

NAME:

Naval District Washington



Jerrard F. Young DC Lodge #1

BY - LAWS
Of
FRATERNAL ORDER OF POLICE
NAVAL DISTRICT WASHINGTON
LABOR COMMITTEE

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**BY-LAWS
OF
FRATERNAL ORDER OF POLICE
NAVAL DISTRICT WASHINGTON LABOR COMMITTEE
Jerrard F. Young Lodge DC Lodge #1**

ARTICLE I. NAME, AFFILIATION, JURISDICTION, OBJECTIVES

- 1.1 This labor organization shall be known as the Fraternal Order of Police - Naval District Washington (FOP-NDW) LABOR COMMITTEE.
- 1.2 The jurisdiction of the LABOR COMMITTEE shall be as determined by the applicable provisions of Title 5, section 7103 of the U.S. Code. And other applicable statutes and regulations from time to time effect.
- 1.3 The objective of the LABOR COMMITTEE shall be:

To organize, aid and represent all members of the Naval District Washington ("NDW") eligible for membership and encourage all members to share in the full benefits of the LABOR COMMITTEE regardless of religion, race, creed, color, national origin, sex or age.

To secure improved wages, hours, working conditions, and other economic advantages and to promote the general welfare of its members through lawful organizational activities, negotiation and collective bargaining.

To promote efficiency in the NDW and better service to the public and to advance plans of improvement beneficial to its members to be secured by legislative enactment through cooperation with governmental officials and by other lawful means.

To advance the science of professional law enforcement, and to publicize the importance of this profession.

To receive, manage, invest, expend or otherwise use the funds and property of the LABOR COMMITTEE to carry out the duties and to achieve the objective set forth in these By-laws and the Charter and for such additional purposes and objects not inconsistent therewith as will further the interest of the LABOR COMMITTEE and its members directly or indirectly.
- 1.4 In all cases throughout these By-laws where the masculine gender is used, it is to simplify rather than to exclude and shall mean feminine or masculine, or both as the case may be.
- 1.5 Where notice is required by the By-laws, such requirement shall be deemed met by transmitting such notice via the NDW email, first class mail (postage paid), or by posting on NDW bulletin boards generally accessible to the bargaining unit.

- 1.6 The LABOR COMMITTEE is an autonomous entity affiliated with and subscribing to the principles and purposes of the Fraternal Order of Police - Jerrard F. Young DC Lodge #1 ("FOP Lodge"), and the LABOR COMMITTEE shall have no connection or affiliation with any other organization or union whether local, national or international.

ARTICLE II. OFFICES, RECORDS

- 2.1 The principal office of the LABOR COMMITTEE shall be located in the District of Columbia. There may be such other sub-offices within the District of Columbia, Maryland and/or Virginia, as the Executive Board shall approve.
- 2.2 All books, records and financial documents shall be kept at the principal office of the LABOR COMMITTEE.

ARTICLE III. MEMBERSHIP, DUES

- 3.1 All members of the NDW determined to be within the LABOR COMMITTEE are eligible to be members.
- 3.2 Each dues paying member in good standing of the LABOR COMMITTEE has the right to attend all membership meetings and to express views, arguments and opinions on all matters and business properly before the meeting; meet and assemble freely with other members; to vote on all collective bargaining agreements negotiated by the LABOR COMMITTEE; to receive free non-related legal representation pursuant to procedures established by the Executive Board; and generally to participate in the activities of the LABOR COMMITTEE in a responsible manner consistent with good conscience in order to discuss factually and honestly the issues on which the membership must base its decisions. These rights shall at all times be subject to the rules of procedure governing meetings and the provisions of the Charter, the By-laws, and other applicable laws, rules and regulations. A member, in exercising the foregoing rights and privileges, shall not take any irresponsible action that would tend to jeopardize, destroy or be detrimental to the LABOR COMMITTEE as an organization or to its free democratic heritage, or its legal or contractual obligations as collective bargaining agent.
- 3.3 An applicant for membership shall become a member upon executing the applicable forms, including Office of Personnel Management (OPM) Form 1187. The annual dues shall be established by the Executive Board and may be changed by vote of the membership at a meeting called for that purpose. In the event that dues check off is not available to the LABOR COMMITTEE, members shall pay their dues directly to the treasury not later than ten (10) days after the quarter in which incurred. From the amount collected as dues and amount equal to the annual dues of the FOP Lodge shall be paid to the FOP Lodge. Membership in the LABOR COMMITTEE shall automatically entitle the member to membership in the FOP Lodge after the approval process of the FOP Lodge is completed. A LABOR COMMITTEE member may elect not to become an FOP Lodge member.

