

CONSTITUTION AND BY-LAWS

of the

Ohio Association of Professional Fire Fighters

AFFILIATIONS
IAFF AFL-CIO



Organized December 20, 1918
COLUMBUS, OHIO

*As Amended by the
48th Biennial Conference held at
Cincinnati, Ohio
May 14-17, 2012*

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DAN MITSCH

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ARTICLE I Organization

Section 1: Name. This organization shall be known as the Ohio Association of Professional Fire Fighters.

ARTICLE II Objects

Section 1: Preamble. Strength through united action, guided by intelligence, is the hallmark of Trade Union organization. Believing such unity essential for the mutual protection and advancement of the interests and general welfare of professional fire fighters throughout Ohio and the Nation, we have formed the Ohio Association of Professional Fire Fighters, the object of which shall be; to organize professional fire fighters in Ohio who are IAFF full time, paid employees engaged in fire fighting, emergency medical or rescue service activities, or related services.

Section 2: To place the members on a higher plane of skill and efficiency; to encourage the establishment of schools of instruction for imparting knowledge of modern and improved methods of fire fighting, fire prevention, rescue and emergency medical services; to secure just compensation for duties performed; to secure equitable settlement of their grievances; the establishment of a humane work day; to promote and establish just and reasonable working conditions; to encourage the formation of sick and death benefits; to maintain an efficient and substantial pension law; an efficient civil service law; the right to select members of our own choosing to represent us; the rights of collective bargaining for the betterment of working conditions and the right to protect the privileges and benefits established under State and Federal Law.

Section 3. To provide laws for the government of this Association, we adopt this Constitution and By-Laws which shall govern the officers, subordinate Local Unions and members of this Association in the exercise of their rights and discharge of their duties and obligations in accordance with the high standards of responsibility and conduct herein set forth.

Section 4. This State Association, its officers, representatives and members, shall recognize, observe and be bound by the provisions of the International Constitution and the interpretations rendered by the International General President, the resolutions, decisions and directives of the IAFF Executive Board or officers of the International when made in conformity with the authority granted by the International Constitution, and the resolutions adopted and policies established by the delegates at conventions. Article 14 of the International Constitution is recognized as providing the basic rules governing this State Association.

ARTICLE III Membership

Section 1. The membership of the Ohio Association of Professional Fire Fighters shall be open to such Local Unions in the State of Ohio who are chartered by and affiliated with the International Association of Fire Fighters. Members of such Local Unions shall be employees or retired employees who have been organized by the IAFF, are full time, are paid and are engaged in fire fighting, emergency medical or rescue services activities, or related services.

Any active member of a local union inducted into or activated with the armed forces of the United States may continue to be carried as an active member of said union with payment of dues, assessments or other union charges waived until such member is relieved from active duty with the armed forces.

Any active member in good standing who is separated from employment due to a layoff may continue to be carried as an active member while remaining on a preferred rehiring list. Payment of such member's per capita shall be waived and he/she shall enjoy all rights of active membership except the right to vote in the local union on collective bargaining agreements shall be determined by each local union on a case-by-case basis.

Section 2. Anyone eligible for membership in the OAPFF 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 4. All OAPFF affiliated locals shall also maintain affiliation with the Ohio AFL-CIO (resolution #34 as passed at the 41st Biennial Conference).

Section 5. Honorary. For meritorious service to the Association or distinguished public service, persons may be elected to honorary membership by majority vote of the Executive Board or Conference Delegates. Such membership shall entail no payment of initiation fees, dues or other charges, and shall convey no voice or vote in the affairs of the Association or any of its subordinate unions. Such memberships are subject to revocation for good cause by the same process as stated above.

ARTICLE IV Government

Section 1. The delegates assembled at Ohio Association of Professional Fire Fighters Conference shall be the supreme authority of this Association and shall constitute its highest legislative, executive and judicial body. All decisions and actions of the delegates at conference shall be binding upon all officers, members and local unions of this Association. The delegates shall have sole authority to make, amend, revise or modify the laws for the government of this Association, except as authority may be delegated at conference to the officers or Executive Board or except as such laws may be superseded by applicable Federal or State Law.

Between conferences of the Ohio Association of Professional Fire Fighters, all administrative, executive and judicial powers of the Association shall be vested in the Executive Board, except as otherwise expressly provided in the Constitution and By-Laws. All locals in good standing shall be notified of the time and place of these meetings fourteen (14) days in advance. Any member in good standing of the Ohio Association of Professional Fire Fighters may attend these meetings, but only the president of the local, or his representative, may address the chair, be recognized and speak. Progress reports or status reports may be

presented by the State Officers, or other persons so designated by the president, but subject to the approval of the Executive Board. The Executive Board may adjourn into executive session on a motion and a majority vote of the Executive Board members present and voting. Any votes however, must be taken in open session.

It is the obligation and responsibility of every officer, member and all chartered Local Unions to comply with the provisions of this Constitution and By-Laws and the decisions of the Association Officers in conformity therewith, and they shall refrain from any conduct which interferes with the performance by the Association or any of its subordinate bodies of their obligations under law or contract, or any conduct which defeats or subverts the lawfully declared and established policies and objectives of the Association, or which may defame the Association or any of its officers, members or local unions.

ARTICLE V

Conference; Time and Place

Section 1. The Ohio Association of Professional Fire Fighters shall convene biennially, either in April, May or June, as decided upon by the Executive Board of the OAPFF with due notice given to the Locals.

Section 2. The location of the conference shall be decided by a majority vote of the delegates assembled in conference and the city receiving the second highest number of votes shall be the alternate city for the conference. In the event no city makes a request for the conference, the selection of a conference city shall be decided by the Executive Board.

Section 3. The Executive Board shall have the power to authorize the President to call a conference if an emergency arises with due notice given to all Local Unions.

Section 4. There shall be established a Conference Registration Fee of Fifty Dollars (\$50.00) for each Delegate, Alternate Delegate, and/or duly elected officer. Such fee is to be turned over to the host local of the Conference.

ARTICLE VI
Representation in Conference

Section 1a. Local Unions with a membership of 24 or less shall be entitled to one delegate and one alternate delegate. Local Unions with a membership exceeding 24 shall be entitled to Delegate and Alternate strength according to the following table.

| <i>No. of Members</i> | <i>No. of Delegates</i> | <i>No. of Alternate Delegates</i> |
|-----------------------|-------------------------|-----------------------------------|
| 25-49 | 2 | 2 |
| 50-99 | 3 | 3 |
| 100-249 | 4 | 4 |
| 250-399 | 5 | 5 |
| 400-549 | 6 | 6 |
| 550-699 | 7 | 7 |
| 700-849 | 8 | 8 |
| 850-999 | 9 | 9 |
| 1000+ | 10 | 10 |

The above formula determines the distribution and maximum representation at the conference. Representation shall be based on the average amount of per capita tax paid monthly by each Local Union during the year preceding the date of biennial conference to the Ohio Association of Professional Fire Fighters.

Section 1b. In the elections of association officers (except the District Vice-Presidents) and any conference vote taken by roll call, each Local Union shall be entitled to cast one vote for each member of the local union for whom the prevailing full per capita tax has been paid.

Such voting strength shall be determined on the basis of the average amount of per capita tax paid monthly by each Local Union during the calendar year preceding the year in which the biennial conference of the Ohio Association of Professional Fire Fighters is held.

Each Local Union shall determine the number of delegates it shall

send to conference. A local delegate may carry a maximum of two (2) delegate votes. The local union's votes shall be divided as equally as possible among the Local Union's accredited delegates. An alternate delegate cannot be appointed unless all delegate slots have first been filled by the local.

At conference all floor voting shall be done by hand count. Since some local delegates may carry a maximum of two (2) delegate votes, the chair shall devise a system that will easily identify delegates carrying two (2) votes.

Section 2. A Local Union, to be entitled to representation in conference shall have its per capita tax paid on its full membership as required by Article X, Section 5.

Section 3. Local unions of 100 or less members who do not send a delegate to the conference may be represented by a joint delegate by giving its proxy to another local union delegate, provided the following are observed:

A. A local union granting a proxy and the delegate from the local union accepting the proxy must be in the same district of the Ohio Association of Professional Fire Fighters as identified in Article VIII, Section 2, of this Constitution and By-Laws.

B. A proxy vote may be authorized only after nomination and election by secret ballot among the members of the local union granting the proxy. Nominees must be named delegates of another local union in the district that has already elected such delegates to go to the conference. Nominations must be made at any meeting of the local union but a notice of when the nominations will be held must be given and the notice of the date, time and place of election must be mailed to its membership at least 15 days in advance of such election. Nominations and elections may be held at the same meeting provided that the notice has been sent. The election must be conducted by secret ballot, but if only one delegate is nominated to carry the proxy, it is not necessary to conduct the election.

C. No local union may accept proxies to represent membership in excess of 100 and provided further, however, that in no event shall the total of proxies carried by all delegates within a local union exceed 100.

D. Proxy voting at the conference shall be permitted only in a call of the roll vote and election of association officers (except the district vice-presidents) and shall be cast by the delegate carrying the proxy.

E. The call of the roll may be demanded by thirty percent (30%) of the delegates present at voting.

Section 4. No member of the Association other than a duly elected officer or a duly accredited delegate or alternate delegate shall be entitled to vote in conference.

Section 5. A delegate, alternate delegate, or duly elected officer must be present in conference to cast their vote.

Section 6. Local Unions are entitled to one alternate delegate for each delegate to the Conference. The alternate delegate of a Local Union shall be seated when the delegate of the Local Union is not able to be present or is excused by the Conference Chairman.

Section 7. Absence from the conference by a delegate or alternate shall be for a legitimate reason and upon approval of the Conference Chairman.

Section 8. Delegates and Alternates to Conference must be members in good standing of their Local Union from which they hold credentials. All elected State Officers shall be delegates at large by virtue of their office. All State Officers must be members in good standing of their Local Union.

Section 9. Qualification and Election of Delegates. All delegates and/or alternate delegates representing Local Unions shall be elected by secret ballot vote of the members in good standing of the Local Union by which they are accredited to the conference. No officer of the Association shall be eligible to represent any Local Union as a delegate or alternate

delegate, but all Association officers elected by secret ballot vote at conference shall by virtue of such election and office be delegates at large entitled to a voice and vote and full participation in the conference proceedings.

Section 10. Credentials. Each elected delegate and alternate delegate shall establish their identity and right to a voice and vote in the conference by presenting to the Credential Committee Prior to 12:00 Noon of the second day of the Conference, the original form of the official credential signed by the President and Secretary-Treasurer of the delegate's Local Union. This form shall contain the information relative to votes to be carried and cast by the delegate, in accordance with Article VI, Section 1b of this Constitution. Such credentials shall attest to the fact that the delegate is a member in good standing of the Local Union represented and that the delegate has been elected by secret ballot by the members of such body as required by this Constitution and By-Laws.

Section 11. Preservation of Records. The Secretary-Treasurer shall preserve for one (1) year the credentials of all delegates and alternates and all ballots, minutes and other records of the conference pertaining to the election of officers.

Section 12. Committee. The President shall appoint such committees for the conference as may be necessary for the business of the conference and each District shall be represented on each committee. The President shall designate the Chairman.

ARTICLE VII

Officers, Nominations and Election

Section 1. Number and Titles. The officers of this Association shall consist of a President, Secretary-Treasurer, Five District Vice-Presidents, Retiree Vice-President, Sergeant-at-Arms and Three Trustees. All elected officers hold their office for a two year term or until their successors are elected and qualified, unless relieved of their duties as provided in this Constitution and By-Laws.

Section 2. Eligibility to Office. Any member or incumbent officer in good standing in this Association, unless ineligible by virtue or provisions of this Constitution and By-Laws or provisions of applicable law, shall be eligible for nomination and election as an officer. To be eligible for office of District Vice-President a candidate shall be a member of a Local Union in the District from which the member is seeking election. No elected officer of this Association shall be entitled to hold more than one office at the same time. No elected officer of this Association shall hold any of the Directors' positions for additional pay. If the President is elected to the office of IAFF President, Secretary-Treasurer or Vice-President, the Executive Board shall declare the office of President vacant.

Section 3. Nomination and Election. Each office shall be construed as a separate ballot, and an improper vote cast for any one office nullifying said vote for that office, shall in no way affect the validity of the vote for the other offices thereon.

All Association officers shall be nominated and elected by the duly accredited delegates at regular biennial conferences. The number of votes which each Local Union and delegate thereof is entitled to cast in such elections shall be determined in accordance with Article VI, Section 1b of this Constitution, except in the case of the elections of the District Vice-Presidents. Each Vice-President shall be nominated and elected only by the duly accredited delegates of the respective district for which election is sought. In the election of each District Vice-President, each accredited delegate and elected officer, from the respective district (the number of which is determined by Article VI, Section 1a of this Constitution) shall be entitled to cast one vote. The election shall be by secret ballot. In the event that there is only one candidate for an office, that candidate shall be declared elected by acclamation. A majority vote of all ballots cast shall be necessary for election, except the First Vice-President and the Three Trustees. If more than three candidates are nominated for the same office, none of whom receive a majority of the votes cast on the first ballot, all candidates other than the three leading candidates shall be dropped and the balloting shall continue dropping the candidate with the least number of votes until one candidate receives a majority of the votes cast. If the final ballot of any officer election results in a tie between the candidates, the

winning candidate for office shall be selected by the drawing of lots in the presence of both candidates.

Section 4. First Vice-President. Following the election of the District Vice-Presidents, all elected shall be nominated for First Vice-President, and the one receiving the highest number of votes by secret ballot of the duly accredited delegates shall be declared elected.

Section 5. Trustees. The Trustees shall be elected on one secret ballot. The three candidates receiving the highest number of votes shall be declared elected. Each ballot showing a vote for less than three candidates shall be declared void.

Section 6. Alternates to the I.A.F.F. Convention shall be elected in secret ballot by the duly accredited delegates at the regular Biennial Conference. The Six Vice-Presidents shall be nominated. If the Executive Board deems necessary to send alternates, the one receiving the highest vote shall be first alternate, and the one receiving the second highest vote shall be second alternate. The third alternate shall be the one receiving the third highest vote in the aforementioned election, with further succession continuing through those nominated.

Section 7. Time. Nomination of officers shall be the first order of business at the first session of the second day of the conference and no nominations shall be made after the Chair closes the nominations. Persons nominated for more than one office shall choose at the close of the nominations, for which office they shall be a candidate. Election of the Vice-Presidents shall be at the lunch break of the second day. All other elections shall take place the morning of the third day. Elected officers shall be installed by a representative of the International Association of Fire Fighters or their representative as the last order of business at the last day of the conference.

Section 8. Posting of Nominees. Names of all nominees shall be posted in a conspicuous place in the conference hall. All secret ballots cast by the delegates shall be deposited in a sealed receptacle. The ballots shall be counted and tallied by an election committee appointed by the President,

consisting of an accredited delegate from each district, who are not candidates for office. The results of the election shall be posted in a conspicuous place in the conference hall.

Section 9. New officers of this Association shall assume their official duties effective immediately after the close of the Biennial Conference.

Section 10. Vacancies.

A. Should a vacancy occur in any of the Association offices except District Vice-President for any cause, the Executive Board shall select and elect successors no later than sixty (60) days from the date the office is vacated. In the event of a vacancy in the office of the President, the First Vice-President shall become President, and a new First Vice-President shall be elected by the Executive Board.

B. Should a vacancy occur in the office of District Vice-President, the President shall preside over a district meeting within sixty (60) days from the date the office is vacated, and that the district shall hold nominations and an election for the vacated office, for a period of time not to exceed the unfulfilled term. The following rules shall apply:

1. To be eligible for the office of District Vice-President, a candidate shall be a member in good standing of a local union in the district from which they seek election.
2. All local unions in good standing shall be given 45 days advanced notice, in writing, of the date, time and place at which nominations shall be made and elections held.
3. The office of Vice-President shall be nominated and elected only by the duly accredited delegates of the respective district for which election is sought.
4. Credentials issued to the local union by the Secretary/Treasurer of the OAPFF shall identify the number of delegates for each local union in accordance with Article VI, Section 1a, of the OAPFF Constitution and By-Laws. Delegates shall be elected in accordance with OAPFF Constitution and By-Laws Article VI, Section 9.
5. To obtain a ballot, each elected delegate shall establish their identity and right to a voice and vote by presenting to the OAPFF Secretary/Treasurer the original form of the official credential signed by the President and Secretary of the delegate's local union.
6. Each accredited delegate and delegate-at-large from that district

- shall be entitled to cast one vote.
7. Election shall be by secret ballot. Write-in voting shall not be permitted. If there is only one candidate for a given office, such candidate shall be declared elected by acclamation.
 8. There shall be no voting by proxy in the election of District Vice-President.
 9. The candidate receiving a majority of the ballots cast shall be declared elected. If no candidate receives a majority of the ballots cast, there shall be a run-off election between the two candidates who received the most votes.
 10. Every candidate for office shall have the right to request membership lists from the OAPFF Secretary/Treasurer for distribution of campaign literature, by mail or otherwise, to all members in good standing, at the candidate's own personal expense.
 11. There shall be no discrimination in favor of or against any candidate with regard to the use of membership lists and/or mailing labels.
 12. No funds received by the OAPFF through initiation fees, dues, assessments or otherwise, shall be contributed or applied to promote the candidacy of any person running for election for OAPFF office.
 13. The President shall appoint an Elections Committee which shall be responsible for distributing and tabulating the ballots.
 14. Each candidate for office shall be entitled to appoint one (1) observer who shall be permitted to witness the manner of distribution and tabulation of ballots.
 15. The OAPFF Secretary/Treasurer shall preserve, for one year, the credentials of all delegates, all ballots, minutes and other records of the election.

Section 11. Emeritus. The prestigious position of Emeritus is hereby established. This title may be bestowed on a member by 2/3 majority vote of delegates assembled at Biennial Conference. The delegates of an OAPFF Biennial Conference may bestow as many as two (2) emeritus statuses per conference.

Any officer who receives Emeritus status shall have served a minimum of six (6) years as an OAPFF officer. Any state officer who does not meet the minimum six (6) year requirement due to an illness, disability or death but has served in an exemplary capacity shall be eligible for Emeritus status

by 2/3 majority vote of the delegates assembled.

This position shall carry with it ex-officer Lifetime Membership in the OAPFF and automatic selection as a delegate-at-large to the OAPFF Conferences so long as the member remains in good standing and a member of the OAPFF.

This position shall also carry with it the duty on the part of the Emeritus to advise and consult with the OAPFF President and/or the Executive Board upon request when such service is desired in the best interests of the OAPFF.

Section 12. Current Emeritus Officers

Robert Shields, President Emeritus

Kevin Watts, President Emeritus

Thomas A. Rave, Secretary/Treasurer Emeritus

Kevin Rader, Vice-President Emeritus

William E. Quinn, Jr., Vice-President Emeritus

ARTICLE VIII Duties of Officers

Section 1. President. The Association President shall be the executive head of the Association and shall preside at all meetings of the Executive Board and at all sessions of Association Conferences. The President shall also serve as the Chief Legislative Officer of the Association. The President shall have the authority to call a meeting of the Executive Board by giving the members thereof at least fourteen (14) days notice. The President shall enforce strict observance of the Constitution and By-Laws of the Association, and shall interpret such laws and decide any disputes or controversies concerning their meaning or application which shall be appealed to the President. Such interpretations and decisions shall be final and binding unless changed on further appeal to the Executive Board or the Association in Conference assembled. The President shall generally supervise the activities of the Vice-Presidents, Association Officers and employees and direct them to provide their professional advice and skill to Local Unions as required in the best interests of the Association.

The President shall appoint all committees of the Association and shall designate the chairman. The President shall sign all orders and checks drawn on the treasury and perform such other duties as may be required by virtue of the position. The President shall submit a written report to the conference of the President's official acts in office. The President shall be entitled to a vote both in conference and in Executive Board meetings. The President, by virtue of office, shall be a delegate to the I.A.F.F. Convention.

Section 2. Vice-President. The State shall be divided into five (5) districts, enumerated first through fifth inclusive. The boundaries of each district have been set by Conference. In case of necessity during the time between Conference, the Executive Board may, with the approval of the Local Unions and Vice-Presidents affected, change the location of boundary lines. In addition to their duties as members of the Executive Board they shall have an active interest in the welfare of the Local Unions in their district.

They shall hold district meetings of the Local Unions in their district at least twice each year. They shall assist the President in the performance of the President's several duties when requested by the President to do so. Vice-Presidents shall submit a written report monthly of their official acts during that month to the President and Secretary-Treasurer.

The Vice-Presidents shall be entitled to vote at Conference and Executive Board meetings.

Section 3. Executive Board. The Executive Board shall consist of the President, as Chairman, Secretary-Treasurer, the District Vice-Presidents and the Retiree Vice-President, and shall have full and complete charge of all business of the Association in the interval between Conference. A majority shall constitute a quorum.

The Executive Board shall exercise general supervision and control over the investments and disbursements of the funds or property of the Association by the Secretary-Treasurer and authorization for expenditure of funds by the President as specified in this Constitution and By-Laws, or authorized by any resolution adopted at Association Conference, or

resolutions adopted by the Executive Board between Conferences pursuant to authority herein granted. The Executive Board may authorize the management, investment and expenditure of the property and funds of the Association in accordance with its established practices, customs and procedures, including, but not limited to, expenditures for charitable, educational, legislative, economics, social and cultural purposes in the interests and for the benefit of the Association and its members. The money and property of this Association shall be used solely for the benefit of the Association and its members and not for the personal gain or profit of any officer or member. The officers, agents, representatives, and employees of this Association who handle its funds or property shall be held to this standard of conduct and accountable for any breach thereof under this Constitution and By-Laws and as provided by law. The Executive Board is empowered to authorize the Secretary-Treasurer to transfer money from one fund to another when conditions require it in the best interests of the Association.

The Executive Board, during the interval between conference, shall suspend from office any elected officer or committee member of the Association for violation of the State Association's Constitution and By-Laws for violation of the established policies of this Association, or for incompetence, negligence, failure of duty, dishonesty, or other misconduct of office. Right of appeal shall be as specified in Article XI, Section 4, of this Constitution and By-Laws.

They may, if deemed advisable, select an editor and have printed a newsletter or paper containing news of the Association. The number of issues and setup of the paper shall be determined by the Executive Board.

Except as prescribed in Articles VII and VIII of this Constitution with respect to I.A.F.F. Conventions, the Executive Board, having been elected by secret ballot, shall elect from their members, by secret ballot, necessary delegates and/or alternates to conferences of organizations of which this Association is an affiliate, and they shall give a complete report of the proceedings.

Endorsements. Any endorsement vote by the Executive Board between conferences for a candidate or issue campaign shall require 72 hours prior notice to the affiliate leaders. This notice shall be limited to electronic notification using the addresses on file in the OAPFF Office Manager contact list, and notification on the home page of the OAPFF website.

Section 4. Secretary/Treasurer. The Secretary/Treasurer shall keep a record of all proceedings and all other records of the Association and be the custodian of the Official Seal and issue all Charters. The Secretary/Treasurer shall keep a record of each Local Union and the names and addresses of the President and Secretary of each Local Union. The Secretary/Treasurer shall submit a written report to the Conference showing the number of Local Unions and members and a written report of the Secretary/Treasurer's official acts during the term of office. The Secretary/Treasurer shall receive all money due the Association from whatsoever source and shall deposit all money in the name of the Association in a bank designated by the Executive Board. The Secretary/Treasurer shall have charge of all funds and shall make disbursements therefrom by check, countersigned by the President, to cover all expenses of operating and administering the business and affairs of the Association as authorized by this Constitution and By-Laws and any resolution adopted by the Executive Committee pursuant to authority granted herein. The Secretary/Treasurer shall serve as the Personnel Director of the Association and shall oversee the offices and staff of the OAPFF. The Secretary/Treasurer shall submit a written report to the Conference of all money received and disbursed and shall furnish the Committee on Credentials at the Conference a statement of the financial standing of each Local Union and the number of delegates that may be seated from each Local Union.

The Secretary/Treasurer shall, seventy-five (75) days prior to the conference, forward credentials to each Local Union for delegates and alternates to Conference, and instruct the Local Union Secretary to return the duplicate credential, properly filled out, to the Secretary/Treasurer thirty days prior to the Conference. The Secretary/Treasurer shall be entitled to vote in Conference and in Executive Board meetings.

The Secretary/Treasurer shall be bonded by the International Association of Fire Fighters in accordance with the International Constitution and By-Laws. The Secretary/Treasurer, by virtue of office, shall be a delegate to the I.A.F.F. Convention.

The Secretary/Treasurer shall, no later than thirty (30) days after the Executive Board meeting, post a copy of the minutes of the Executive Board meeting, including the vote counts by name, and further include a financial report of balances and major expenditures over one thousand dollars (\$1,000.00), not including salaries, on the OAPFF website. The Secretary/Treasurer shall send an annual financial report based on our fiscal year, including income and expenditures to all affiliate locals. The Secretary/Treasurer shall, beginning in 2009, prepare a budget and make it available to the affiliates.

Section 5. Trustees. The Trustees of this Association shall consist of three members who shall be elected by the duly accredited delegates in each conference as provided in Article VII, Section 5. The Trustees shall check and audit the books of the Association each year and report their findings to the Executive Board and to the delegates at each Conference. They shall approve with the Executive Board the security bonds of all officers and employees and shall supervise the funds and property of the Association and shall administer the assets of the Association for the sole use and benefits of the Association. The Trustees shall be entitled to vote in Conference. They shall be allowed legitimate expenses while performing their duties, upon the approval of the President.

Section 6. Sergeant-at-Arms. The Sergeant-at-Arms, under the direction of the presiding officer in Conference, shall maintain order and perform such other duties incident to his office as the presiding officer or Conference may direct. The Sergeant-at-Arms shall be entitled to vote in Conference and shall be allowed legitimate expenses while performing his duties, upon the approval of the President.

Section 7. Report of Officers, Staff, and Committees. Reports of officers, staff, and committees shall be in the hands of the Secretary-Treasurer thirty (30) days prior to the conference date of the Association,

and the Secretary-Treasurer shall have sufficient copies in time for the delegates assembled in conference.

Section 8. Resolutions to Each Biennial Conference. Any and all resolutions for each Biennial Conference shall be in the hands of the Secretary-Treasurer forty-five (45) days prior to the Conference starting date. No resolution will be accepted after the forty-five (45) day deadline unless agreed by simple majority vote of delegates assembled in Conference. If a resolution has a cost, a cost factor shall be assigned, and should the resolution be adopted, this cost factor shall be added to the per capita tax. When the intent of the resolution is accomplished the per capita tax shall be reduced by a like amount. The resolutions shall be posted no later than thirty (30) days prior to the conference starting date.

Section 9. The salaries of all OAPFF officers shall be established by majority vote of the delegates at Conference. Each officer shall be allowed his expenses as authorized by the Executive Board.

ARTICLE IX

Special Committees and Appointment of Committees and Seminars

Section 1. Workers' Compensation. The President shall appoint a Workers' Compensation Committee consisting of one member from each district to assist in all matters pertaining to that subject. They shall operate under the direction of the President and legitimate expenses incurred while performing their duties shall be allowed upon approval by the President. Each committee member shall advise and direct local unions in preparation of claims, appeals and hearings. Actual filing of claims and attendance at hearings by committee members must receive prior approval by the President. Each committee member shall provide a summary of their activities at their respective District meetings.

Section 2. Pension and Social Security. The President shall appoint a Pension and Social Security Committee consisting of one member from each district to assist in all matters pertaining to that subject. They shall operate under the direction of the President and legitimate expenses incurred while performing their duties shall be allowed upon approval by the

President.

Section 3. Governmental Affairs Committee. The President shall appoint a Governmental Affairs Committee consisting of up to three (3) members from each district. All resolutions passed at Conference by the Ohio Association of Professional Fire Fighters shall be assigned a legislative priority by a joint session of the Governmental Affairs Committee and the Executive Board.

Section 4. Safety and Health Committee. The President shall appoint a Safety and Health Committee consisting of one member from each district to assist in all matters pertaining to safety and health. They shall operate under the direction of the President and legitimate expenses incurred while performing their duties shall be allowed upon approval of the President.

Section 5. Human Relations Committee. The President shall appoint a Human Relations Committee consisting of one member from each district to assist in improving relationships and educating members regarding human relations issues. They shall operate under the direction of the President and legitimate expenses incurred while performing their duties shall be allowed upon approval of the President.

Section 6. Health Care Committee. The President shall appoint a Health Care Committee consisting of one member from each district to meet the objectives set forth by the OAPFF Executive Board. They shall operate under the direction of the President and legitimate expenses incurred while performing their duties shall be allowed upon approval of the President.

Section 7. Sports and Recreation Committee. The President shall appoint a Sports and Recreation Committee consisting of a Chairperson and as many members as deemed necessary.

Section 8. Special Committee. The President may appoint other Committees as deemed necessary for the successful operation of the Association. They shall operate under the direction of the President and legitimate expenses incurred while performing such duties shall be allowed upon approval of the President.

ARTICLE X

Revenues

Section 1. Fiscal Year. The Fiscal Year of the Ohio Association of Professional Fire Fighters shall begin January 1st and end December 31st of the succeeding year.

Section 2. Sources of Revenue. Effective July 1, 2012, the revenue of the Association shall be derived as follows: Nine Dollars Thirty-Five Cents (\$9.35) per member per month to a maximum of one thousand (1000) members for all Local Unions. Local Unions shall pay half (1/2) per capita tax, Four Dollars Sixty-Eight Cents (\$4.68), on each retiree active pensioner member per month. Assessments or special assessments approved by the membership at any Biennial Conference or Special Conference shall be considered sources of revenue.

Per capita shall be adjusted yearly based upon the Annual Wage Settlement Report for fire unit types as issued by the State Employment Relations Board each year but in no instance will it exceed 3.5% and, this increase shall become effective annually on September 1st.

All new Locals shall pay a Ten Dollar (\$10.00) Affiliation Fee, and One Dollar (\$1.00) Initiation Fee per member.

Total per capita represents paying Ohio AFL-CIO per capita through the OAPFF instead of directly to the Ohio AFL-CIO. This was mandated by Resolution #34 passed at the 41st Biennial Conference. Local unions that exceed one thousand (1000) members shall remit all Ohio AFL-CIO per capita to the OAPFF based on the local union's entire membership.

Per capita tax shall be paid monthly from collection of Local Union dues. Assessments shall be paid as set forth by the members of the Association at any Conference. All checks shall be made payable to the Ohio Association of Professional Fire Fighters.

Section 3. Pension Election Fund. Of the total per capita tax, three cents (\$.03) shall be put into a special fund, to be known as the Pension

Election Fund, which will be administered in accordance with Resolution #15 passed at the 41st Biennial Conference.

Section 4. PCE (Political Contributing Entity). Of the total per capita tax, one dollar (\$1.00) shall be put into a fund, to be known as the PCE Fund, which will be administered in accordance with Resolution #5 as amended at the 45th Biennial Conference and Resolution #5 at the 48th Biennial Conference.

Section 5. Reporting Members. All local unions must report their entire membership to the OAPFF. Any Local Union accepting members into their local and not reporting same to the Ohio Association of Professional Fire Fighters, and not complying with the Constitution and By-Laws, shall be deemed a violation of their membership agreement and shall be subject to expulsion from the Ohio Association of Professional Fire Fighters.

Locals paying half (1/2) per capita tax on retiree-active pensioner members are required to submit to the Secretary/Treasurer of the Ohio Association of Professional Fire Fighters, an affidavit signed by the President and the Secretary of the Local Union showing the names and addresses of retiree-active pensioner members and date of retirement. This affidavit must be resubmitted annually, attached to the July per capita tax payment.

Section 6. Suspension for Non-Payment of Per Capita Tax and/or Assessments. Any Local Union affiliated with the Ohio Association of Professional Fire Fighters which fails to pay their per capita tax and/or an assessment in accordance with Article X, Section 2, on or before the fifteenth (15th) day of the following month shall be notified by the Secretary-Treasurer in writing on a standard form, and if at the end of three (3) months are still in arrears, they shall be suspended from membership. Any Local Union remaining suspended for six (6) months shall surrender its charter to the Secretary-Treasurer. If, after proper notification, the suspended Local Union has not surrendered its charter to the Secretary-Treasurer, it shall be the duty of the Vice-President in the district from which the Local Union is suspended to obtain the charter from the suspended Local Union and forward same to the Secretary-Treasurer.

Section 7. Reinstatement. A Local Union suspended for nonpayment of per capita tax and/or assessment may be reinstated in the Association upon payment of all arrears dues, and a One Dollar (\$1.00) reinstatement fee per member; provided, however, the President with the consent of the Executive Board shall have the power to place fines and remit such arrearage when circumstances warrant, the amount of such fine shall not exceed a sum which would be equal to twenty-four (24) months per capita tax payment on the Local's listed membership at the time of application for reinstatement.

ARTICLE XI

Suspensions - Appeals

Section 1. Revoke Charter. The Executive Board is hereby vested with the authority to revoke the OAPFF membership of any Local Union affiliated with the Association, whenever upon evidence satisfactory to a majority of the Executive Board it is shown that a Local Union has been guilty of disloyalty or where its actions have been adverse or detrimental to the membership of the Association. The Executive Board shall report in detail all evidence upon which the membership of any Local Union is revoked, and any Local Union whose membership has been revoked shall have the right to appeal to the conference of the Association to have such action of the Executive Board set aside. A Local Union who has had its Charter revoked may, after two years, petition the Executive Board or the Conference for a new Charter. The Local Union must prove that conditions that caused its Charter to be revoked have been corrected.

Section 2. Voluntary Forfeiture of OAPFF Charter. There shall be no voluntary forfeiture of an OAPFF Charter or dissolution of any Local Union so long as a majority of its membership in good standing votes to retain the Charter. Voluntary forfeiture of a Charter or dissolution shall be determined by a referendum vote of the Local Union conducted by secret ballot after at least thirty days written notice has been made to all members of such Local Union stating that a proposal to forfeit the OAPFF Charter will be submitted to a referendum ballot.

Section 3. Suspension of Officers or Committee Members. The Executive Board shall have the authority to summarily suspend from office of the Association any officer or committee member for failure to comply with the provisions of this Constitution and By-Laws, the established policies of the Association, or for incompetence, negligence, failure of duty, or for embezzlement, larceny, breach of fiduciary responsibilities, or other misconduct.

Section 4. Appeal of Officer or Committee Member. Within thirty (30) days following the suspension from office or committee, the Executive Board shall serve such officer or committee member with specific written charges. If a request is made within ten (10) days thereafter, the suspended member shall have a hearing within thirty (30) days from the date of such request or such later date as the Executive Board may agree upon as reasonable time for the officer or committee member to prepare a defense. The suspended officer or committee member may have in attendance at the hearing, a representative or counsel of their choice and such witnesses as the member may desire. A copy of any transcript or minutes which must be taken at the hearing shall be furnished to such officer or committee member. The Executive Board shall render its decision in writing within thirty (30) days after completion of such hearing and shall mail a copy to the suspended officer or committee member. If cleared of the charges, the officer or committee member shall immediately be reinstated to the office or committee from which suspended. If the officer or committee member is found guilty of any of the charges by the Executive Board, the suspension shall become permanent and the office declared vacant.

Any officer or committee member removed from office or any Local Union suspended under the provisions of this Constitution and By-Laws, may take an appeal from the decision and order of the Executive Board of the Ohio Association of Professional Fire Fighters to the Conference of the Association. Unless reinstated by action of the Conference, or unless modified by the Executive Board or by the Conference, any officer or committee member permanently suspended from office or committee pursuant to this Constitution and By-Laws shall not again be eligible for office or committee membership in the Association unless and until such

disqualification is lifted by action of the Conference.

Section 5. No member in good standing of the Ohio Association of Professional Fire Fighters shall work as a part-paid or volunteer for any department where there is a local affiliated with the Ohio Association of Professional Fire Fighters, and that doing so is grounds for charges of misconduct subject to the provisions of Article XVII and Article XVIII of the International Association of Fire Fighters constitution and by-laws.

ARTICLE XII Initiative and Recall

Section 1. Initiative may be had by a petition of forty percent (40%) of the Local Unions in the Association, and this forty percent (40%) must include Local Unions from at least four (4) Districts in the Association and will be held under rules provided by the Executive Board and the Constitution and By-Laws of this Association.

Section 2. An election for the recall of officers elected on a statewide basis may be had by a petition of forty percent (40%) of the Local Unions in the association, and this forty percent (40%) must include Local Unions from at least four (4) districts.

Section 3. An election for the recall of officers elected on a District basis may be had by a petition of forty percent (40%) of the Local Unions in the affected District.

Section 4. In the event a sufficient petition is presented to the Executive Board, a recall election shall be held pursuant to rules provided by the Executive Board and the Constitution and By-Laws of this Association.

ARTICLE XIII Amendments

Section 1. Who May Submit. Amendments to this Constitution and By-Laws may be submitted only by Local Unions, the Executive Board,

Committee on Constitution and By-Laws, or by the delegates at Association Conference.

Section 2a. Except with regard to the matters set forth in Section 2b of this Article, a two-thirds (2/3) majority of the votes cast at the Conference shall be required to adopt any amendment to this Constitution and By-Laws, and all amendments shall become operative immediately on the close of Conference unless otherwise provided. Notwithstanding the effective date of amendments to this Constitution, all amendments must be approved by the International General President prior to operation.

Section 2b. The provisions of Section 2 of Article X of the Constitution may be amended, and increases in or the adoption of rates of initiation fees, reinstatement fees, dues or assessments by the Ohio Association of Professional Fire Fighters shall be adopted, after approval in accordance with the following procedure:

By majority vote of the delegates voting at a regular Conference of the Ohio Association of Professional Fire Fighters, or at a special Conference held upon not less than thirty (30) days written notice to each local union affiliated with the Ohio Association of Professional Fire Fighters.

Section 3. Executive Board. The Executive Board shall have the authority between Conference to amend this Constitution and By-Laws as necessary to remove any conflict between its provisions and the IAFF's Constitution and by-Laws or those of any applicable Federal or State Law, and is also empowered to modify such of its provisions as required to conform to amendments adopted at Conference.

Section 4. A proposed amendment to this Constitution or any By-Laws made under its provisions shall be submitted for approval to the General President prior to its printing or issuance, after first being adopted by the Conference.

ARTICLE XIV STAFF

Section 1. The Ohio Association of Professional Fire Fighters shall operate, staff, and fund Departments of Operations, Governmental Affairs, and Member Services. The Executive Board shall also appoint Directors for the departments of Operations, Governmental Affairs and Member Services, establish the Directors' responsibilities, job duties, goals, and terms of remuneration.

ARTICLE XV Retiree Organization

Section 1. Organization. The Ohio Association of Professional Fire Fighters shall create an organization known as the Ohio Association of Professional Fire Fighters Retiree Organization (hereinafter referred to as the Retiree Organization).

The Retiree Organization shall be dedicated to the advancement, interests and general welfare of retired professional fire fighters and their survivors. The Retiree Organization shall provide service to its members and the survivor associate members collateral to retired fire fighters and their survivors.

Section 2. Constitution. Each local chapter of the Retiree Organization shall be chartered by the OAPFF Executive Board. Additionally, the OAPFF shall develop a model constitution for adoption by local chapters. All changes in the chapter's constitution shall be approved by the OAPFF Executive Board. Any and all disputes concerning the Retiree Organization or local chapters shall be appealed to and resolved solely and exclusively by the OAPFF Executive Board. Additionally, no Retiree Organization member, associate member, local chapter or the Retiree Organization shall have the right of appeal to the IAFF.

Section 3. Membership. All Ohio fire fighters who retired as members in good standing with their local union, such union being affiliated with the

OAPFF, are eligible for membership in the Retiree Organization. Anyone eligible for membership in the Retiree Organization shall not be refused membership or, upon acceptance, be discriminated against because of age, race, color, creed, national origin, gender or sexual orientation, or by reason of disability.

By virtue of a retiree paying active retiree dues to the OAPFF, membership in the Retiree Organization shall be established. The Retiree Organization, with the approval of the OAPFF Executive Board, shall establish and issue membership cards.

Section 4. Associate Membership. Survivors of an Ohio fire fighter otherwise eligible for membership shall be eligible for associate membership. Associate members shall have no voting power or eligibility, but shall receive the same service as retiree members.

Section 5. Dues for the retiree organization shall be established by the conference delegates. Thereafter, dues shall be due and payable July 1st of each year. Dues shall be \$20.00 per member, per year. Retiree members, upon achieving their 80th birthday, shall have all dues waived by the Retiree Organization. Associate dues shall be 1/2 the amount set for retiree members.

Section 6. Government. The Retiree Organization shall be entitled to one (1) vice-president. The Retiree VP shall be a member of, and entitled to vote at Executive Board meetings. The Retiree VP shall be a delegate at the Biennial Conferences. The Retiree VP, at Conference, shall vote on all issues that come before the conference. The Retiree VP shall be nominated and elected solely by the Retiree delegates assembled. The Retiree VP shall be a member of the Retiree Organization.

Section 7. Delegates and Conference. Each OAPFF District shall elect three (3) delegates and three (3) alternates to the OAPFF Conference. No later than 30 days prior to the start of the Biennial Conference, the districts shall meet at the call of the Retiree VP. Members of the Districts so assembled shall nominate and elect delegates and alternates to conference. Each district retiree member so assembled shall have one (1) vote in

nominating and electing delegates and alternates. Retiree delegates at Conference shall vote on all issues that come before the conference. Retiree delegates shall sit on, and vote in conference committees. Retiree delegates at Conference shall vote for the following Association officers: President, Secretary/Treasurer, Trustees, Sergeant-at-Arms, and Retiree Vice President. On any conference vote taken by roll call, each District Delegate shall be entitled to two (2) votes. The total District voting strength, for roll call purposes, shall be six (6).

BY-LAWS

ARTICLE I

Section 1. Quorum. Delegates representing not less than twenty-five percent (25%) of the Local Unions representing at least four (4) Districts shall constitute a quorum, but not less than this number of delegates may adjourn to meet at a future specified time.

ARTICLE II

Section 1. Rules. Deliberations of this Association shall be governed by Atwood's Rules for Meetings to the extent that such Rules are not superseded by express provisions of this Constitution and By-Laws.

APPENDIX A

Deceased Emeritus Officers

Edward B. Haggerty, President Emeritus

Donald Hardin, Vice-President Emeritus

Carl Hogan, Secretary-Treasurer Emeritus

Joseph Carbenia, Vice-President Emeritus

Rocco Russo, Vice-President Emeritus