

B. A County Local Association will be allowed to solicit within all Municipalities within the geographic limits of that County. Written notification must be submitted by the County Local Association to the County Conference Chairman no less than thirty (30) days prior to the start of the solicitation;

C. Local Associations representing Statewide, Bi-State, or Multi-State employee groups must advise all County Conference Chairman, in writing, no less than thirty (30) days prior to their beginning a solicitation within each county. Said solicitation will be limited to a maximum of one-hundred twenty (120) days in one (1) calendar year;

D. Any Local Association suspected of violating the stipulations of subsections B and/or C of this Sub- Section will be charged with said violation by the President of the Local Association alleging the violation. A copy of the charge(s) will be mailed, Certified Return Receipt, to the State President, the Chairman of their County Conference and to the President of the Local Association in violation. The Chairman of the County Conference, upon receipt of the charges, will forward it to the Chairperson of the Conference's Judiciary Committee for adjudication as set forth within the State PBA Bylaws;

E. Alleged violations which cross County Conference geographical limits, or which are committed by Local Associations representing Statewide, Bi-State, or Multi-State employee groups, will be sent to the President of the State Association. The charge will be preferred by the President of the Local Association alleging the violation and mailed to the State Association President by certified, return receipt mail. A copy of the charges will be given to the alleged offending Local's State Delegate. Upon receipt of the charge, the State President will forward them to the Chairperson of the State Judiciary Committee for adjudication as set forth within these Bylaws. If the offending Local Association is found guilty of violating this sub-section of these Bylaws, the State Judiciary Committee may fine the Local up to an amount of one thousand dollars (1000.00) for each violation, suspend the Local from this Association for up to one (1) year or recommend expulsion of the Local from this Association, or recommend any other penalty which they deem appropriate;

F. The State Association, County Conferences or Local Associations will not enter into any agreements with independent paid fund raisers as defined in the law, NJSAA.45: 17A-18 et. seq., to conduct telephone fund raising solicitations.

## ARTICLE XVIII

### CHARTER AND INCORPORATION

#### Section 1

##### **APPLICATION FOR LOCAL ASSOCIATION'S CHARTER**

Applications for new Charters and for transfers of membership will be made in writing to the State President and referred by him to the Organization Committee, which, after due investigation, will report in writing to the State Board of Delegates. Upon approval of the State Board of Delegates, a new Local will be issued a Charter signed by the Recording Secretary, the President and the Treasurer, which Charter will remain the property of this Association at all times. Each such Charter will set forth the name, number, and date of admission of said Local and any conditions imposed upon the issuance of the Charter.

#### Section 2

##### **LOCAL ASSOCIATION'S CHARTER AND INCORPORATION**

A. Each Local Association of the State PBA will be required to incorporate as a Not-For Profit Corporation under the statutes of this State, Title 15, Chapter 16, and the Certificate of Incorporation and such other documents required to be filed pursuant to Federal or State Statute will be subject to the prior approval of this Association. Each Local Association is required to file a federal tax return will apply to the State PBA for inclusion in the group tax exemption granted by the Internal Revenue Service to the PBA. Additionally, each Local Association must apply to the Internal Revenue Service for their individual Federal Employer Identification Number. Upon receipt of the above documents, a copy of same will be forwarded to the State PBA office to be kept on file;

B. New Local Associations will be created by Charters under the seal and signatures of the officers of this Association and at least ten (10) applicants will be required of a new Local prior to a Charter being issued;

C. A Charter Fee of \$500.00 will be required and collected upon the establishment of a new Local Association.

#### Section 3

##### **RESTRICTED CHARTER**

A Restricted Local Charter is defined as a limited charter designated for a Local Association's Supervisor Officers Association or Retired members of the State PBA.

A Local Association's SOA must first comply with Article IV, Section 5(B), (C) and (D) of the State PBA Bylaws before a Restricted Local Charter is granted. Once a Local

Restricted Charter is granted by the Board of State Delegates, said SOA is entitled to the limited rights and privileges outlined in Article IV, Section 5(E) of the State PBA Bylaws. With respect to Retired Members a Restricted Local Charter is defined as a limited charter designated for Local #600 with limited rights and privileges as outlined in Article XXVIII of the State PBA Bylaws, titled, Retired Members Local #600.

#### Section 4

### **REVOCATION OF CHARTER**

A. The Charter of a Local Association may be revoked or a Local Association may be expelled from membership in the State Association for non-payment of dues, fees, assessments, failure to comply with these Bylaws, or for any act adverse and detrimental to this Association;

B. In the event of any of the aforesaid, the President of the State PBA will temporarily suspend such Local Association and its representatives from further participation in the affairs of this Association, pending written charges pursuant to Article X and a trial before the State PBA Judiciary Committee. Pending said trial, the State PBA President and the State PBA Executive Board will assume full control and in charge of the affairs, books, property, accounts, and all assets of said Local Association;

C. The President of the State PBA will present written charges against said Local Association pursuant to Article X and to the Chairperson of the State PBA Judiciary Committee. The Chairperson will then notify the Local Association as to the time and place of hearing, via Certified Return Receipt Requested mail at least fifteen (15) days prior to the date of the trial. The Local Association will attend said trial through its officers not to exceed three, and present any and all witnesses that it may desire. The State PBA Judiciary Committee will render a written determination concerning such charge or charges and such determination will be final and conclusive unless an appeal is filed pursuant to these Bylaws.