- 3.4 A member shall be considered a “dues paying member in good standing” if he has met his financial obligations to the LABOR COMMITTEE and has not been deprived of good standing (including by suspension and/or expulsion) as a result of a proceeding described in Article XII. Good standing may be required for meeting the obligation or completing the penalty assessed as a result of an Article XII proceeding.
- 3.5 Any member not in arrears in payment of dues or in the performance of any obligation owed the LABOR COMMITTEE and against whom no Article XII charges are pending, may at any time resign from the LABOR COMMITTEE by submitting written notice to that effect upon the Chairman. The resignation shall take effect at the beginning of the next pay period following the giving of notice. Dues check off deductions after the effective date of the resignation shall be refunded to the resigning member within thirty days after the cessation of dues deduction by the employer and after satisfactory proof of the accumulated amount due the former member has been received by the LABOR COMMITTEE. Any member who resigns from the LABOR COMMITTEE while in the bargaining unit can seek reinstatement; such reinstatement shall become effective as of the date such person completes the requirements for membership. Provided that resignation from the LABOR COMMITTEE shall not exempt the member from payment of any service fee as deemed appropriate by the Executive Board.
- 3.6 The Executive Board shall have the right to assess its members on an equitable basis; provided, it shall first state the purpose and sum of the assessment; and provided further, that a majority of the LABOR COMMITTEES dues paying members in good standing present at a special or regular general membership meeting shall approve such assessment. For the purpose of this section, a quorum of 1/4 paying members in good standing shall be required. This quorum requirement cannot be suspended. Upon attainment of the stated purpose and/or sum, the assessment shall automatically cease. If the assessment becomes a part of the dues check off system, and cannot be stopped in the required period; the amount withheld in excess of the stated purpose and/or sum shall be refunded to the members.
- 3.7 All debts or other monies owed the LABOR COMMITTEE by members must be paid in the quarter in which incurred.

ARTICLE IV. MEMBERSHIP MEETINGS

- 4.1 There shall be at least one regular general membership meeting of the LABOR COMMITTEE in February, May, August and November of each calendar year on a date and at a time and place determined by the Chairman. The Recording Secretary shall cause notice thereof to be given to the membership not less than ten days prior thereto. The notice shall also state the anticipated business to be conducted at the meeting.

