



**CONSTITUTION**

**OF THE**

**SAN BERNARDINO COUNTY PROFESSIONAL FIREFIGHTERS**

**LOCAL 935**

**IN**

**SAN BERNARDINO COUNTY, CALIFORNIA**

**AFFILIATED WITH**

**INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS**

**AFL-CIO-CLC**

**January 2024**

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## PREAMBLE

This Local shall strive through just and lawful means to elevate the moral, social and intellectual conditions of our members; to cultivate a closer feeling of friendship and good will among our members; to encourage a higher understanding of our calling; to promote the efficiency of the firefighters and protect its members against injustice and secure agreeable working conditions for them and to keep its organization strong, alert and efficient in the pursuit of these goals.

## OATH OF MEMBERSHIP

**“I, \_\_\_\_\_, pledge my honor to faithfully observe the Constitution & By-laws of this Association and the International Association of Firefighters; not to divulge or make public any of the private proceedings of this Association; to comply with all rules and regulations for the government thereof; to faithfully perform all duties assigned to me to the best of my ability and skill; to conduct myself at all times so as not to bring ill-repute upon this local or the fire service.”**

### *IAFF Code of Ethics (Section added July 2016)*

“As a firefighter and member of the International Association of Fire Fighters, my fundamental duty is to serve humanity; to safeguard and preserve life and property against the elements of fire and disaster; and maintain a proficiency in the art and science of fire engineering.

I will uphold the standards of my profession, continually search for new and improved methods and share my knowledge and skills with my contemporaries and descendants.

I will never allow personal feelings, nor danger to self, deter me from my responsibilities as a firefighter.

I will at all times, respect the property and rights of all men and women, the laws of my community and my country, and the chosen way of life of my fellow citizens.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the fire service. I will constantly strive to achieve the objectives and ideals, dedicating myself to my chosen profession—saving of life, fire prevention and fire suppression.

As a member of the International Association of Fire Fighters, I accept this self-imposed and self-enforced obligation as my responsibility.”

ARTICLE I

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SECTION 1 - NAME

This organization shall be known as the:

**SAN BERNARDINO COUNTY PROFESSIONAL FIREFIGHTERS  
LOCAL 935**

International Association of Fire Fighters, AFL-CIO-CLC

SECTION 2 - OFFICES

The headquarters of this Local shall be in the County of San Bernardino, State of California, with branch or subordinate offices being established by the Executive Board at such time and places, as it may deem necessary. The Union Hall is located at 7950 Cherry #112, Fontana CA 92334. The mailing address of the Local is Po Box 1302 Fontana CA 92334. *(Sentence added July 2016)*

SECTION 3 - FISCAL YEAR

Fiscal year of the Local begins July 1st and ends June 30st of each year.

SECTION 4 - RULES OF ORDER

The IAFF "Manual of Common Procedure and Related Subjects" apply to this Local when not addressed in this Constitution and By-laws. Any section addressed in part in this Constitution shall be the entire application for procedures by this Local. Variations of procedures are by unanimous consent by those present.

SECTION 5 - BONDING

Bonding of officers and employees of the Local shall be done as described in Constitution and By-laws of the International.

SECTION 6 - DEFINITIONS AS USED IN THE CONSTITUTION OF THE SAN BERNARDINO COUNTY PROFESSIONAL FIREFIGHTERS, LOCAL 935.

- (A) LOCAL means SAN BERNARDINO COUNTY PROFESSIONAL FIREFIGHTERS LOCAL 935, International Association of Fire Fighters, AFL-CIO-CLC.
  
- (B) INTERNATIONAL means the International Association of Fire Fighters (IAFF).

- (C) CALIFORNIA PROFESSIONAL FIREFIGHTERS (CPF) means the labor body representing the California State Fire Fighters.
- (D) CENTRAL LABOR COUNCIL means the AFL-CIO labor body representing the San Bernardino County area and is considered an affiliate of the International Association of Firefighters in this Constitution and By-laws.
- (E) BOARD means the Executive Board of the Local.
- (F) ELECTIVE OFFICE means any position in the Local to which a Member may be elected or appointed according to this Constitution & By-laws.
- (G) CONSTITUTION means the Constitution of this Local.
- (H) EXECUTIVE BOARD includes principal officers and representatives of this Local.
- (I) MEMBER IN GOOD STANDING means any person who has fulfilled the requirements for membership in the Local and who has not voluntarily withdrawn, become ineligible for continued membership, or been suspended or expelled. Members not in good standing are not entitled to any voice or vote in the Local or in the affairs of the International Association of Firefighters or other privileges available including insurance programs. Any reference to “member” not related to discipline, misconduct or the like refers to “member in good standing”.
- (J) OFFICIAL FUNCTION means any meeting, convention, conference, seminar or any other type therein, when the purpose of attendance represents the interest of this Local.
- (K) GENERAL FUND means regular monthly dues and special contributions and all other allocations due this Local.
- (L) POLITICAL ACTION FUND means funds to be used to further the aims of our Local through political education or action.
- (M) GOOD AND WELFARE FUND means Funds for the aid and benefit of members and families of this Local and members and families of other fire Locals.
- (N) LEGAL DEFENSE FUND means funds to be applied to protect the interests of the Local.

- (O) PUBLIC RELATIONS FUND means funds to be applied to increase the image and awareness of the Local to the community.
- (P) CHOW FUND means funds applied toward the mandatory station meal fund.
- (Q) OTHER FUNDS means funds, which may be created as, needed to meet the interest of the Local. They may be separate or part of the General Fund account.
- (R) INSURANCE PREMIUMS means funds collected by the Local which shall be kept in a separate account from the General Fund.
- (S) GENERAL MEMBERSHIP is all regular members in good standing.