#### Section 5

### **APPEAL OF REVOCATION OF CHARTER**

A. If an appeal is filed and the determination of the Board of State Delegates is favorable to the Local Association the President of the Local Association and its Executive Board will immediately be restore all property of the Local Association;

B. If an appeal is filed and the determination of the Board of Delegates is adverse to the Local Association, it will be immediately expelled from membership herein and its assets and property of any kind will be disposed in the following manner:

1. All property, books, records, papers, documents and monies will immediately become the property of the State Association which is authorized to take possession of the same and, if necessary, to institute and maintain proper legal action for the recovery of same in the courts of this State;

2. All of the personal and real property, accounts, monies, savings accounts, checking accounts, trust accounts and monies deposited to the credit of any Local Association in any banking institution for any purpose whatsoever, will immediately vest in this Association without claim thereto on the part of said Local Association. Said banking institutions, persons, firms or other corporations having custody or possession of any such monies, accounts, or personal or real property will immediately turn same over to this Association in whom the same will vest, absolutely, legally and equitably in every respect whatsoever. This Association is empowered and authorized to institute necessary legal and equitable actions for recovery of the same for the purpose of administering and liquidating all of said property, monies, accounts, savings accounts, trust accounts to the credit of said Local Association for the benefit, welfare and division among its individual members in good standing as of the expulsion of said Local Association, less any and all expenses incurred for the retention of same, for administration thereof and for any monies due this Association. The surplus, if any, will be divided proportionately among all of the individual members in good standing of the Local Association as of said expulsion;

3. This Association is empowered, authorized, and directed to sell any and all assets and property of said Local Association and convert the same into cash, if necessary, from time to time in order to accomplish a liquidation of said Local Association.

## **ARTICLE XIX**

### **DISORDERLY PERSONS**

It will be the duty of each member to comply with the Bylaws, established principals, customs and established rules of this Local Association. Any member present at a meeting of this Local Association who becomes obnoxious, abusive or disorderly in his language or conduct upon the adoption of a motion by the members present to eject said person will be ejected from the meeting by the Sergeant(s)-at-Arms.

## **ARTICLE XX**

### **AMENDMENTS TO THE LOCAL ASSOCIATION'S BYLAWS**

Amendment(s) to the Local Association's Bylaws will be as follows:

A. A notice will be posted to the members, ten (10) calendar days prior to the presentation with the date, time and location of said presentation and vote.

B. After presentation to the members, then tabled for thirty (30) days after which, a 2/3 majority vote of the members present at a meeting will be required to submit the amendment(s) for approval to the New Jersey State PBA Bylaws Committee pursuant to Article III, Section 1, (D).

## **ARTICLE XXI**

### Section 1

#### **PARLIAMENTARY LAW**

The most recent edition of Roberts Rules of Order including any edition published anytime after the adoption of these Bylaws will be the guide in all debates and order of business when it does not conflict with any established law, the Articles of Incorporation or Bylaws.

### Section 2

#### **TEMPORARY SUSPENSION OF BYLAWS**

The Bylaws of the Conference may only be suspended for temporary purposes if there is good cause and just reason, by a two-thirds (2/3's) majority vote of the Local Association members present at a meeting however, any such suspension will terminate at the end of said meeting.

## **ARTICLE XXII**

### **THE LOCAL ASSOCIATION'S ORDER OF BUSINESS**

- a) Roll call of Executive Board
- b) Reading of minutes of previous meeting
- c) Communications and bills
- d) Payments of bills
- e) Resolutions to be introduced, adopted and voted
- f) Reports of officers
- g) Reports of committees
- h) Report of delegate
- i) Unfinished business
- j) New business
- k) Good & welfare
- l) Adjournment

## ARTICLE XXIII

### MISCELLANEOUS PROVISIONS

1. No member of a Local Association with twenty-six (26) or more members will hold more than one (1) office on the Local Association's Executive Board at any given time. In the event any member is nominated for more than one (1) office on the Local Association Executive Board, said member must notify the Recording Secretary prior to the close of nominations as to which office he desires to accept. Upon said member's failure to do so, the Recording Secretary will place said member's name in nomination for the highest Local Association Executive Board office nominated;

**2. Local option.** The State Delegate, Alternate State Delegate, or the 1<sup>st</sup> or 2<sup>nd</sup> Convention Delegates are not members of the Executive Board therefore; Local Association Executive Board members in addition to their office are eligible to seek the elective office of State Delegate, Alternate State Delegate, or the 1<sup>st</sup> or 2<sup>nd</sup> Convention Delegate. Supervisor Officers will not be eligible to hold the elective office of State Delegate, Alternate State Delegate, or 1<sup>st</sup> Convention Delegate if the duties of the 1<sup>st</sup> Convention Delegate have been expanded to serve as the Local Association's Alternate Delegate;