- 4.2 Special general membership meetings may be called by the Chairman, by a majority of the Executive Board (each member thereof having one vote), or upon the written request of not less than 10% of the dues paying members in good standing, which request shall state the object of such meeting. The Chairman shall set the date, time and place of such meeting. The Recording Secretary shall cause notice thereof to be given the membership not less than five days prior thereof. For good cause shown the Chairman may shorten the five-day notice period provided that not less than three days' notice shall be given. No business shall be conducted at the meeting except the purpose for which it is called. A special general membership meeting shall not be in order when consideration of the subject matter can reasonably be delayed until the next regular general membership meeting, nor when the reason for such meeting is arbitrary, capricious, or dilatory in nature, nor when the purpose of such meeting is illegal or in conflict with the provision of these By-laws or the Charter.
- 4.3 Except as otherwise provided in the By-laws, the number required for a quorum for a meeting shall be 10 dues paying members in good standing (exclusive of Executive Board members); provided, however, that the Executive Board members present, by majority vote (each member having one vote) may suspend the quorum requirement. In the event of an affirmative vote of the Executive Board, the members in attendance at such meeting shall constitute a quorum except to the extent provided below.
- 4.4 The most current edition of Roberts' Rule of Order shall govern the conduct of the meetings.
- 4.5 The Recording Secretary shall be responsible for having at every meeting a copy of the Charter and these By-laws, a copy of the FOP Lodge Constitution, a copy of the latest edition of the Roberts' Rules of Order, and a copy of the current contract applicable to the bargaining unit.
- 4.6 The order of business at all meetings shall be:
- Call to order by the Chairman
 - Roll call of Executive Board
 - Approval of Minutes of previous meeting
 - Announcements
 - Executive Board Reports
 - Secretary's Report
 - Treasurer's Report
 - Committee Reports
 - Old Business
 - New Business
 - Good and Welfare
 - Adjournment
- 4.7 In the absence of the Chairman and Vice-Chairman at any meeting, the Secretary shall act as Chairman pro- tempore. The Chairman pro-tempore is empowered to appoint a Secretary pro-tempore in the absence of the Secretary and Treasurer.

ARTICLE V. ELECTION AND APPOINTMENT OF OFFICERS

- 5.1 The Chairman, Vice-Chairman, Recording Secretary, Treasurer and Secretary shall be elected at-large by the dues paying membership in good standing. These Officers shall constitute the Executive Board.
- 5.2 There shall be a total of 2 Chief Stewards. The members in good standing within each of the following respective organizational elements shall elect one Chief Steward: Northern and Southern Precincts.
- 5.3 There shall be a total of at least 1 Shop Steward per shift at each work site with the exception of the Guard Force working at Naval Criminal Investigative Services Headquarters, which will have 1 Shop Steward covering all shifts. Shop Stewards shall be elected by the majority vote of the members of the particular employment unit they represent, subject to approval and removal, for just cause, by the Executive Board.
- 5.4 Any member of the bargaining unit shall be eligible for office in the LABOR COMMITTEE, if such person has been a dues paying member in good standing for at least six months immediately proceeding such election; provided, however, that such member has not actively opposed the interests of the LABOR COMMITTEE on behalf of a rival organization within the past year. The six-month requirement shall not apply to initial appointees of the November 2001 election. A Member wishing to participate in the November election must be an active member no later than 1 November 2001.
- 5.5 Nominations for regular elections of Executive Board officers shall be held at a special membership meeting during October prior to the November election, with the exception of the initial election. Nominations must be moved in person to be valid and nominees must be present or have indicated in writing to the Recording Secretary their willingness to accept nominations.
- 5.6 No person holding elected office shall be eligible to be nominated for another office in a regular election unless his term is expiring or until he resigns so that his vacated position may be filled in the same election. No person shall hold more than one office at the same time, nor be a candidate for more than one office in the same election. If nominated for more than one office he will be a candidate for only one.
- 5.7 Elections shall be held in November of odd-numbered years commencing in 2001, with the exception of the initial election. If there are two or more candidates for an office, voting shall be by secret ballot, Absentee ballots shall be used only where a dues paying member in good

standing would be deprived of his opportunity to vote on account of his hospitalization, out of town official business, or because of a death in the immediate family. Immediate family means spouse, children, parents, grandparents or siblings. A plurality of the votes cast shall be required to be counted immediately after balloting ends and the results certified to the Executive Board.

- 5.8 Candidates elected to office shall take office on the first day of January, except for the initial election.
- 5.9 Should any Executive Board member die, resign or be removed from office, a special election shall be held within thirty days to elect a replacement to serve out the remainder of the unexpired term. The procedure for such special election to the extent practicable shall follow the procedures set forth in the article. The Chairman shall appoint a replacement to serve in the vacant office until the results, of the special election are certified.

ARTICLE VI. OFFICERS

- 6.1 The Chairman is the chief executive official of the LABOR COMMITTEE. He shall preside at all meetings; preserve order during deliberations; enter into contracts to be approved by DOD; sign all orders on the treasury; appoint all standing Committees, provided however, that the appointment of Chairmen to Standing Committees shall be subject to Executive Board approval, and such other Committees as he may deem necessary, call meetings of the Executive Board whenever he shall deem if necessary or advisable; cast the tie-breaking vote at all regular and special general membership meetings; and transact such other business as may pertain to his office and as prescribed by the Charter, By-laws and applicable law or regulation.
- 6.2 The Vice-Chairman shall perform the duties of the Chairman in the absence or disability of the Chairman, and if the Chairman's office shall become vacant, shall perform the duties of the Chairman until the vacancy is filled by special election as provided by the By-laws. He shall act as a conduit and collator of information between the Chairman and Chief Stewards. He shall assist the Chief Stewards in solving particular problems; discern patterns of conduct that cross divisional lines; assist the Chairman in formulating and communicating labor management policy; and assist in the day-to-day operational management of the grievance apparatus on an executive level. The Vice-Chairman shall attend all meetings unless excused by the Chairman and he shall perform such other duties as shall be assigned by the Chairman.
- 6.3 The Recording Secretary shall keep the Minutes of all meetings of the Membership and the Executive board. He shall take charge of all books, papers, and records other than the books of the Treasurer. He shall keep a correct copy of all amendments to the Charter and these By-laws, and of all other business transactions of the LABOR COMMITTEE. He shall attend all meetings unless excused by the Chairman and he shall perform such other duties as set forth in the By-laws or as assigned by the Chairman.

- 6.4 The Treasurer shall receive all money from all sources, giving a receipt of same; announce receipts and disbursements at each meeting; bring to each meeting an adequate supply of copies of the most recent financial statement and make same available to the membership present; keep a correct and accurate record of all money received and expended; deposit and invest all money in instruments, accounts and institutions approved by the Executive Board in accordance with prudent fiduciary principles; pay all bills when approved by the Chairman or the membership; and make an annual written financial statement to the membership following the annual audit. He shall submit his books and records for audit when called to do so, and at the expiration of his term shall turn over to his successor all money and property of the LABOR COMMITTEE in his possession and fully account therefore. He shall attend all meetings unless excused by the Chairman and he shall perform such other duties as set forth in the By-laws or as assigned by the Chairman.
- 6.5 The Secretary shall attend all meetings of the LABOR COMMITTEE and act as the sergeant-at-arms, allowing no one to enter unless he is a dues paying member in good standing or otherwise has proper business therein. He shall assist the Chairman in preserving order, and perform such other duties as assigned by the Chairman. He shall attend all meetings unless excused by the Chairman.
- 6.6 The Chief Stewards shall be responsible for coordinating, transmitting and implementing LABOR COMMITTEE policy and all bargaining agreements, and managing the grievance apparatus at the Precinct level. They shall coordinate administrative actions through the Vice-Chairman and assist him in gathering and disseminating information. They shall coordinate the activities of the Shop Stewards under them, and they shall attend all meetings unless excused by the Chairman. They shall serve as hearing officers pursuant to Article XII.
- 6.7 The Shop Stewards shall be responsible for implementing LABOR COMMITTEE policy and all collective bargaining agreements, and managing the grievance apparatus at the unit level. They shall handle all grievances initially. They shall be responsible for communicating LABOR COMMITTEE announcements to their respective unit members, and for collecting and transmitting relevant information to the Chief Steward. They shall keep their Chief Steward fully informed of their activities; they shall attend all regular and special general membership meetings unless excused by the Chairman; and they shall perform such other duties as assigned by the Chairman, Vice- Chairman or their Chief Steward.

ARTICLE VII. EXECUTIVE BOARD

- 7.1 The Executive Board shall be composed of the Chairman, Vice-Chairman, Recording Secretary, Treasurer and the Secretary.
- 7.2 Three members of the Executive Board shall constitute a quorum for Board meetings.
- 7.3 The Executive Board shall meet monthly to transact any business coming before it. The Chairman may call a special meeting of the Board by notifying the other members.
- 7.4 The Executive Board shall have the power to supervise and act for and on the behalf of the LABOR COMMITTEE'S with the respect to overall labor-management policy when the membership is not assembled in a regular general membership meeting. The Board shall decide all such matters properly before it in accordance with applicable law, the Charter, the By-laws and the LABOR COMMITTEE'S purposes and goals.
- 7.5 Between meetings of the Executive Board, the officers of the Board shall exercise general administrative authority and shall be empowered to act on behalf of the LABOR COMMITTEE, pursuant to the authority granted to them in Article VI of these By-laws.
- 7.6 The Executive Board shall hear all complaints of members or against members pursuant to Article XII. It shall also hear impeachment proceedings against any officer; provided, however, that the Board votes to impeach any officer, then such decision must be by two-thirds (2/3) vote of the Board, thereafter ratified by two-third (2/3) of the membership present at a regular or special general membership meeting called for that purpose. Such a vote shall be held no later than thirty days (30) following the Board's impeachment vote. Notwithstanding the foregoing, the Chairman may declare vacant the office of any Executive Board member who shall be absent without permission (as provided in Article VI) from two or more consecutive Executive Board meetings, provided, however, that the office shall not be vacant until the membership shall ratify such action at a regular or special general membership meeting called for that purpose. Such meeting shall be held within thirty (30) days of the Chairman's action.
- 7.7 No Officer or Steward of the LABOR COMMITTEE may receive a salary from the LABOR COMMITTEE.

ARTICLE VIII. FIDUCIARY RELATIONSHIP; NO PROPERTY INTEREST

- 8.1 No officer of the LABOR COMMITTEE shall have a personal financial interest that conflict with the full performance of his fiduciary duties as a representative of the membership. No officer shall own or have a substantial interest in any business enterprise providing any goods or services to, or otherwise dealing with, the LABOR COMMITTEE or with the Naval District Washington (NDW). The foregoing sentence shall not apply with respect to publicly traded securities of widely held corporation, which investment does not constitute a substantial enough holding to effect or influence the course of a corporate decision.
- 8.2 No member shall have any right, title or interest, whether legal or equitable, in or to any contract, assets, claim or property, whether real or personal, entered into, held or owned by the LABOR COMMITTEE; provided however, that in the event of the dissolution or termination of the LABOR COMMITTEE, all dues paying members in good standing, at the time, shall have an equal interest and share.

ARTICLE IX. COMMITTEES

- 9.1 There shall be the following standing committees:

Election
Labor Management Cooperation
Arbitration
Welfare
Publications
Legislation
Audit
Judiciary

And such other committees as may be deemed necessary from time to time.

- 9.2 The Chairman shall be an ex officio member of each committee. If the Chairman is seeking re-election he shall not be a member of the Election Committee. The chairman of all standing committees shall be appointed or removed by the Chairman subject to ratification of such action of the Executive Board. All other Committee members shall be appointed by and serve at the pleasure of the Chairman. To the extent practicable, committee appointments shall be representative of the composition of the membership. Standing committee members are set and can only be removed for just causes.
- 9.3 The Election Committee shall be responsible for conducting all regular and special elections, including promulgation of necessary election rules not less than thirty (30) days before the day set for nominations, except for initial election: scheduling of all election activities; preparing

required notices for the Secretary, certifying eligible candidates; creating ballots; collecting, counting ballots; certifying the results of the election; preserving the integrity of the secret ballot one-man, one-vote right of the members; ancillary duties and acts. No member shall be permitted to serve on the Election Committee if he is a candidate for any office. Any member of the Election Committee desiring to run for office must submit to the Secretary in writing his resignation at least ninety (90) days prior to the date of nominations, otherwise he shall be disqualified.

- 9.4 The Labor Management Cooperation Committee shall recommend changes in working conditions and procedures, assist in the negotiating of collective bargaining agreements, and perform such other duties as from time to time may be assigned.
- 9.5 The Arbitration Committee shall remain anonymous as appointed by the Chairman. They shall meet to discuss arbitration matters, which affect the LABOR COMMITTEE; will be supported by legal authority, Committee decisions will be submitted in writing to the Chairman.
- 9.6 The Welfare Committee shall be responsible for recommending assistance for members hospitalized or suffering other hardships, recommending adoption of certain life, health and other insurance and benefits plans for the membership, organizing promotional training courses, and such other duties as from time to time may be assigned.
- 9.7 The Publication Committee shall be responsible for preparing, printing and disseminating a periodic newsletter to the membership, such other communications as may from time to time be necessary; and to undertake such external communications as directed.
- 9.8 The Legislation Committee shall inform the membership concerning national and local legislation of special interest to the membership, the position taken by elected public officials on issues of special concerns: assists in the preparation of public testimony to be given by the LABOR COMMITTEE and assist in making the LABOR COMMITTEE'S views on public issues known and heard; and such other related duties as from time to time may be assigned.
- 9.9 The Audit Committee shall cause to be performed the audits of the LABOR COMMITTEE'S books and accounts as more fully set forth in Article XV. The Treasurer and Treasurer-elect shall not be appointed to the Audit Committee; however, they may be present at all audits.
- 9.10 The Judiciary Committee shall investigate and report to the Executive Board those matters referred to it and shall adjudicate disciplinary cases referred to it under Article XII. The Agency Trustee will be the chairman of the Judiciary Committee.

ARTICLE X. BUDGETS, CONTRACTS, FUNDS

- 10.1 The Executive Board shall prepare annually a budget, subject to readjustment. Budgets shall be effective and in force on approval by the Executive Board and ratified by membership. The budget upon approval shall be published and made available to the membership. No expenditure shall be made that would exceed the budgeted amount, except in accordance with the provision of this paragraph. No budget shall be required for the expenditure of funds required by Article XVII or for legal fees and costs incurred directly by the LABOR COMMITTEE.
- 10.2 No agreement, contract, or obligation involving the payment of money, or the credit or liability of the LABOR COMMITTEE shall be made unless the same is authorized or directed by resolution of the Executive Board and duly entered in the Minutes thereof. The Chairman shall have the authority to expend or obligate up to Five Hundred Dollars without prior Executive Board approval. He shall report all such expenditures at the next Executive Board meeting.
- 10.3 The general funds of the LABOR COMMITTEE may be disbursed only on an order drawn by any two of the following: Chairman, Recording Secretary, or Treasurer. Such officers shall be appropriately bonded or insured.
- 10.4 No funds of the LABOR COMMITTEE may be expended upon a motion from the floor at any general or specials membership meeting unless notice of intent to move shall be served on the Chairman not less than fifteen (15) days before the meeting at which the motion will be made. The Chairman shall give notice thereof to the membership pursuant to paragraph 4.1 not less than ten (10) days before the meeting at which the motion will be made.

ARTICLE XI. COLLECTIVE BARGAINING AGREEMENTS

- 11.1 All negotiations, discussions, and relationships with the NDW and the Washington Navy Yard Commandant, serving at the pleasure of the Department of the Navy (herein together and separately the "employer") shall be conducted in accordance with the Charter, these By- Law' s, and applicable laws.

- 11.2 Any and all agreements with the employer shall be reduced to writing and signed by both parties; provided, however, that the agreement shall not be binding upon the LABOR COMMITTEE unless and until a majority of the dues paying members in good standing present and voting at a special meeting called solely for such purpose, shall ratify such agreement by secret ballot vote. Every agreement entered into by the LABOR COMMITTEE shall contain language setting forth the above requirement for bargaining unit ratification.
- 11.3 The ratification vote called for herein shall occur not less than five (5) days following notice thereof to the bargaining unit.
- 11.4 Upon ratification, the Chairman and Recording Secretary shall cause a ratification resolution to be duly prepared, signed, and attached to the original agreement. Each copy of the agreement shall contain a copy of the ratification resolution.
- 11.5 Any request for deviation, waiver, or change in the contract asked of the employer or the LABOR COMMITTEE shall be in writing and shall be presented to the Executive Board for approval before the request can be allowed or permitted; provided, however, that for good cause shown the Chairman may approve such request on a temporary basis pending Executive Board action.
- 11.6 It shall be the responsibility of each member to be alert for, and report, each and every violation of LABOR COMMITTEE collective bargaining agreement. Violation should be reported to the member's Shop Steward, who will forward it through the division Chief Steward, to the Vice-Chairman and the Chairman.

ARTICLE XII. DISCIPLINE

- 12.1 Any member who shall violate any provision of the Charter, these By-laws, or who shall be guilty of conduct detrimental to the LABOR COMMITTEE or its purposes, or reflecting discredit upon it, shall be subject to expulsion, suspension, disqualification from holding office, removal from office, or reprimand.
- 12.2 Any member charged with a violation shall be entitled to a fair-hearing however, no member who shall be in fault in the payment of dues, assessments, of other financial obligation shall be entitled to a hearing. The Executive Board may summarily discipline such member.
- 12.3 All notices of violations shall be in writing that shall include the name of the person making the charge, the applicable section of the By-Law's, Charter, or other basis for bringing the charge, with particulars, and the name of all witnesses then known to the accuser. Any member may

bring charges against any other member. The initiator shall sign all charges. The original shall be filed with the Recording Secretary. The Recording Secretary shall serve a copy on the accused and to the Chairman.

- 12.4 The Chairman shall review all charges. In the event he concluded the charge is sufficient as to form and content, which if proven could constitute a violation, he shall notify the accused and the Secretary. If the Chairman is the respondent, the Vice-Chairman shall review the charges.
- 12.5 The Secretary shall draw, by Lot, a hearing committee composed of three Judiciary Committee members. The Agency Trustee shall preside over the hearing committee. The hearing shall be held within fourteen (14) days of the Chairman's finding under Section 12.4. The Chairman, Vice-Chairman, Secretary, and Treasurer shall not be a member of any hearing panel. The accused and the accuser shall have the privilege of challenging for cause in writing the right of any member of the hearing panel to serve. Such challenge shall be raised no later than seven (7) days before the first date for the hearing. The other panel members shall rule on the challenge. If the challenge is sustained, the Secretary shall by lot draw a replacement. The panel, at any time and for any reason, may request and receive the advice and assistance of the LABOR COMMITTEES counsel.
- 12.6 No answer need be filed by an accused. Any member may be represented by counsel of his choosing; he shall be able to call witnesses on his behalf, and cross-examine adverse witnesses. The LABOR COMMITTEE shall not pay for nor provide counsel for an accused hereunder
- 12.7 It is the duty of each member to testify concerning any relevant matter within his knowledge if so requested by the panel. Any member refusing to testify shall himself be subject to discipline for his failure. If the accused fails to appear, he may be tried in absentia.
- 12.8 The panel, after hearing all the evidence, shall find the accused member either guilty or not guilty of each and every charge. It shall also determine the appropriate penalty to be imposed. The findings, conclusions, and penalties shall be reduced to writing and shall be submitted to the Recording Secretary who will present them to the accused within ten (10) business days of his receiving the decision from the panel. The decision of the hearing panel shall be included as part of the Minutes of the next regular meeting of the Executive Board.
- 12.9 Any adverse decision may be appealed by the accused member to the Executive Board, provided such member is otherwise in good standing. To perfect the appeal, the member shall serve notice on the Recording Secretary within ten (10) business days of receiving the panel's decision. The notice of appeal shall contain (a) a copy of the charges, (b) a copy of the panel's decision, and (c) a full statement of the facts relating to the controversy and the reasons why the relief requested should be granted.

- 12.10 The Recording Secretary shall cause such appeal to be included as an old business agenda item at the next regular Executive Board meeting. The Recording Secretary shall also cause copies of the documents filed by the appellant to be provided to each Executive Board member. The Board shall meet in executive session for the purposes of considering any appeal.
- 12.11 The Executive Board may sustain, reverse, modify, or remand any decision. Each Executive Board member shall have one vote. The decision of the Board shall be final and conclusive. The Recording Secretary shall include the Board's decision in its Minutes, and shall cause a copy thereof to be sent to the appellant.
- 12.12 No penalty imposed by a panel shall take effect until the expiration of the appeal period, or the appeal is heard and determined by the Board.
- 12.13 Notwithstanding the foregoing, if the respondent is a member of the Executive Board, the highest-ranking officer shall preside, and the Board shall hear and decide charges **EN BANC**, as set forth in paragraph 7.6. To the extent possible, the provision of paragraph's 12.5 through 12.8 shall be adopted and utilized by the Board in impeachment proceedings. The Board may promulgate rules to implement this paragraph.

ARTICLE XIII. RECALL, REFERENDUM

- 13.1 By petition signed by twenty-five percent (25%) of the dues paying members in good standing and filed with the Secretary, demand may be made by membership for the recall and removal from office of any officer. Such petition shall be voted on at a special general membership meeting called for that purpose or at a regular general membership meeting called for that purpose, and such recall and removal may be effected by an affirmative vote of two-thirds (2/3) of the dues paying members in good standing at the meeting. The petition of recall shall state the reasons therefore, and the vote thereon shall be by secret ballot.
- 13.2 The office of such Executive Board member so removed shall be considered vacant and shall be filled in such manner as is provided for the filling of vacancies, provided that nothing therein contained shall interfere with the rights and remedies of this Article.
- 13.3 All votes by referendum shall be taken by secret ballot. The Executive Board may, at any time in its discretion, order a referendum vote on any question or measure whatsoever.

ARTICLE XIV. MEMBER ACTIONS

- 14.1 Every member, without exception, agrees and pledges not to bring any action of law or in equity against the LABOR COMMITTEE, or any officer or Executive Board member in his official capacity, until first submitting his claim, grievance, complaint, appeal, or injury to the LABOR COMMITTEE for action, decision, review, or adjudication, as the case may be.
- 14.2 Until all the conditions precedent imposed by the Charter and these By-Law's have been strictly complied with, this Article may be set forth by the LABOR COMMITTEE as a complete defense to any action that may be brought and this defense shall be sustained by any Court.

ARTICLE XV. ANNUAL AUDIT

- 15.1 An audit of LABOR COMMITTEE funds shall be completed annually by a certified public accountant; prior to such date the same may be required by law, or otherwise before a date set by the Executive Board. Audit fees shall be paid out of the treasury.
- 15.2 An audit shall be made each time a new Treasurer takes office. An audit shall be made each time any discrepancy arises in LABOR COMMITTEE accounts in order to take corrective actions.

ARTICLE XVI. INSURANCE, BENEFIT PLANS

- 16.1 Participation in insurance or other benefit plans shall be handled by such methods and at such time as deemed appropriate by the Executive Board.

ARTICLE XVII. LEGAL REPRESENTATION

- 17.1 Every dues paying member in good standing shall receive legal representation for the defense of any administrative, civil or criminal action against such member pursuant to procedures established by the Executive Board.

ARTICLE XVIII. BY-LAW ADOPTION AMENDMENT

- 18.1 By-Laws may be adopted, modified, or rescinded by a motion made and approved at a meeting of the Executive Board by a two-thirds (2/3) vote of those present and voting. The adoption,

rescission, or amendment aforesaid shall become effective after ratification by a two-thirds (2/3) vote of those dues paying members in good standing and voting at the next regular (or at a special) general membership meeting; provided, however, that not less than thirty (30) days' notice of such meeting shall be given; and provided, further that the quorum for such meeting shall be one-third (1/3) the dues paying members in good standing. This quorum cannot be suspended.

Adopted:

CHAIRMAN
FOP NDW
LABOR COMMITTEE