

**CONSTITUTION AND BY-LAWS**

**United Phoenix Fire Fighters  
Association**

**Local No. 493**

**03-2010**

**Organized November 6, 1936  
Phoenix, Arizona**

## **CONSTITUTION AND BY-LAWS**

### **ARTICLE I**

#### **Name**

**Section 1.** This organization shall be known as the United Phoenix Fire Fighters Association, Local 493 of the International Association of Fire Fighters.

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

**Section 3.** This Local Union, its officers, representatives and members shall recognize, observe and be bound by the provisions of the Constitution and By-Laws of the International Association and interpretations rendered by the IAFF 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 International, and the policies established by the delegates at Conventions. Article 13 of the Constitution and By-Laws of the International is recognized as providing the basic rules governing this local.

### **ARTICLE II**

#### **Jurisdiction – Objective**

**Section 1.** Jurisdiction shall be as follows: All members of the city of Phoenix, Glendale, Tempe, Chandler and Peoria Fire Departments in the State of Arizona.

**Section 2.** The objective of this Local shall be: To further the interest of its members through honor and integrity, to encourage a higher degree of skill and efficiency, and a cultivation of friendship and fellowship amongst its members.

**Section 3.** This organization shall be non-partisan and non-sectarian.

### **ARTICLE III**

#### **Membership**

**Section 1.** The membership of this Local shall be composed of Active, Associate, Retired and Honorary.

**Section 2.** Active: Any person in good moral character, who at the time of making application is engaged in the service within the jurisdiction of this Local, as given in Article II, Section 1, will be eligible for Active membership. Application for Active membership shall be endorsed by three (3) members of the Local and shall require two-thirds (2/3) vote of the members present at a regular meeting. Anyone eligible for membership in this local shall not be refused membership or, upon acceptance, be discriminated against because of race, color, creed, national origin, gender, sexual orientation or by reason of disability.

**Section 3.** Associate: Associate members may participate in union related activities but shall have no voice or vote unless requested.

**Section 4.** Retired: Any member, who retires under the State of Arizona Public Safety Personnel Retirement System, shall be offered Retiree membership. Such membership shall have no voice or vote in the Local and may be revoked for due cause.

**Section 5.** Honorary: For meritorious service to this Local or for distinguished public service, persons may be elected Honorary members if a majority of members present at a regular meeting, provided a quorum has been met. Honorary members shall not pay dues, initiation fees or other charges and shall have no voice or vote in the Local. Such membership may be revoked for due cause.

**Section 6.** Separation: When any member in good standing becomes separated from the Fire Service, the Local Union may allow said member to retain his active membership, or in lieu thereof, upon request of said member, Local 493 shall issue him a withdrawal card. Provided however, a member who is duly elected as an officer of the International Association of Fire Fighters, or appointed as a representative of, or to an affiliated labor organization shall retain his active membership within the Local.

**Section 7.** Maintenance of Good Standing: Membership in good standing includes any person who has fulfilled the requirements for membership in this Local who has not voluntarily withdrawn, become ineligible for continued membership or has been suspended or expelled as provided in the Constitution and By-Laws of the International Association of Fire Fighters, or the Constitution of this Local.

**Section 8.** Delinquent Members: Members who fail to pay their dues or assessments within the periods prescribed by the Internationals Constitution and By-Laws, or as required by this Constitution, shall be notified by the Treasurer that they are delinquent and will automatically be suspended and lose their good standing if payment is not made within sixty (60) days, following such notification. Delinquent and suspended members are not entitled to a voice or vote in the Local or in the affairs of the Association.

## **ARTICLE IV**

### **Meetings**

**Section 1.** Regular meetings of this Local shall be held on the second Wednesday and Thursday of each month at the United Phoenix Fire Fighters Association, Inc., hall. Upon approval of the Executive Board the monthly meetings shall be canceled. There shall however, be a minimum of four monthly meetings held each year and all six meetings will be scheduled at the beginning of each year and only canceled upon approval of the Executive Board. The President, with approval of Executive Board, may change time, date, and location of the meetings.

**Section 2.** Special meetings may be called by a majority vote of the Executive Board, or by seven (7) members in good standing. This shall be done by sending a notice, in writing, to the President. Four (4) of the seven (7) members of the petitioning body shall be present at such meeting. All members in good standing shall be notified, in writing or

by electronic mail of such special meeting at least seven (7) days prior to said meeting. Notice of special meetings mailed or sent via electronic mail to all stations shall be deemed proper notice. This notice shall state the business to be conducted and no other business than that stated shall be in order at such meeting.

**Section 3.** Quorum: The quorum for any meeting of this Local, either regular or special, shall be twenty (20) members in good standing.

**Section 4.** Rights of Members: Every member in good standing shall have the right to attend any meeting and to participate in such meetings in accordance with the recognized rules as set forth in **ATWOODS RULES FOR MEETINGS**. Members shall conduct themselves in such manner as not to interfere with the legal or contractual obligations of this Local or the International Association of Fire Fighters.

**Section 5.** Rules for Meetings: The rules contained in **ATWOODS RULES FOR MEETINGS** shall govern the meetings of this Local in all cases not in conflict with this Constitution and By-Laws, or the Constitution and By-Laws of the I.A.F.F.

## **ARTICLE V Officers and Elections**

**Section 1.** The Officers of this Local shall consist of:

- (1) President
- (5) Chapter Vice-Presidents (to include Executive VP)
- (1) Secretary
- (1) Treasurer
- (1) Sergeant At Arms
- (36) Trustees (3 of which are Political Liaison's)
- (1) Business Manager
- (6) Directors
- (1) Vice President of Political Affairs
- (1) Vice President for Member Services
- (1) Vice President for Personnel and Grievance
- (1) Vice President representing the Phoenix Fire Command Officers Assoc.

The President, Secretary, Treasurer and Sergeant at Arms shall be elected by the membership at large; One (1) Vice President and eighteen (18) Trustee's shall be elected by the Local 493 members of the Phoenix Fire Department; and one (1) Vice President and four (4) Trustees each shall be elected by Local 493 members of the Glendale Fire Department, Tempe Fire Department, Chandler Fire Department, and the Peoria Fire Department; One (1) Vice President and two (2) trustee shall be elected by Local 493 members of the Phoenix Fire Command Officers Association.

The President, Treasurer, and Sergeant At Arms shall serve two (2) year terms, with the elections to be held in even numbered years. The Secretary, and five (5) Chapter Vice Presidents and the Vice President of the PFCOA, shall serve two (2) year terms, with the elections to be held in odd numbered years. The Trustee's shall be elected to three (3) year terms, with six (6) Trustees elected each year from the Phoenix Chapter. The

following chapters, Tempe, Glendale, Chandler, Peoria shall have one (1) Trustee elected each year, and two (2) trustees every third year. The PFCOA trustees (2) shall serve a 3 year term each.

**Section 2.** The President shall have the authority to appoint one (1) Executive Vice President, one (1) Business Manager, six (6) Program Directors, one (1) Vice President of Political Affairs, one (1) Vice President for Member Services, and one (1) Vice President for Personnel and Grievance. The Executive Vice President shall be one of the Chapter Vice Presidents. The Executive Vice President shall also act as the Administrative Assistant to the President. These appointed positions are subject to ratification by the Executive Board.

The President shall have the authority to appoint three (3) Political Coordinators, one (1) for the East Valley one (1) for the West Valley and one (1) for Central Phoenix. The Political Coordinators duties shall be to assist the Vice President of Political Affairs and Chapter Vice Presidents with political campaigns and elections. These appointed positions are subject to ratification by the Executive Board.

The Chapter Vice Presidents from Glendale, Chandler, Tempe and Peoria shall have the authority to appoint one (1) Trustee each from the four (4) Trustees elected from that chapter to serve as an Intern Trustee. These Intern Trustees shall assist with the duties of the Chapter Vice Presidents. These appointed positions are subject to ratification of the Executive Board. The Phoenix Intern will be appointed by the President to fill the (1) Intern position.

**Section 3.** The immediate past President shall be an ex-officio member of the Executive Board for a period of one (1) year.

**Section 4.** Any member in good standing shall be eligible to be a candidate for office in this Local.

**Section 5.** If a candidate for any office voluntarily withdraws his name for consideration, after having received votes, the voting with the remaining nominees shall take place during the next Local meeting.

**Section 6.** Rights of Candidates: In the period between their nomination and the election meeting, candidates for office shall have the right to request distribution of campaign literature by mail or otherwise to all members in good standing at the candidates own personal expense. A "Candidate for Office" includes a candidate for membership on the Board of Trustees. There shall be no discrimination with regards to the use of membership lists.

**Section 7.** Use of Funds Prohibited in Elections: No funds received by this Local, through initiation fees, dues or assessments, or otherwise, shall be contributed or applied to promote the candidacy of any person in the election of officers.

**Section 8.** Methods of Nominations and elections: Nominations for the office of this Local shall be held at the regular meetings in the month of September each year. Elections shall be held at the regular meetings in November. If more than 2 members are running for election for the same principle officer position, the 2 top vote getters shall participate in a run-off election in December. The run-off election shall only be applied if no candidate receives greater than 50% of the votes cast. Trustees shall be elected by selecting the 6 candidates receiving the most votes. Each member in good standing shall be given at least fifteen (15) days advance notice, in writing, of the date, time, and place at which nominations shall be made. All members in good standing shall be given at least fifteen (15) days advance notice in writing, print or otherwise of the date, time and place at which elections/nominations will be held. Notice of elections mailed or e-mailed to all stations shall be deemed proper notice. Any member in good standing may nominate members for office, and no member shall be a candidate for more than one (1) office. Elections shall be by secret ballot, even if only one (1) candidate is nominated for any given office. There shall be no voting by proxy in the election of Local Officers. The candidate receiving a majority of the ballots cast shall be declared elected.

**Section 9.** The President shall appoint an election committee which shall be responsible for distributing and tabulating the ballots. Each candidate for office shall be entitled to appoint one (1) observer who shall be permitted to witness the manner of distribution, the casting of ballots, and attend the meetings of the election committee. At which the ballots are tabulated. Ballots printed on single sheets of paper shall list eligible candidates alphabetically and by office. A member(s) of the election committee shall act as the Register of Ballots. All ballots cast shall be placed in one (1) container by the voting member immediately after signing a registration sheet under the supervision of the Registrar.

**Section 10.** Ballots Preserved: The ballots and all other records of an election shall be preserved by the Secretary for a period of one (1) year following such election.

**Section 11.** Vacancies in Office: When an office becomes vacant by reason of death, resignation, retirement, removal of the incumbent, the President shall appoint a successor no later than thirty (30) days from the date the office is vacated. The appointment shall be subject to ratification by the Executive Board.

## **ARTICLE VI**

### **Duties of Officers**

**Section 1.** It shall be the duty of the President to preside at all meetings of the Local and at meetings of the Executive Board. He shall be the executive head of the Local. He shall be member ex-officio of all committees. He shall appoint such committees as may be provided for in these Constitution and By-laws, and such special committees as may be authorized by the Local. Together with the Treasurer, he shall review all budget line items monthly and sign all checks lawfully and properly drawn. He shall enforce strict observance of the Constitution and By-Laws of the International, and as this document relates to the Local. He shall have general supervision of the activities of the all other officers and chairmen of said committees.

The President shall discharge on behalf of the Local such duties as may be imposed upon him by applicable law including, the execution and filing of any reports to Federal or State authorities. The President shall enforce and oversee such records as the law requires.

The president, by virtue of his election, shall be a delegate of this Local to the convention of the International Association of Fire Fighters.

**Section 2.** The Vice President shall assist the President in such a manner as the President may determine. Each Vice President, however, shall be responsible for the day-to-day operations of their chapter (Phoenix, Tempe, Glendale, Peoria, Chandler, and the PFCOA). In the absence of the President, the Executive Vice President shall preside at meetings of the Local and of the Executive Board. If the office of President becomes vacant, the Executive Vice President shall be interim President until the office is filled by the Executive Board with a motion and a majority vote within 30 days of vacancy.

**Section 3.** The Secretary shall have custody of all documents, records, books, and papers belonging to the Local, except as may be otherwise provided by this Constitution and By-Laws. He shall keep an accurate record of the meetings of the Local and the Executive Board of which he shall be Secretary. He shall attest all official documents with his signature and seal of the Local. He shall conduct the correspondence of the Local promptly. He shall maintain the official list of members in good standing, which shall be kept accurately and on a current basis. The Secretary shall discharge on behalf of the Local such duties as may be imposed upon him by applicable law including the execution and filing of any reports to Federal or State authorities, and shall cause to be maintained by the Local.

**Section 4.** The Treasurer shall receive all money due to the Local from whatever source, and shall disburse the same only by voucher signed by the President. Such disbursements shall be by check which shall also be signed by the President. He shall maintain and keep current a record of members with their dues payments, assessments and all financial transactions promptly and accurately entered. He shall be prepared to exhibit receipts and vouchers upon the audit of his books. He shall forward the annual audit of the Local to the IAFF's General Secretary- Treasurer over the seal of the Local, no later than 180 days after July first of each year and shall include an accurate accounting of all employees within the Local Union's Fire Department.

**Section 5.** The Trustees shall have the duties of attending Executive Board meetings and to visit, or make contact with their assigned stations as needed (preferably every other month) but at least every ninety (90) days to inform the membership of the actions of the Executive Board. If a Trustee does not fulfill his/her obligation the President may suspend the Trustee consistent with the IAFF By-Laws.

**Section 6.** The Executive Board shall be defined by Article V, section 1, with the exclusion of the officers of the PFCOA. It shall be the duty of the Executive Board to exercise general supervision and control of the invested funds, business, and property of

the Local. It shall have the authority to act in the name of the Local during intervals between meetings. It shall provide for an annual audit of the Treasurer's books. It shall meet at the call of the President or on call signed by a majority of its members. This shall require a majority of a quorum.

**Section 7.** All officers and employees of the Local who handle funds or property shall be bonded in such amounts as may be required by the Board of trustees and International Secretary- Treasurer, in compliance with applicable law. The expense of the first \$5,000 of bond shall be borne by the International. If additional bond is necessary, the local shall pay the additional premium.

## **ARTICLE VII**

### **Delegates and Alternates to Conventions**

**Section 1.** Delegates, in addition to the President and alternates to conventions, shall be elected by secret ballot of all Local 493 members in good standing at a regular or special meeting. The credentials of delegates and alternates must certify to this method of election.

**Section 2.** The President and Chapter Vice Presidents, by virtue of their elected office, shall attend the Annual Convention of the Professional Fire Fighters of Arizona.

**Section 3.** Delegates and alternates nominated to attend a convention shall be elected by a secret ballot of Local 493 members in good standing. The elections shall be held at a regular or special meeting.

**Section 4.** Any expense involved in good sending of any delegate or alternate to any convention shall be fixed by a vote of the members present at a regular or special meeting.

## **ARTICLE VIII**

### **P.A.C. Committees**

**Section 1.** The United Phoenix Firefighter Association, Local 493 allows each chapter to have their own separate PAC committee under direction of their chapter Vice-President. Each chapter shall be legally responsible for the management of their own committee.

**Section 2. PRINCIPAL OFFICE AND ADDRESS**  
The location of each chapter committee shall be designated by their Committee Chairman. This designated address shall be appropriately recorded and updated with municipal, state, and federal agencies as required by law.

**Section 3. ORGANIZATION**

The Committees shall be a voluntary, nonprofit, unincorporated organization operating as a separate, segregated fund of LOCAL 493.



#### **Section 4. PURPOSES AND POWERS**

1. The purpose of these Committees is to provide the opportunity for individuals interested in the health, safety and livelihoods of professional fire fighters and emergency medical personnel to contribute to the support of worthy candidates for State or Local office who believe, and have demonstrated their beliefs in, the principles to which the organization is dedicated. To further these purposes, these Committees are empowered to solicit, directly or indirectly, and accept voluntary personal contributions, and to make expenditures in connection with the attempt to influence the selection, nomination, or election of any individual to any State or Local office or ballot initiative.
2. The Phoenix chapter's federal PAC has the option of supporting federal candidates. The Phoenix chapter's committee shall also maintain designation as a State of Arizona "Super PAC". This designation allows the Phoenix Committee to make larger contributions per state guidelines.
3. The Committee, its officers, and subcommittees shall possess and may exercise all powers and privileges set forth in these Articles or incidental thereto, together with all powers and privileges necessary or convenient to the conduct, promotion, or attainment of the purposes of the Committee or these Articles.

#### **Section 5. PARTICIPATION**

All members of LOCAL 493 are eligible to contribute to the Committee. The Committee is authorized to solicit and accept contribution from any person from whom contributions may be lawfully solicited.

#### **Section 6. CONTRIBUTIONS**

1. All contributions to the Committee by LOCAL 493 members shall be voluntary, and no contribution to the Committee shall be solicited or secured by physical force, job description, financial reprisal or threat thereof, nor as a condition of employment.
2. Treasury funds of LOCAL 493 shall be transferred to the Committee via per capita assessment or some other determinant compliant with state and local election law.
3. Basic policies with respect to the expenditure or distribution of all contributions to the Committee shall be within the sole discretion of the officers of the Committee.

#### **Section 7. SEPARATE SEGREGATED FUND**

All contributions to the Committee shall be maintained by the Committee as a separate segregated fund in one or more designated campaign depositories, and all expenditures by the Committee in support of any candidate, political committee, or ballot initiative shall be made from that fund and no other source.

**Section 8. OFFICERS**

The officers of the Committee shall be the Chairman and Treasurer.

**Section 9. Phoenix Firefighters Committee**

1. The President of LOCAL 493 will serve as the PAC Chairman and the Secretary of Local 493 will serve as the Treasurer
2. The Chairman shall administer and have general and active management and supervision of all the affairs of the Committee.
3. The Treasurer shall be the chief financial officer of the Committee, shall keep the financial records of the Committee, shall comply with all applicable requirements required by law, shall file appropriate state and municipal disclosures, and shall perform such other duties as may be assigned to him by the Chairman.

**Section 10. Chapter PACs**

1. Each Chapter shall designate their own Chairman and Treasurer. Officer duties will be the same as listed above for the Phoenix Committee. The Chapters Committee officers bear the sole legal responsibility for the proper management of their committee.

**Section 11. REMOVAL**

Committee officers may be removed by the LOCAL 493 Executive Board. Reason for removal or replacement shall include, but is not limited to, failure to comply with state and or federal reporting guidelines, failure to comply with state and or federal law regarding use and management of the committee, misuse or fraudulent management of the committee.

If committee officers are removed, the Local 493 Executive Board will decide if the committee is to be terminated or continue with new officers.

**Section 12. DISSOLUTION**

The Committee may be dissolved at any time by the majority vote of the LOCAL 493 Executive Board. In the event of such dissolution, all funds contained in the Committee's campaign depository shall be distributed in a manner appropriate to existing state law.

**ARTICLE IX  
Initiation Fees – Dues and Assessments**

**Section 1.** Initiation fees for the IAFF shall be paid in the amount of \$10.00. The \$10.00 shall be deducted from the first month's dues of each new member. This will be a onetime event. The Treasurer of Local 493 shall send these funds to the IAFF.

**Section 2.** Dues for Active Membership shall be one percent (1%) of Top Fire Fighter's salary, including holiday pay, deferred compensation pay, and hours reduction pay, rounded off to the nearest dollar. Dues shall automatically be adjusted as soon as possible after an increase in Top fire Fighter's salary.

Effective September 1, 2000, an additional five dollars (\$5.00) per member per month will be collected and allocated to the Emergency Defense Fund (EDF).

**Section 3.** Dues for Associate Membership shall be the same as Active Membership.

**Section 4.** Dues for retired **MEMBERS WHO RETIRED BEFORE 1990** shall be \$1.00 per month. **DUES FOR RETIRED MEMBERS WHO RETIRED AFTER 1990 SHALL BE \$10.00 per month.**

**Section 5.** Assessments may be made only in the following manner: Each member in good standing shall be notified in writing at least thirty (30) days in advance of the date on which the vote for an assessment is to occur. Notice of assessment mailed to all stations or sent via electronic mail shall be deemed proper notice. The proposed assessment shall become effective upon a majority vote of the members present by secret ballot at a regular or special meeting.

**Section 6.** Increase in rates of initiation fees, reinstatement fees, dues, or assessments shall require notice of such proposed increase to be given to the members in good standing at least thirty (30) days in advance of the date on which the vote for such an increase is to occur. Notice of any increase mailed to all stations or sent via electronic mail shall be deemed proper notice.

**Section 7.** Reinstatement fees shall be \$25.00 plus double union dues for each month the member was out of the union, for maximum of twelve (12) months. The Executive Board may waive reinstatement fees.

## **ARTICLE X**

### **Working Condition Changes**

**Section 1.** Any action pertaining to wages, hours, or any other condition pertinent to the entire personnel of the department shall require notice of such proposed changes to be given to the members in good standing at least fifteen (15) days in advance of the date on which the vote for such change is to occur. Notice of working condition changes mailed to all stations or sent via electronic mail shall be deemed proper notice.

**Section 2.** Any action pertaining to wages, working hours, or any other condition pertinent to entire personnel of the department shall require a two-thirds (2/3) majority vote of the members present at a regular or special meeting.

## **ARTICLE XI**

**Section 1.** Any alternation to the Constitution and By-Laws must be submitted in writing.

**Section 2.** No alteration to the Constitution and By-Laws may be made except by two-thirds (2/3) vote of the members present at a regular or special meeting.

**Section 3.** The Secretary shall post the proposed changes in the Constitution and By-Laws at least fifteen (15) days prior to the regular or special meeting at all stations. A proposed amendment to this Constitution, or any By-Laws made under its provisions, shall be submitted for approval to the International's General President prior to its printing, or issuance, after it has been adopted by the membership.

## **ARTICLE XII**

### **Misconduct, Trials, and Appeals**

**Section 1.** Any member charged with misconduct as defined in Article 15 of the International Constitution and By-Laws shall be served with written specific charges as required in Article 16 of the International Constitution, given a reasonable time to prepare his defense, and afforded a hearing as provided in Article 17 of the International Constitution.

**Section 2.** Appeals may be made in accordance with Article 18 of the International Constitution and By-Laws; such appeal must be filed with the General President of the association within thirty (30) days of the action to be taken.

## **ARTICLE XIII**

### **Emergency Defense Fund (EDF)**

**Section 1.** The President and Treasurer shall establish and maintain an Emergency Defense Fund that will be used, subject to procedures established by the Executive Board, to defeat or approve local and statewide issues that are threatening or beneficial to fire fighters. The Local 493 Executive Board will establish a policy to govern the rules that will be used to expend the Emergency Defense Fund.

The Emergency Defense Fund shall be treated as a separate fund and dues allocated to it as provided in Article IX shall not be transferable to the general fund. A full accounting report of the fund shall be given in conjunction with annual PAC Committee reports.