3. Upon notification to the State PBA President, a Local Association may endorse municipal political candidates within the Local's geographical limits if said candidate(s) are/is not currently holding or seeking to hold an additional Statewide office;

4. This Local Association will have an Official Seal which will be deposited with the Local Association President and will be affixed to official papers issued by and under the authority of this Local Association;

5. All materials issued by this Local Associations will bear a union labor seal. Letterheads of this Local Associations will bear a labor seal. All services employed by this Local Associations, such as entertainment, bands, etc., will have union membership. Local Associations will be held strictly accountable to the State PBA for violations of this article;

6. The oath for new members: I, \_\_\_\_\_, do solemnly swear (or affirm) that I will abide by the Constitution and Bylaws of this Association --- and all orders issued by the Executive Board; --- that I will not reveal any business transacted by this Association to anyone who is not an active member; --- that I will carry out all the duties of my office --- to the best of my ability --- and also perform my duties --- in the best interests of this Association --- and its members, and I do further promise --- and declare that I will not, --- by word, deed, sign or token,--- injure a fellow member of this Association, so help me, my Ever living God,--- and may He help me to keep this, my solemn oath;

7. The oath for the President: I, \_\_\_\_\_, do solemnly swear --- before my Ever living God and fellow man --- that I will honestly and fairly decide all questions --- which may arise in this Association, --- so help me, my Ever Living God, and may He make me steadfast;

8. The oath for the Executive Board: I, \_\_\_\_\_, do pledge myself and solemnly swear --- before the Ever Living God,--- that I will always vote and work for --- the best interests of my Local and State Association,--- without regard to creed or politics,--- and that I will do all in my power --- to create good fellowship amongst all members of this Association;--- and I do further promise --- that I will decide all matters -- which will come before me for final decision fairly and without malice; and I again solemnly swear before my God and Creator, --- so help me, my Ever Living God, --- and may He help me to keep this, my solemn oath.

## **9. LOCAL 314 SILVER & GOLD CARD ISSUANCE**

- A. Members who retire, while in good standing, shall receive a Silver Life Membership card and pin. If they already hold a Silver Life card, they shall be given a Gold Life membership card and pin.**
- B. Any Member who serves a complete term on the Local Executive Board, shall receive their Silver Life membership card & pin after the expiration of their first term.**
- C. Any Member who serves more than one term on the Local Executive Board, shall be eligible to receive their Gold Life Membership card and pin, upon application to the membership.**
- D. Any Member, who serves as President or Delegate of the Local Association for a full term, shall receive a Past Presidents/Delegates ring. If serving more than one term, then after completion of their final term in Office.**

## **10. CONTRACT SETTLEMENT GUIDELINES**

- A. Proposed Collective Bargaining Agreement (CBA) final settlement offer be explained to the Membership at a General meeting.**
- B. Proposed CBA to be provided to the membership at the same meeting and 7 days in advance of the vote, for their review.**
- C. Proposed CBA to be voted on by ballot.**
- D. Copy of CBA to be available the day of the vote.**
- E. Absentee ballots to be provided to those members on vacation, military, workers compensation or bereavement leave only.**
- F. Those unable to vote in person due to sick leave will be allowed to vote by phone, provided that two persons are available; One to record the vote and a second member to verify that the correct vote has been cast.**

- G. All results will be posted in all work areas immediately.
- H. A simple majority is all that is necessary to ratify a CBA.
- I. The President is authorized to sign the CBA for the Union, provided it is the exact contract that was voted upon.
- J. Any changes to a successfully ratified CBA, during the life of the agreement, must follow the same steps listed above (steps 1 through 9).

**11. GOOD & WELFARE**

- A. In the event of the Death of an immediate family member of a Brother or Sister of this Local Association, a flower arrangement or donation in lieu thereof, shall be sent. The amount spent shall be inclusive of delivery fees and capped at \$50.00
- B. In the event of the birth of a child to a Brother or Sister Member, a savings bond or gift shall be given in the amount of \$50.00.

**12. SUB COMMITTEE OF JUDICIARY, A GRIEVANCE COMMITTEE SHALL BE FORMED.**

- A. The President shall appoint 4 members, and along with the President shall constitute a Committee of 5 (five) members. A full Committee must meet to discuss these matters. If a Member is unable to attend then the President shall replace that Member as needed.
- B. After a grievance has reached step three of our Collective Bargaining Agreement and before it is filed for Arbitration the Committee shall meet to discuss the grievance.
- C. If contractual time constraints do not allow for the Committee to meet, then the President shall be authorized to file for PERC relief pending the Committees decision. If the Committee or the Membership decides not to prosecute a grievance that has been filed for PERC relief, then it shall be withdrawn.
- D. The Committee, by a simple majority shall decide whether or not to prosecute the grievance any further. The President shall only vote in the event of a tie.
- E. The Committee shall submit their findings and conclusions to a regular meeting of the Local Association.
- F. The decision of the Committee to forward a grievance to PERC shall be final.
- G. A Member having a grievance turned down by the Committee shall have the right to appeal to the general membership. If by a majority vote of the members present at a regular meeting, the membership votes to go forward with a grievance, it shall be filed with PERC.