## ARTICLE II

### COLLECTION OF DUES AND OTHER MONIES

#### SECTION 1 - DUES & ASSESSMENTS

Each member shall pay dues. All regular members from the same department pay the same dues. Affiliate department members represented by Local 935 pay the dues amount determined by their respective membership's pay scales. (*Sentence added July 2016*) All dues shall also include per capita tax and special assessments as required by the International Association of Firefighters, California Professional Firefighters or its affiliates and shall be increased or decreased according to the Constitution and By-laws of the International and its affiliates. The Executive Board may reduce the dues obligations for employee groups whose compensation is significantly lower than the rest of the general members.

#### SECTION 2 - PROPOSED CHANGES IN DUES OR ASSESSMENTS

All increases or decrease in dues or assessments shall follow the requirements as defined by the Constitution and By-law of the International Association of Firefighters. Members in good standing shall be given at least thirty (30) days notice in advance of the date on which the vote for such an increase is to occur. (*Sentence added 11-15*) Changes in per capita dues assessments determined at convention by the CPF and the IAFF shall be sent to the membership via electronic notification. (*Sentence added July 2016*)

#### SECTION 3 - INITIATION FEE

Each new member shall pay an initiation fee as required by the International Association of Firefighters or its affiliates and first month's dues obligations. This fee may be waived at the discretion of the Treasurer.

#### SECTION 4 - ASSESSEMENTS & OTHER MONIES

Assessments are all obligations including but not limited to the following: assessments for specific purpose, good and welfare, political action, insurance premiums, station meal fund and other monies as determined by this Local and optional programs requested by the member and not limited by law.

#### SECTION 5 - METHOD OF PAYMENT

Each member shall pay dues, assessments and other monies through payroll deduction to the Treasurer.

#### SECTION 6 - DELINQUENT DUES

Delinquent dues are as defined by the International Constitution and By-laws. The local officer whose duty it is must notify the member of the delinquency by the 15th of the following month. Dues and assessments must be paid within sixty days of notification. Members with delinquent dues are subject to automatic suspension as covered in the Disciplinary Actions Article of this Constitution.



ARTICLE III

MEMBERSHIP

SECTION 1 -- REGULAR MEMBERSHIP ELIGIBILITY

All safety personnel regularly employed by San Bernardino County Fire Department or any paid fire department or organization providing services similar to the San Bernardino County Fire Department or any other subsequent title of authority which these persons or additional persons may come under as employees, because of and due to a change of title authority, who are under the jurisdiction of the International Association of Firefighters and any regularly employed representative of the Local, are eligible for membership in this organization. Newly hired safety employees of San Bernardino County Fire Department shall be initiated into the Local upon successful completion of their tower. *(Sentence added July 2016)* Newly hired affiliate or outside agency members shall be initiated into the Local upon successful completion of their orientation or tower. *(Added May 2018)*

Any new employee groups desiring to join this Local shall meet the approval of the General Membership by secret ballot. *(Changed from Executive Board by vote of the membership September 2014)*

Any employee group currently under the auspices of Local 935 whose employer is not under the authority of the San Bernardino County Fire Department can be removed from the Local upon approval of the general membership by ballot. If the majority of the individual employee group wishes to terminate membership in the Local as a group the issue does not require a general membership ballot. It shall only require a ballot by the employee group wishing to terminate its membership in the Local.

Additions of employee groups shall be in compliance with Articles XII and XIII of the IAFF.

SECTION 2 - APPLICATION

Application for Membership must be made on forms adopted by the Board for that purpose. A person may submit an application to the Board at any

regular meeting of the Board. The Board shall determine the qualification of the applicant and advise the membership thereof.

### SECTION 3 - OATH

An applicant must take the Oath of Membership to become a member. The Applicant must also affirm the IAFF Code of Ethics. *(Sentence added July 2016)*

### SECTION 4 - RIGHTS OF MEMBERS

Each member in good standing of the Local has the rights and duties set out in the Constitution and By-Laws of the International and this Local.

### SECTION 5 - RETIRED MEMBERSHIP

A member in good standing who has been issued a withdrawal card and has not been terminated by their employer may apply to the Board for retired membership. A retired member may, at the discretion of the Board; be eligible for any benefits as determined by the Board. Retired members shall entail no dues or assessments required by the Local for the general membership and shall have no voice or vote in the affairs of this Local. The Board may authorize retired membership status beyond the conditions of this section. Members who have retired from this union or have otherwise withdrawn as members may be allowed to return to this local within 1 year as active-retired members. *(Section changed March 2018)*

### SECTION 6 - ACTIVE-RETIRED MEMBERSHIP

Active - Retired membership shall be available to any member of Local 935 who retires from the Fire Service in accordance with Article III Section 2 of the IAFF Constitution and Bylaws. *(Section changed March 2018 and April 2019)*

### SECTION 7 - HONORARY

For meritorious service to this local or for distinguished public service, persons may be elected honorary members by a majority of members present at a regular general membership meeting. Honorary members shall not pay dues or assessments required by the Local for the general membership and shall have no voice or vote in the affairs of this Local. Honorary membership shall be revoked for cause.

#### SECTION 8 - Retention of Membership upon Separation from Service

When any member in good standing becomes separated from the fire service, the Local may allow by a majority vote at a General Meeting said member to retain active membership in accordance with IAFF Article XIII, Section 5; provided, however, that a member who is duly elected as an officer of the IAFF, or elected or appointed as a representative of or to the Local, shall retain active membership in the Local; provided further, however, that any active member of a local union or other subordinate body of the IAFF who is inducted into or activated with the armed forces of the United States or Canada may continue to be carried as an active member of the Local 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 that the right to vote in the local union on collective bargaining agreements.

Any officer or member of a local union or other subordinate body of the International Association, which ceases to exist because of anti-union action, as a result of which such officer or member is prevented from engaging in fire-fighting or related service, may retain their membership by the payment of per capita tax and other assessments to a local union in the same District or to a state or provincial association that permits such membership. *(Section added March 2018)*

#### SECTION 9 – ELIGIBILITY

Any person of good moral character, who, at the time of making application is engaged in service within the jurisdiction of this Local, as given in Article 2, is eligible for active membership. Anyone eligible for membership in this Local shall not be refused membership or, upon acceptance, be discriminated against because of race, color, gender, sexual orientation, creed, national origin, or by reason of disability.

## ARTICLE IV

### PRINCIPAL OFFICERS

#### SECTION 1 – PRESIDENT/Business Manager

The President/Business Manager is responsible for performance of all acts the Local is required to perform that are caused by the law, the Constitution and Bylaws of the International, or this Constitution and established policies of the Local, with exception of acts concerned with financial recording or accountability.

The President/Business Manager:

(A) Shall preside at all Board and Membership meetings.

(B) The President/Business Manager shall have the authority to counter-sign checks.

(C) Shall represent the Local before all legislative bodies, boards and commissions.

(D) Shall appoint, subject to approval of the Board, all committee chairs and is an ex officio member of the same. The committee member selection process shall be outlined in the Policy Manual of the Local. No member may chair or co-chair more than two committees at the same time. (*Sentence added May 2018*)

(E) May, subject to approval of the Board, appoint members as aides to assist them. The Aide shall not assume any duties already obligated to an elected board member of Local 935 and shall not attend any closed session Executive Board meeting with the exception to present information for Board consideration. The Aide shall not receive any funds or stipend from the Local unless approved by the membership at a General Meeting or by ballot. Under no circumstances shall the Aide substitute for or act as an Executive Board Member. (*Sentences added May 2018*)

(F) Shall perform other duties as required by established policies and programs of the Local.

(G) Shall preside over all meetings of the San Bernardino County Professional Firefighters Political Action Committee.

(H) Shall appoint members of the San Bernardino County Professional Fire Fighters Political Action Committee from members of the Executive Board and/or general membership.

(I) Shall be elected by the Membership

(J) Shall have one vote on the Executive Board. *(Section I and J added July 2016)*

## SECTION 2 – EXECUTIVE VICE-PRESIDENT

The Membership shall elect two Executive Vice Presidents at large. One office shall be titled First Executive VP and the second office shall be titled Second Executive VP. *(Sentence added 8/18)* The responsibility of the Executive Vice Presidents will be defined in the Policy Manual. *(Sentence added July 2016)*

The Executive Vice-Presidents:

(A) Shall assist the President/Business Manager in the affairs of the Local as directed.

(B) Shall in the absence of the President/Business Manager function in their place.

(C) May have the authority to counter-sign checks.

(D) Shall be elected by the Membership

(F) Shall have one vote on the Executive Board.

(G) Additional Executive Vice President positions may be created by vote of the Executive Board upon addition of significant union members such as outside agencies joining the Local or additional communities annexing or otherwise contracting services with San Bernardino County Fire Department. *(Section D-G added July 2016)*

(H) May appoint members as aides to assist them in the performance of their duties. The Aide shall not assume any duties already obligated to an elected

board member of Local 935 and shall not attend any closed session Executive Board meeting with the exception to present information for Board consideration. The Aide shall not receive any funds or stipend from the Local unless approved by the membership at a General Meeting or by ballot. Under no circumstances shall the Aide substitute for or act as an Executive Board Member. *(Section added May 2018)*

### SECTION 3 – SECRETARY

The Secretary shall have custody of all historical documents, records, books, and papers belonging to the Local, except as may be otherwise provided by this Constitution and By-laws. The Secretary shall keep an accurate record of the meetings of the Local and Executive Board. They shall attest all official documents with his signature and the seal of the Local. They shall conduct the correspondence of the Local promptly. They shall maintain the official list of members in good standing, which shall be kept accurately and on a current basis.

The Secretary:

(A) Shall record minutes at all Board and Membership meetings.

(B) May appoint members as aides to assist the Secretary in the performance of their duties. The Aide shall not assume any duties already obligated to an elected board member of Local 935 and shall not attend any closed session Executive Board meeting with the exception to present information for Board consideration. The Aide shall not receive any funds or stipend from the Local unless approved by the membership at a General Meeting or by ballot. Under no circumstances shall the Aide substitute for or act as an Executive Board Member. *(Sentences added May 2018)*

(C) Shall perform other duties as required by established policies and programs of the Local.

(D) Shall assist the President in the affairs of the Local as directed.

(E) May have the authority to counter-sign checks.

(F) Shall have one vote on the Executive Board. *(Sentence added July 2016)*

### SECTION 4 – Vice President

(A) The Membership at large shall elect Vice Presidents.

- (a) West Valley Vice President shall be responsible for issues pertaining to West Valley.
- (b) North Desert Vice President shall be responsible for issues pertaining to the North Desert.
- (c) High Desert Vice President shall be responsible for issues pertaining to the High Desert.
- (d) Mountains Vice President shall be responsible for issues pertaining to the Mountains.
- (e) South Desert Vice President shall be responsible for issues pertaining to the South Desert.
- (f) East Valley Vice President shall be responsible for issues pertaining to the East Valley
- (g) Special Operations Vice President shall be responsible for issues pertaining to Special Operations. *(All VP titles changed from numerical to geographic 8/18)*
- (h) Additional Vice President positions may be created by vote of the Executive Board upon addition of significant union members such as outside agencies joining the Local or additional communities annexing or otherwise contracting services with San Bernardino County Fire Department.
- (i) The VPs are responsible for their geographic areas as outlined on Local 935's website.

(B) All Vice Presidents:

- (a) Shall assist the President/Business Manager in the affairs of the Local as directed.
- (b) May have the authority to counter-sign checks.
- (c) Shall have one vote each on the Executive Board.
- (d) This position shall receive the stipend amount previously given to the First, Second, and Third Vice Presidents. *(Sentence rewritten July 2016)*
- (e) May appoint members as aides to assist them in the performance of their duties. The Aide shall not assume any duties already obligated to an elected board member of Local 935 and shall not attend any closed session Executive Board meeting with the exception to present information for Board consideration. The Aide shall not receive any funds or stipend from the Local unless approved by the membership at a General Meeting or by ballot. Under no circumstances shall the Aide substitute for or act as an Executive Board Member. *(Section added May 2018)*

## SECTION 5- TREASURER

The Treasurer:

(A) Shall receive and take charge of all money, property, and securities of the Local delivered to them by Officers and Members.

(B) Shall deposit all money so received to the credit to the Local in a bank or banks selected by the Board.

(C) Shall disburse Local funds only by checks countersigned by authorized board members.

(D) Shall prepare all necessary forms and transmit all monies due from the Local to governmental agencies in a manner consistent with sound bookkeeping practices, only with the approval of the Board, but the Board may give such approval in advance of a disbursement.

(E) Shall discharge on the behalf of the Local such duties as may be imposed upon them by applicable law including the execution and filing of any financial reports to Federal or State authorities, and he/she shall cause to be maintained by the Local such financial and other related records as the law requires to be kept in support of reports filed by it.

(F) May appoint Members as aides to assist them in the performance of their duties. The Aide shall not assume any duties already obligated to an elected board member of Local 935 and shall not attend any closed session Executive Board meeting with the exception to present information for Board consideration. The Aide shall not receive any funds or stipend from the Local unless approved by the membership at a General Meeting or by ballot. Under no circumstances shall the Aide substitute for or act as an Executive Board Member. *(Sentences added May 2018)*

(G) Shall perform other duties as required by established policies and programs of the Local.

(H) May act as Treasurer of the San Bernardino County Fire Fighters Political Action Committees. If the Treasurer does not fill this position the Treasurer may choose to contract this position.

(I) Shall have the authority to counter-sign checks.

(J) Shall have one vote on the Executive Board.



## SECTION 6 – TRUSTEE

The Membership shall elect (3) three Trustees from the General Membership. The Membership shall also hire a Certified Public Account as defined in this Constitution.

The Trustees shall check the books of the Local at least once each year and at such other times as they deem advisable. The Local shall also engage a certified public accountant (as described in Article VI Section G) who shall be independent from any person or firm performing auditing services for the Union to make an audit of the accounts of the Treasurer once each year, and he/she shall have full access to all books and records of the Secretary and Treasurer pertaining to financial matters of the Union. The Board of Trustees shall make a report of their findings on examination of the books to the Executive Board.

This position shall not have a vote on the Executive Board and shall not be paid a stipend. *(Section added July 2016)*

## SECTION 7 – Sergeant-at-arms

The Sergeant-at-Arms is the officer who acts as a doorkeeper, maintains meeting order at the direction of the presiding officer, and is responsible for the comfort of the assembly during the meeting. The Sergeant-at-Arms shall be responsible for the admittance and monitoring of members attending remotely and physically as provided in this Constitution. The Sergeant-at-Arms may be called upon by the chair or the body to escort disruptive persons physically from the meeting area or mute/log off those attending remotely.

The Sergeant-at-Arms:

- (A) Shall attend at all Board and Membership meetings.
- (B) May appoint members as aides to assist the Sergeant-at-Arms in the performance of their duties. The Aide shall not assume any duties already obligated to an elected board member of Local 935 and shall not attend any closed session Executive Board meeting with the exception to present information for Board consideration. The Aide shall not receive any funds or stipend from the Local unless approved by the membership at a General Meeting or by ballot. Under no circumstances shall the Aide substitute for or act as an Executive Board Member.
- (C) Shall maintain a count of attending members at meetings both physically and remotely. The Sergeant at Arms shall immediately advise the Secretary and the presiding officer if the meeting attendance drops below that required to maintain a quorum.
- (D) Shall perform other duties as required by established policies and programs of the Local.

- (E) Shall assist the Presiding Officer in the affairs of the Local as directed.
- (F) Shall have one vote on the Executive Board.
- (G) Shall receive a stipend equivalent to that of a Representative.

## SECTION 8 – SUCCESSION

The succession to Principal Officer positions shall be accomplished in the following manner:

(A) In the absence of the President/Business Manager, including absences caused by disability or death, an Executive Vice-President shall assume and perform the duties of the President/Business Manager as set out in this Constitution and By-laws. When it is determined by the Board that the absence of the President/Business Manager is permanent, an Executive Vice-President shall assume and perform the duties of President/Business Manager for a period of time until special elections are conducted. If the normal election cycle for that office is within 90 days no special election will occur.

(B) In the absence of the Secretary, including absences caused by any type of disability or death, the Treasurer shall assume and perform all the duties of the Secretary as set out in this Article. When it is determined by the Board that the absence of the Secretary is permanent, the Treasurer shall assume and perform the duties of Secretary for a period of time until special elections are conducted, to fill the remainder of the unexpired term of office. If the normal election cycle for that office is within 90 days no special election will occur.

(C) When it is determined by the Board that the absence of the Treasurer is permanent the President/Business Manager may appoint a member to temporarily assume the duties of these offices for the remainder of the term, upon ratification of the Board.

(D) When it is determined by the Board that the absence of an Executive Vice President is permanent, the President/Business manager shall appoint (subject to Board ratification) one of the Vice Presidents to fill the position until special elections are conducted to fill the remainder of the unexpired term of office. If the normal election cycle for that office is within 90 days no special election will occur.

(E) When it is determined by the Board that the absence of a Vice President is permanent, the Principal Board shall appoint a Representative to the position until special elections are conducted to fill the remainder of the unexpired term of office. If the normal election cycle for that office is within 90 days no special election will occur.

(F) When it is determined by the Board that the absence of a Division Representative is permanent, the Vice President for that Division may appoint (subject to Board ratification) a member to fill the remainder of the unexpired term of office. A Rep position can remain vacant until the next normal election cycle by a vote of the Executive Board. Affiliate agency members will elect one of their members to fill their Representative office when determined vacant. *(Sections added July 2016)*

(G) When it is determined by the Board that the absence of a Trustee is permanent, the Treasurer may appoint (subject to Board ratification) a member to fill the remainder of the unexpired term of office. A Trustee position can remain vacant until the next normal election cycle by a vote of the Executive Board.

(H) When it is determined by the Board that the absence of the Sergeant-at-Arms is permanent, the Principal Board shall appoint a Member to the position to fill the remainder of the unexpired term of office.

(I) When it is determined by the Board that a geographical area or affiliate group currently represented has lost positions to otherwise change the amount of members in that area or group the currently elected officers will continue to serve the remainder of their elected term of office. At the conclusion of their term, the Board will evaluate the number of positions available for re-election according to Article V Section 1(F). *(Section added May 2018)*

## ARTICLE V

### REPRESENTATIVES

#### SECTION 1 - DIVISION REPRESENTATIVES

The Division Representative:

- (A) Shall serve as the principal representative of their members for issues affecting their division and are elected only by members of their division.
- (B) Shall assist in soliciting for member involvement within their division for official functions.
- (C) Shall assist with distribution of all Local materials within their division and will be the primary communication link between the Executive Board and Local Members. If issues effect more than one division, the Division Representative shall notify a Vice President.
- (D) Shall have one vote each on the Executive Board.
- (E) May appoint Members as aides to assist them in the performance of their duties. The Aide shall not assume any duties already obligated to an elected board member of Local 935 and shall not attend any closed session Executive Board meeting with the exception of presenting information for Board consideration. The Aide shall not receive any funds or stipend from the Local unless approved by the membership at a General Meeting or by ballot. Under no circumstances shall the Aide substitute for or act as an Executive Board Member. *(Sentences added May 2018)*
- (F) A Representative will be elected for each 50 positions. When a Division increases above 50 position increments the Executive Board shall allow elections for new representative(s). *(Sentence added July 2016, changed from 75 members to 50 positions)* Each additional Rep position created shall be a numbered when there are more than one office in a division or affiliate group. (Example: Valley Rep 1, Valley Rep 2, etc...) *(Sentence added February 2022)*
- (G) Outside agencies shall have a minimum of one representative each. The individual employee group may elect an additional representative for each 50-position increment. *(Sentence added May 2018)*
- (H) Additional Rep positions shall be created by vote of the Executive Board when a new VP position is created upon addition of significant union

members such as outside agencies joining the Local or additional communities annexing or otherwise contracting services with San Bernardino County Fire Department. *(Section added Sept 2017)*

## SECTION 2 - RETIREMENT BOARD REPRESENTATIVE

The current representative from this Local who fills a seat on the San Bernardino County Board of Retirement is the Retirement Board Representative.

This position shall not have a vote. *(Sentence added July 2016)*

## SECTION 3 – MERGER REPRESENTATIVE

Outside agencies or departments who join the San Bernardino County Fire Department and members are participants in the current MOU shall have a Representative on the Executive Board for a period of twelve (12) months or longer to ensure a smooth transition. It shall be their Association or Union President unless those members follow the recall provision of this Constitution and By-laws.

This position shall have one vote each. *(Sentence added July 2016)*

## SECTION 4 – RETIRED REPRESENTATIVE

(A) Shall serve as the principal representative of retired members for issues affecting the local and are elected only by the retired members.

(B) Shall assist in soliciting for member involvement by retired members for official functions.

(C) Shall assist with distribution of all Union materials to retired members and will be the primary communication link between the Executive Board and Retired Union Members.

(D) This position shall not have a vote.

## ARTICLE VI

### EXECUTIVE BOARD

#### SECTION 1 - EXECUTIVE BOARD

The Executive Board consists of the Principal Officers and Representatives. The Executive Board is the governing body of the Local and may, accept in matters which must be submitted to the membership under this Constitution, the Constitution and By-laws of the International or public law, act on behalf of the local on all matters respecting the policies, aims and means of accomplishing the purposes of the Local. The Board may submit any matter to the membership for consideration at a General Membership Meeting.

#### SECTION 2 - DUTIES AND POWERS OF THE BOARD

The Board shall:

- (A) Shall investigate such matters relative to furthering the interest of the Local as may be referred to them by Members and report their findings and recommendations to the Membership as soon as is reasonably possible.
- (B) Shall develop policies, programs and rules to implement the purposes of the Local set out in the Preamble.
- (C) Shall have policies, programs and rules adopted under sub-section (B) of this Article prepared in printed or electronic form and compiled in a loose-leaf book or electronic file to be known as the Policy manual. These files shall be available on the Union Website. *(Sentence added July 2016)*
- (D) May, by majority vote, make appointments to fill vacant terms of office except as limited by this Constitution.
- (E) May, with the approval of the Board hire such employees as may be necessary to effectively carry out the business of the Local and set all terms and conditions of such employment.
- (F) Shall authorize all expenditures of Local funds. The policy manual shall state the maximum expenditures that the Board is authorized to expend without approval at a General Membership or Special

meeting. The Board may create funds for separate and special purposes as needed by the Local.

- (G) Shall have in internal audit made of the books of the Local at the end of each fiscal year and shall forward a report thereof to the International's as required by the Constitution and By-laws of the International. This audit is to be performed by a Certified Public Accountant or by three members of the Local, not on the Executive Board, who will act as Trustees and be appointed by the membership.
- (H) The Principal Board shall function as the Political Action Committee (PAC). Executive Board members who are not Principal Officers may also function on this committee if appointed by the President and ratified by the Principal Board. (*Sentence added July 2016*) The committee recommendations and endorsements shall be presented at the next regularly scheduled General Membership meeting for approval.

### SECTION 3 - COMPENSATION -

The Executive Board may receive a stipend. The establishment of a stipend or increase shall be by a majority vote of the members in good standing voting in a referendum conducted by secret ballot.

## ARTICLE VII

### MEETINGS

#### SECTION 1 - GENERAL MEMBERSHIP MEETINGS

General membership meetings shall be held on odd months at a time and place designated by the Board. By majority vote, the Membership may suspend regular meetings for a period of no more than six months.  
*(Changed from quarterly to odd month April 2019)*

#### SECTION 2 - SPECIAL

Special meetings of the Membership may be held at the call of the President/Business Manager, by a majority vote of the Board, or by seven (7) members by filing a petition with the President/Business Manager. Four (4) members submitting the petition shall be present at the special meeting for the special meeting to be held. Only the business specified in the petition, or the subject stated by the President/Business Manager or Board will be considered at a special meeting so called. When a request for special meeting is submitted, the Board shall set a date for the meeting no less than seven days and no more than fourteen days from the day the petition was filed with the President/Business Manager or called by the President/Business Manager or Board. Ratification of contracts for San Bernardino County Suppression Members will be at (5) five consecutive days of special meetings with one meeting to be held in each geographical division. Affiliate member groups within Local 935 may have less than 7 special meetings for ratification of their specific groups MOU. *(Changed by vote of the membership to 5 days from 2 days Nov 2014)*

#### SECTION 3 - EXECUTIVE BOARD MEETINGS

The Board will meet on even months at a time and place designated by the President/Business Manager unless waived by a majority of vote of the Executive Board. There will be a minimum of four Executive Board meetings scheduled per year. This is in addition to the General Membership Meetings. *(Changed to even months April 2019)*

#### SECTION 4 - QUORUM

(A) - GENERAL MEMBERSHIP - A General membership meeting shall have a minimum of ten (10) members, three of which must be Executive Board members for a quorum. If a majority of the E-Board is present they shall have the authority to conduct the business of the Local when fewer than ten (10) members are present.



(B) - SPECIAL MEETING -- Special meetings shall, in addition to the requirements set forth above, shall have a minimum of ten (10) members, three of which must be Executive Board members and four (4) of the petitioning members for a quorum.

(C) - EXECUTIVE BOARD MEETING - Executive Board meetings shall have a minimum of five (5) Executive Board members, three of which must be principal officers for a quorum.

## SECTION 5 - POWER TO ACT

(A) - GENERAL BUSINESS -- A majority of the members present at any meeting decides any vote.

(B) - DUES & ASSESSMENTS - Any increase in initiation fees, re-instatement fees, total dues or assessments by the Local shall be by a majority vote of the members in good standing voting in a referendum conducted by secret ballot. Per capita dues required by the International Association of Firefighters, California Professional Firefighters, or their affiliates are automatically included as required by their constitution.

(C) - RATIFICATION OF CONTRACT - A majority vote of the members in good standing voting by secret ballot at (5) five consecutive days of meeting with one meeting held in each geographical division. The combined total of the five (5) meeting's votes shall be considered the vote of the local. *(Changed by vote of the membership from 2 days to 5 days November 2014)*

(D) 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.

(E) PROXY VOTING Proxy voting for San Bernardino County Fire members shall only be allowed for ratification of a contract when the member is: hospitalized, on Military Leave, on their pre-approved Annual Leave, or on an incident deployment (such as strike team, incident management team, or USAR deployment). All these situations must be planned or expected to last the duration of the ratification voting process. A member needing to utilize this option must contact the Secretary prior to the last voting day and designate which member will be accepting the proxy ballot in their place.

## SECTION 6 - NOTIFICATION

The Secretary shall notify all Fire Stations and places of work of the Members at least seven (7) days before the time the meeting is held and include items for new business available by the time of notification. Special meeting notification must be at least 48 hours before the meeting.

## SECTION 7 - RIGHTS OF MEMBERS

Every member in good standing shall have the right to attend any general membership and special meeting, and to participate in such meetings in accordance with the recognized rules as set forth in this Constitution and the International. The majority vote of the membership at a general membership or special meeting is binding on the Executive Board and the general membership. Only Executive Board members may cast votes during an Executive Board meeting. *(Section changed April 2019)*

## SECTION 8 – APPEALS PROCESS *(Section added as a result of ballot decision of the membership December 2003.)*

There are a sequence of places you can take your request, idea, question, problem etc.

The Local functions most like a republic – people you elect follow your direction and their best judgment through the many issues facing the union and its members. The most important decisions are decided by the membership at large (like a democracy). If some decision is made at an inappropriate level, there are appeals (checks and balances) that can be made. But the will of the majority must prevail. If at any level, a member does not like the decision made, they may appeal, subject to applicable constitution and bylaws, policies and procedures, a higher level.

The following is the order of decision makers:

1. Rep – The rep can advise members of existing policies, procedures, constitution and by-laws and past practices. Occasionally, if the issue has no local wide implications, the Rep may be the primary decision maker, (in consultation with the Vice-president).
2. Vice-President – The VP can advise members of existing policies, procedures, constitution and by-laws and past practices. The VP may function as the president in his absences in deciding new issues. As soon as possible, the VP will advise the President of these decisions (to maintain consistency) and avoid binding agreements where possible. (The Affiliate Representatives function occasionally at this level with regard to their city/district issues.)
3. President – The Union President/Business Manager is the day-to-day decision maker for the Union. The President/Business Manager must exercise care to abide by past agreements, philosophies, and the

documents that guide the Union direction. The President/Business Manager should keep the will of the informed majority in mind and refer decisions that can wait to the Executive Board or higher level when practical and possible. The President/Business Manager can establish new policies and procedures on behalf of the membership. Often the President/Business Manager is the most appropriate decision maker when specialty knowledge unique to the office is required. All decisions however can be appealed to a higher body if so requested.

4. Executive Board – The Executive Board is the monthly body that deliberates on behalf of the members as their representatives. The E-Board should attempt to acquire all of the facts, consider past union practice, and share the views of all of their members. The body can deliberate issues, and vote. There after the body should be united as a whole to the position of the majority. Individual opinions and positions are abdicated to the will of the majority and E-Board members must not lobby after the majority will is known. Motions are the appropriate approach at this and following levels. Motions can be made to move decisions to a higher level. Motions may be reduced to policies to provide continuity of the membership’s will to future Union officers and members.

5. General Meetings - Quarterly meetings are held to decide issues at the membership level. Decisions that exceed the authority of the E-Board or are of great interest to the members should be handled at this level. Committee recommendations and successful motions are how decisions are made at this level. Issues and solutions can be debated and members can share directly in the policies and direction of the Union. Motions can be made to move decisions to a higher level.

6. Special Meetings or Ballots– The highest level of authority of the Union rests at the special meetings or at the ballot box. The Ratification meeting is a specific type of special meeting that has specific terms and conditions decided by the membership. The Nomination Meeting is a one-day special meeting that can be held concurrently with an E-Board or General Meeting. The Ballot Prep meeting and Ballot Counting meeting are also one-day special meetings whose timeline in the voting process is defined in this Constitution. *(Two prior sentences added August 2017)* The following will serve as a guide as to the appropriate type of remedy for the membership to consider an issue at the highest level.

Special meeting – The largest number of votes and participation come by two-shift special meetings. There is the ability to get information, provide debate, hear opinions, and modify motions at this level. The draw back at this approach is that some members may find it difficult to attend, motions may be made the second day, but then must be reconsidered by the participants of the first meeting (a third meeting

must be held). A Special meeting unless otherwise defined in this Constitution must be held on at least two consecutive days not on the same duty shift. *(Last sentence added august 2017)*

7. Ballot – A smaller number of participants use this procedure, but all members receive the opportunity. No modification of the ballot question is possible at this stage. (It should be handled at the E-Board level or General Meeting where ever possible.) This is also a labor intensive and time-consuming process (about 31 days). *(changed to 31 August 2017)* While more members may have an opportunity to vote at this level, more participate at the Special meeting that vote by ballot.

*Reminder:* Motions are how the direction of the union (at a meeting), is determined. If a motion prevails, then the will of the body is known. Motions made at a lower level, can be appealed to a more inclusive body. The final decision of the membership of the local is at the ballot or Special meeting. Other than appeals to a higher meeting, motions can only be reconsidered by the prevailing side within 24 hours. Issues not debated or part of motions not failing or passing may be considered by the appropriate body. The Constitution and By-laws is the highest rule book of the Union

## ARTICLE VIII

### ELECTIONS

#### SECTION 1 - RULES FOR ELECTIONS

All nominations and elections of officers in the Local shall be conducted under the Constitution and By-Laws of the International, except as otherwise provided in this Article.

#### SECTION 2 - NOMINATIONS

Any Member in good standing may be nominated to more than one office, but a Member may stand for election to only one office, except as provided in the Constitution. A Member nominated to an office who wishes to decline may do so at the regular meeting for nominations or if he/she is not present and wishes to decline, they shall so notify the President or Secretary in writing within ten business days after the close of nominations. A Member nominated to two or more offices must notify the President/Business Manager or Secretary of the office for which he/she chooses to stand for election either at the time of his/her nomination or in writing within ten business days after the close of nominations. If such a nominee fails to notify the President/Business Manager or Secretary to ascertain their choice, their name will not appear on the ballot. A Member nominated and not present at the regular meeting shall be notified by the Secretary of the nominations.

Nominations for the Offices of President/Business Manager, West Valley Vice President, High Desert Vice President, South Desert Vice President, Special Ops Vice President, Affiliate Division Representative(s), North Desert Representative(s), Mountain Representative(s), East Valley Representative(s), and Trustees will be made at the General Membership meeting in the last quarter of each odd numbered calendar year. Nominations for the Offices of Secretary, Treasurer, First Executive Vice-President, Second Executive Vice President, Sergeant-at-Arms, North Desert Vice President, Mountains Vice President, East Valley Vice President, West Valley Representative(s), High Desert Representative(s), South Desert Representative(s), and Special Operations Representative(s) will be made at the General Membership meeting in the last quarter of each even numbered calendar year. Any additional Board positions created by expansion of the union as defined in this Constitution will be placed into odd or even years to maintain an even balance of election terms. *(Section updated July 2016, September 2017, and August 2018)*

#### SECTION 3 - USE OF FUNDS PROHIBITED IN ELECTIONS

No funds received by this Local, through initiation fees, dues or assessments, or otherwise, shall be contributed or applied to promote the candidacy of any person in the election of officers.

*\*\*Executive Board Decisions regarding Article VIII application*

*Nothing in Article VIII Sections 2 or 3 shall preclude candidates from paying for the costs associated with utilizing Union resources to provide their statements to the members. This could include but is not limited to printing of mailing labels or use of union fax machines. (9/10/3)*

*The statement of intention to run is not a violation of Article VIII Sections 2 or 3. (9/10/3)*

*Article VIII Sections 2 and 3 do not apply with regard to the Retirement Board position. (9/10/3)*

#### SECTION 4 - SUBMISSION OF CANDIDATE STATEMENTS

Candidates cannot submit their statements with the official ballot. Their election materials may be posted on Union boards and other areas.

#### SECTION 5 - METHOD OF VOTING

A majority vote of the members in good standing voting in a referendum conducted by secret ballot. If the final vote 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 the tied candidates.  
*(Sentence added 11-15)*

#### SECTION 6 - FORM OF BALLOT

Each ballot shall:

- (A) State the name of each candidate and the office he seeks.
- (B) List the name of each incumbent seeking re-election first in order among the candidates for the office.
- (C) State at the top of the first document the following:  
“Members elected to the Office of President/Business Manager and Secretary are delegates under this Constitution. The Executive Vice Presidents, Trustees, Treasurer, Vice-Presidents and the Representatives are alternate delegates and may become delegates under Article IX of this Constitution.”

- (D) If voting by postal mail the ballot shall have affixed the official seal of the Local to be valid.
- (E) Electronic Balloting Procedures - The ballot will be prepared and reviewed by the Election Committee prior to being posted on the web site to each member in good standing of the Local, at least 15 days prior to the election. The vote will be conducted by a secret ballot electronically over the Internet. A date will be selected by the committee as to when the election will open and close. During the election period no access to the administration area (Online Voting) on the web site will be allowed by the E-Board or members. The only access to the administration area (Online Voting) will be giving to the Election Committee and that access is to validate the vote only. If a problem arises the Webmaster will inform our Election Committee of the problem and the Election Committee will determine how to proceed with instructions to the membership. After the election has been completed by the announced date, a copy of the results will be provided by our Webmaster to the Election Committee. The Election Committee will confirm with the Webmaster that no member has accessed the administration area (Online Voting) during the election.
- (F) Electronic/Online voting may be used for the election of officers who are not to serve as delegates to the IAFF Convention, or for any issue submitted to the entire membership for a vote. The computer program shall, at a minimum, contain the following elements: (1) sufficient encryption to ensure security and authenticity of the vote; (2) a mechanism to ensure each member votes only once on each issue and that the member's identity is secret; (3) password protection; and (4) the ability to calculate total votes. Online voting shall be available on the Internet, and only accessible to members of the local.

## SECTION 7 - INSTALLATION

The term of office for an officer elected to office in any year commences at the regular meeting of the Membership of the Board in January of the following year.

## SECTION 8 - RECALL

Any officer may be recalled from office by an election called for that purpose and conducted in the same manner as a regular election. The Board shall call a recall ballot upon receipt of a petition signed by 25% of the members in good standing requesting that such action be taken. The Membership of a Member recalled cannot be suspended nor shall he be fined or disciplined beyond removal of office, except under Article X under

this Constitution. No officer shall be recalled in the first 90 days of office nor shall they be recalled within 90 days of the regular election for that office. If a recall ballot is unsuccessful that officer may not be recalled again by ballot petition for the remainder of his/her term. This section shall not prohibit the filing of charges and removal from office as a result of disciplinary action as defined in this Constitution. (*Sentence added July 2016*)

#### SECTION 9 – NOTICE

Each member in good standing shall be given at least fifteen (15) days advance notice, in writing, of the date, time and place at which nominations shall be made, and at least fifteen (15) days advance notice, in writing, sent by postal and electronic mail to the last known address of the member, of the date, time and place at which elections shall be held. This information will also be made available on the Local's website. (*Section changed 11-15*)



## ARTICLE IX

### DELEGATES AND ALTERNATES

#### SECTION 1 - SELECTION OF DELEGATES

Delegates are elected concurrently with the election of the President/Business Manager, Secretary, Treasurer, Executive Vice Presidents, Sergeant-at-Arms, Vice Presidents, