

CONSTITUTION and BY-LAWS
of the
Novato Professional Fire Fighters Association
Approved by association vote January 2005
(Revised August 2009)

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ARTICLE I-Introduction

Section 1. This organization shall be known as the Novato Professional Fire Fighters Association.

Section 2. Membership in the Novato Professional Fire Fighters Association shall consist of only paid safety members of the Novato Fire District up to and including the rank of Captain. Safety persons who have been classified as "confidential" or "management" by the District shall not be eligible for membership in the Association.

Section 3. The Novato Professional Fire Fighters Association shall have as its primary purpose the representation of the employee members of the Association in their relations with their employer, the Novato Fire Protection District. Other purposes and objectives of this organization are:

A. To raise the standards of service to all employees of the Novato Fire Protection District.

B. To establish and maintain a spirit of cooperation and understanding with the Board of Fire Commissioners and the Fire Chief of the Novato Fire District.

C. To promote the general welfare of this Association and the Fire Protection District as a whole.

ARTICLE II-Agency Shop

Section 1. Pursuant to Government Code Section 3502.5 an "agency shop" agreement is in effect between the Novato Fire Protection District and the Novato Professional Firefighters Association. "Agency shop" means an employee, as a condition of continued employment, shall join the recognized employee organization. Any employee who is a member of a bona fide religion, body, or sect that has historically held conscientious objections to joining or financially supporting public employee organizations shall not be required to join or financially support any public employee organization as a condition of employment. The employee may be required, in lieu of periodic dues, initiation fees, or agency shop fees, to pay sums equal to the dues, initiation fees, or agency shop fees to a non-religious, non-labor charitable fund exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, chosen by the employee from a list of at least three of these funds, designated in a memorandum of understanding between the public agency and the public employee organization, or if the memorandum of understanding fails to designate the funds, then to any such fund chosen by the employee. Proof of the payments shall be made on a monthly basis to the public agency as a condition of continued exemption from the requirement of financial support to the public employee organization.

Section 2. Membership in the Novato Professional Fire Fighters Association shall be subject only to the requirement that a written application be submitted by the Secretary of the Association to the District for any paid safety member of the Fire District up to and including the rank of Captain.

a. All members on the roll as of November 1, 1964 shall be known as Charter Members.

b. Members of this Association who retire in good standing shall be considered Honorary Members. Honorary Members shall not have voting rights. In addition, Honorary Membership in the Association may be granted by a majority vote of the Executive Board. Honorary Members shall pay an amount determined by the Executive Board.

Section 3. Dues shall be payable twice monthly on the basis of payroll deduction. The dues structure of the Novato Professional Firefighters Association shall be established yearly by the Executive Board immediately following the annual audit. At that time the dues may be lowered or raised but never to exceed the 1% per month of top step monthly salary of firefighter. (see Article VII, Section 2)

ARTICLE III-Officers

Section 1. The officers of the Association shall be: President, Vice President, Secretary, Treasurer, Shift Representatives (3). The aforementioned officers shall hold office for a period of two (2) years or until their successors are elected and qualified. The terms of office for the President and Secretary shall be staggered by one year in relation to the Vice President and Treasurer's term of office. ~~Association members shall only be allowed to serve two consecutive terms of office as Association Officers. This shall not preclude a person who served two terms as one officer from serving as another officer in the Association. After a break in term, a person shall be eligible to be re-elected to an office previously held.~~

Section 2. To be eligible to hold office in the Association, a candidate for office shall be a member in good standing of the Association for at least eighteen (18) months prior to the time that the member's name is submitted in nomination for office, and not be on probation. As used in this section, probation only applies to new hires.

Article IV-Voting

Section 1. Nominations for all officers shall be announced in November and shall close after all nominations have been made. Elections shall be held in December, and after certification of the election, the officers shall take office January 1 of the following year.

Section 2. Voting will be by secret ballot through email or means determined by the Executive Board. Contract/MOU shall require a majority vote of those who voted. For the position of Shift Representative on the Executive Board, voting shall be by secret ballot among members of that person or persons' shift. The person receiving the highest number of votes shall be the Shift Representative while the person receiving the second highest number of votes shall be the alternate representative.

Section 3. Any officer having been duly elected and qualified may upon specific charges being preferred, in writing, by any member in good standing, be suspended from such office upon vote of the Executive Board. The Executive Board then will conduct an investigation into the charges and if the Executive Board considers good cause appearing therefore, the Executive Board shall, at the next regular scheduled meeting of the Novato Professional Fire Fighters, after notice having been given to each member of said Association, shall cause to have a vote taken by the then qualified member of said Association as to whether or not said officer shall be removed from office. Said officer may be removed from office by a majority vote of those who vote through secret email, ballot or means determined by the Executive Board.

Section 4: Additional voting provisions can be referenced by viewing the following Articles:

Article V, Section 7- Shift Representative defined
Section 10-Shift Representative voting rights
Article VII, Section 4-Assesments

Article IX, Section 1-Selection of Negotiations Team (4-7)
Section 3-Contract Voting Procedures
Article X, Section 1-Voting on Amendments
ARTICLE V-Duties

Section 1. The Association shall have its day to day to day business directly governed by an Executive Board. The Executive Board shall consist of the following: President, Vice President, Secretary, Treasurer and one representative of each of the working shifts of the Fire District, i.e., Shift A, Shift B, and Shift C.

Section 2. The Executive Board shall meet once every sixty (60) days at a time and place to be designated by the President or in the President's absence or inability to serve, by the Vice President. The Executive Board may call a full membership meeting at any time that the Board feels, in its discretion, that a necessity exists. An emergency meeting of the Executive Board can be called at any time by the President, or the Vice President if the President is unavailable when it appears to the President or, in the President's absence, the Vice President that an emergency situation exists requiring immediate action. The Executive Board shall, at its first meeting after the adoption of this constitution and By-Laws, designate the number of and the dates upon which full membership meetings of the Association shall be held. The Executive Board shall, at its first meeting after the adoption of this Constitution and By-Laws, designate the number and dates upon which full membership meetings of the Association shall be held for that calendar year. Thereafter, at the first meeting of the year, the Executive Board shall establish a meeting calendar.

Section 3. The President shall preside at all meetings of the Association, preserve order therein, enforce the laws, rules and regulations of the Association and shall sit on and preside as chairperson of the Executive Board. The Secretary shall act as judge of all elections and declare the result. The President shall appoint all committees, sign all orders drawn upon the Treasurer and in the case of a tie vote, he shall have the power to cast the deciding vote. The President shall be an ex-officio member of all committees of the Novato Professional Fire Fighters Association. The books of any officer shall be open to his inspection at any time. At the expiration of his term of office, resignation or removal, he shall turn over to his successor, all books, papers and other properties, entrusted to his keeping by the Association.

Section 4. The Vice President shall, in the absence of the President, take his place, perform his duties and assume the responsibilities of the President, and in the case of removal, resignation or inability to act, serve and fill his term of office.

Section 5. The Secretary shall keep all necessary records and papers for the proper discharge of the duties of that office. He shall prepare and keep a correct and regular accounting of all minutes of all meetings of the Association and of the Executive Board. He shall be a member of the Executive Board and shall attend meetings of that Board. All minutes of all meetings after approval shall be entered into a minute book of the Novato Professional Fire Fighter Association. The Secretary, on demand, shall deliver to the President of the Association all of the books of the Association as may be necessary as to transact the routine business of the Association.

ARTICLE V-Duties (continued)

Section 6. The Treasurer shall keep all papers for the proper discharge of the duties of that office. The Treasurer shall be a member of the Executive Board. He shall prepare and keep a correct and regular accounting of all monies received and disbursed by him on behalf of the Association. He shall enter all approved bills of the Association and read off the receipts of the Association at each meeting in detail. The Treasurer, on demand, shall deliver to the President of the Association all the books of the Association as may be necessary to transact the routine business of the Association. His books shall be, at all time, open to the inspection of the President of the Association or to the Executive Board of the Association as required by a majority vote of that Board. At the expiration of the Treasurer's term of office, he/she shall deliver to his successor, all monies, books, vouchers, papers and other property of the Association entrusted to his safekeeping. The Treasurer of the Association shall have the duty to notify the President if any member of the Association is in arrears as to his dues so as to subject said member to suspension from the Association.

Section 7. All drafts, warrants or checks issued by the Association, in the amount of \$2000 or more, in payment of any or all obligations, shall bear the signatures of the Treasurer, and the President or a person designated by the Executive Board to act in the President's stead should the President be unable to sign. **No authorized signature shall be given without the entire draft, warrant or check being completely filled out.**

Section 7A. The Association will have the option of utilizing on-line banking services for the purpose of convenience and redundant tracking of Association monies. Included in this utilization will be the use of on-line bill paying services. In utilizing on-line bill paying services, the Treasurer is given authorization to solely make on-line payments of Association bills and other disbursements as needed. In the event there is a bill or disbursement in an amount greater than \$2000, the Treasurer will obtain verbal authorization from the President or Vice President before processing the disbursement.

Section 7B. Upon taking office, the Association President, Vice President, and Treasurer will be assigned a debit/check card that is linked to the Association's main bank account. These members may utilize the card for making purchases directly related to Association business so as to avoid the need for having to utilize a paper check. Upon utilizing the card, the officer shall notify the Treasurer of the information regarding the purchase including the location of the purchase, the amount, and the reason for the purchase. All activity linked to these cards will be available via on-line banking records and may be reviewed as necessary by the Executive Board. Upon leaving their position, members issued cards must surrender the card to the Treasurer who will ensure that the card is deactivated by the banking institution.

Section 7C. It shall be the practice of the Association Executive Board to determine the most efficient and practical procedures for handling the Association's finances and utilize such procedures. In the event that a better and/or more efficient way of handling

finances should become available, the Treasurer will present this information to the Executive Board for consideration. The President will have final say as to whether the new or modified procedure will be utilized. Changing or modifying of procedural issues with Association finances need not be voted on by the general membership

Section 8. The Executive Board shall audit the books of the Association on an annual basis. The books of the Association shall be closed as of December 31st and the audit is to be completed no later than the last working day of the month of February of the next calendar year.

Section 9. One member of each shift shall be designated as outlined previously herein as the Shift Representative. As previously indicated, the person receiving the second highest number of votes shall be considered the second or alternate Shift Representative. The Shift Representative shall have as a primary duty the representation of the interest of his shift and shall, as a secondary duty, be responsible for dealing with the initial procedures required by the grievance procedure adopted herein. The Shift Representative's primary function with regard to the grievance procedure would be to act as a fact finder and possible mediator so as to resolve grievance before they reach the necessity of formal action on the part of the Association.

Section 10. If for any reason a Shift Representative is transferred from his/her shift ; or terminate his/her employment with the Novato Professional Fire Fighters Association, it will be the obligation of the President to appoint the person holding the position of second Shift Representative/alternate Shift Representative as the Shift Representative to the Executive Board. The President shall thereafter cause to be held an election within the affected shift to determine who shall occupy the position of second Shift Representative/alternate Shift Representative.

ARTICLE V-Duties (continued)

Section 11. If for any reason a Shift Representative is unable to attend a meeting of the Executive Board, he/she shall immediately notify the alternate Shift Representative. The attending alternate representative shall have full voting rights. Should both members be unavailable to attend the meeting of the Executive Board, it shall be the duty of the President to appoint a member of the Association from the affected shift to fill the position of Shift Representative at the meeting in question.

Section 12. Both the shift Representatives are entitled to attend all meetings of the Executive Board, however, there shall be only one vote per shift, and that vote shall be cast by that member of the Executive Board so designated as the Shift Representative pursuant to a vote of the appropriate shift.

ARTICLE VI-Grievances

Section 1. Should any member of the Association feel that a Grievance should be filed on behalf of the said member, whether or not that grievance is against another member of the Association or against management, the following procedures shall be followed:

A. Member grieving management:

1. The member shall contact the Shift Representative who shall then contact the alternate Shift Representative.
2. The Shift Representatives shall discuss the grievance with the person who initiated it to determine whether or not the grievance is personal or involves the interest of the Association as a whole. If the grievance is considered to be an Association matter, it will be immediately forwarded to the Executive Board. The Executive Board will then contact the Association attorney to discuss the validity of the grievance and/or the necessity for immediate action to be taken.

a) If the grievance has been determined not to be one that effects the Association as a whole:

(1) Both the Shift Representative and the grieving member will discuss the problem with management to try to resolve their differences.

(2) If a solution cannot be reached through a meeting with management, the Executive Board will be notified and if they consider action appropriate, they will then initiate such action through the grievance procedure established by the Memorandum of Understanding or the District Rules and Regulations.

b) If a grievance has been determined to be one which effects the Association as whole, the Executive Board, based on advice of counsel, will validate the grievance and direct action be taken. Shift Representatives and/or the attorney will then follow through with the action as directed by the Executive Board and advise the grieving member of the action that is being taken.

ARTICLE VI-Grievances (continued)

3. However, if the attorney advises the grievance is not valid:

The Shift Representative, after consultation with the Executive Board, shall advise the grieving member of the attorney's opinion on the matter. Once advised of the position of the Association/counsel, the member may then directly contact the Executive Board and request it to re-review the matter. The Executive Board will have the final decision as to the validity of the grievance and so inform the grieving member. If the grievance is decided to be valid by the Executive Board, they will initiate action on behalf of the member; if the Executive Board decides that the grievance is not valid, the member may pursue that matter on his own, with the understanding that the Association shall not be liable for legal fees on his/her behalf. However, the Association will inform the grieving member of his/her rights, and the procedures that must be followed.

B. Member Grieving Member:

1. The grieving member shall contact the Shift Representative who will then contact the second Shift Representative.
2. If the Shift Representative is directly involved in the grievance, the member may go directly to the remaining Shift Representative on the shift and follow the prescribed procedures.
3. At the Shift Representative's discretion, the grieving member may be advised to contact the Association attorney or the Executive Board for further insight if the matter cannot be resolved after discussion with all parties involved. If a solution cannot be reached, the Executive Board will intervene and take the necessary action in the presence of all the members involved in the matter.
4. If any of the parties involved in the grievance decide to pursue the grievance further than meeting with the Executive Board, they shall be notified that since the grievance involves two members of the Association, the Association shall not take a position, publicly, on the validity of the grievance and each member shall be responsible for his/her own costs in pursuing the grievance through the process established by the Memorandum of Understanding or the District Rules and Regulations. The Executive Board will ensure that each member is advised of his/her rights and provided with information to properly pursue the grievance.

ARTICLE VII-Dues/Compensation/Assessments

Section 1. The revenues of the Novato Professional Fire Fighters Association shall consist of:

- A. Monthly Dues
- B. Assessments
- C. Fund Raisers

Section 2. Dues shall be collected from each member of the Association. Any increase in dues must be noticed to the membership and read at two consecutive regular meetings and said increase must be approved by a majority vote of the members who vote. Annual dues shall not exceed one percent (1%) monthly of top step firefighter plus the amount set forth by the Marin Professional Firefighters Association at their December meeting; and said Union dues increase shall be conveyed by letter by

the President of Local 1775 to the Accounting Department of Novato Fire Protection District. **(see Article II, Section 3)**

Section 3. In recognition of the expenditure of time and effort and personal costs, elected officers of the Association shall receive yearly expense money in an amount equal to a percentage of top-step Fire Fighter. The President shall receive expenses equal to ~~3%~~ (approx. \$2132) **6%** (\$5224) of the monthly top step Fire Fighter / **Paramedic** salary; Vice President shall receive expenses equal to ~~4.25%~~ **1.5%** (\$1306) of the monthly top step Fire Fighter / **Paramedic** salary; Secretary shall receive expenses equal to ~~.5%~~ **2%** (\$1741) of the monthly top step Fire Fighter / **Paramedic** salary; and Treasurer shall receive expenses equal to ~~4.25%~~ **2.5%** (\$2177) of the monthly top step Fire Fighter / **Paramedic** salary.

Section 4. Assessments can be levied, when absolutely necessary, after members have been notified and said levy has been passed by a majority vote of those members who voted. The assessment must be made at a general membership meeting, which has been properly noticed, and said notice shall contain an explanation by the Executive Board as to the reason for said assessment. In addition to assessments that are considered necessary to operate the Association, the Executive Board shall have the right to require that members devote up to four hours time per year for Association activities such as the handing out of fliers and/or appearing in shopping centers in support of ballot measures the Association supports. In the event a member fails to heed the Executive Board's request for four hours of time, the Executive Board shall have the right to assess the member failing to comply an amount equal to four hours pay, computed at the member's base rate of pay. The assessment levied against such a member may be appealed by the member to the general membership. The vote of the general membership shall be final and binding upon the member and the association.

Section 5. The Executive Board shall be authorized, in its discretion, to pay the expenses of officers of the Association or members of the association who, at the request of the Executive Board, noticed in the minutes of the Executive Board meeting, conduct or participate in activities beneficial to the Association. The Executive Board only upon submission of verified receipts shall make reimbursed expenses by the member so requesting reimbursement. The Executive Board may, from

ARTICLE VII-Dues/Compensation/Assessments (section 5 continued)

time to time, compensate members who conduct Association business and receive pre-approval for the compensation from the Executive Board. Such compensation may include but not limited to: classes, meetings, seminars or that which is determined by the Executive Board to be of a worthwhile nature.

ARTICLE VIII-Meetings

Section 1. Regular Meetings: Novato Professional Fire Fighters Association shall hold regular meetings. Attendance at the regular meetings of the Association is restricted to Association members only. Visitors and guests may be present upon approval of the members. Ten (10) members shall constitute quorum at any regular or special meeting.

There shall be regular meetings in November and January and at such other times as the Executive Board shall specify upon thirty (30) days written notice to the membership.

Section 2. Special meetings may be held at any time or place, provided that the members have been notified forty-eight (48) hours previous of the calling of said meeting. Meetings may be called only by the President or the Executive Board.

ARTICLE IX-Contract Negotiations

Section 1: NPFA Team Guidelines

A. Selection of team

1. Executive board president initiates process of forming the negotiation team
2. Association members wishing to participate on the team will self-nominate
3. A ballot of all nominees shall be initiated, executed and completed by association secretary; time frame to be determined by association President.
4. A vote will be taken by email of all association members
5. Top three nominee vote recipients are selected to the negotiation team
6. If a tie, a second vote is taken of tied top nominee vote recipients
7. If still tie, selection of tied nominee vote recipients shall be by coin toss
8. The negotiation team will consist of the top three nominee vote recipients and the association president
9. No alternates shall be allowed

B. Selection of Ideas

1. After the negotiation team is selected and prior to the first team meeting with management, a single 2 hr special meeting of the general association membership will be held for exchange of ideas.
2. All negotiation team members must be present.
3. Discussion will be in an open forum using the "Nominal group technique" format to identify negotiation items and associated levels of importance/priority
4. Items for discussion may be submitted to the association president or his/her designee by email, in writing, by fax, call in, by proxy or in person.

ARTICLE IX-Contract Negotiations (B. Selection of Ideas continued)

5. This exchange of ideas will become the foundation of the negotiation team's position

B. Negotiation Team Meeting Procedures

1. If one member of the negotiating team is not present at a meeting the meeting may continue as scheduled.
2. If two or more team members are not present, the meeting will be cancelled and rescheduled.

Section 2: Contract

A. Presentation of contract

1. Once a contract package is agreed upon between management and the negotiating team, the Association President will notify the general association members and schedule special meetings for presentation of the contract.
2. Two meetings shall be scheduled (on consecutive days).
3. The meetings will be held in the morning to maximize available association members of both on duty and off going members.
4. A verbal presentation of the contract will be done by a member of the negotiation team. All members will listen to the verbal contract without interruption or comment from the general members.
5. At the completion of the contract presentation the negotiating team members may be asked their personal opinion of the package. This will allow them to give their honest opinion of the package at hand.
6. An open forum will follow and association members can ask for clarification and questions. No voting or motions to suspend voting will be allowed during this meeting.
7. The following day a second meeting will be held and follow the same criteria as the 1st meeting.
8. Immediately following close of the second meeting a 4 day voting period will begin. Members will have 4 days to vote in favor of or reject the proposed package. The president shall select the hour that the voting period will end.

ARTICLE IX-Contract Negotiations (continued)

Section 3: Voting procedures

A. Procedure

1. All voting for the negotiated contract will be accomplished by email or hand delivered ballot.
2. In addition to the standard "Accept" or "Reject" choices for the contract vote, a third "abstain" choice will be added.

3. Selecting "abstain" will have no effect on the approval or rejection of the contract
4. Tabulation of votes will be done by an approved third party (~~Nancy Roberts~~ Person designated by E-Board ~~has agreed to do this~~) and witnessed by the association president.
5. A simple majority vote of those who vote is needed to approve or reject a contract

Section 4. Communications between negotiation team and association members:

A. The main communication between team members and association members will take place at the initial "selection of ideas" general membership meeting, and at the presentation of the contract.

B. Additional information meeting(s) between the negotiation team and the general association members may be called by the negotiation team to update association members when at the team's discretion they feel that significant alterations to the "selection of ideas" foundation are imminent. This update meeting(s) require a minimum of 72 hours notice to the association members.

ARTICLE X-Amendments

Section 1. Any repeal, alteration or amendment to this Constitution and By-Laws must be presented in writing, by three (3) voting members to the Executive Board. After receipt by the Executive Board, the Executive Board shall cause the Secretary to communicate such proposed repeal, alteration or amendment to all members. After consideration of the proposed repeal, alteration or amendment, notice will be given to the general membership for the purpose of voting on said repeal, alteration or amendment and at least thirty (30) days notice of the regular meetings set for voting shall be given to the membership at which time said repeal, amendment or alteration shall be deemed passed if it receives a majority of all members who voted, and shall be considered adopted as part of this Constitution and By-Laws.

Section 2. Any case arising, not provided for in this Constitution, shall be acted upon as the Association may see fit and proper, by a majority vote of all members who vote for the revision.

Section 3. The Association shall be guided by "Roberts Rules of Order". A copy of this shall be on the Secretary's table or desk at each meeting.

ARTICLE XI-Political Action

Section 1: Organization

- o The Executive Board is authorized to establish a political action committee.
- o The name of this committee shall be the NOVATO PROFESSIONAL FIREFIGHTERS ASSOCIATION- POLITICAL ACTION COMMITTEE ("PAC")

- The general purpose of the PAC is to support and further the goals and policies of the NPFA. The specific purposes are:
 - To support candidates and positions on ballot measures endorsed by the Association.
 - To further the common good and general welfare of the residents by promoting improvements in and educating the public about firefighter protection and safety.
 - To promote the welfare of our active and retired members and firefighter in general.
 - To encourage the improvement of benefits, compensation, working conditions and retirement status of our active and retired members and firefighters in general.
- A PAC Treasurer and Assistant Treasurer will be designated for the purpose of accounting, filing campaign reports, overall compliances with State and Federal regulation regarding PAC activities and funds, and maintaining all required records for the PAC. This position should be filled separate from the NPFA Treasurer.
- The control and direction of the PAC shall be vested with a Board of Directors which shall consist of the NPFA President, the PAC Treasurer, Asst. Treasurer and 1 interested member from each shift (A, B, C, Days). A minimum quorum for the PAC will consist of the NPFA President, PAC Treasurer, and 1 shift member.

Section 2: Funding

- Members of the NPFA may make contributions to the PAC directly or through payroll deduction. In addition, the Executive Board of the NPFA may earmark a portion of member dues for the PAC. No membership dues increase will occur from PAC disbursement. This amount may be changed from time to time. The PAC may accept contributions from persons who are not members subject to the approval of the executive board.
- The NPFA may also raise funds for the PAC through event fundraising, BBQ's, raffles, sales of political items and the like. In doing event fundraising, the NPFA must comply with all of the reporting and recordkeeping requirements and also any contribution limits imposed by state law or local ordinance.

Section 3: Guidelines

- Issues come first, candidates and parties second.
- In election campaigns, the PAC should provide members with information, not voting instructions.
- We have to present information credibly and objectively to overcome member's cynicism and distrust about politics.
- The PAC must downplay partisan rhetoric and stress its role as an independent voice.
- The PAC should be watchdogs that approach candidates with healthy skepticism and work to hold them accountable.

- The PAC will represent the membership by addressing issues that directly affect them on the job and by advancing a favorable economic agenda.
- Political action should always be 'of, by, and for' the members.
- Informing the membership is the key to increasing participation.
- Members will be contacted with written or electronic communication. Information will be conveyed to the membership of the NPFA through monthly meeting minutes, non-work e-mail and the USPS.
- The decisions of the PAC will always be founded on what is best for the entire membership as a whole, considering past, present, and future obligation and agenda.
- Every attempt will be made to notify the membership of political action a minimum of 10 days prior to the event, issue or election 'deadline date'.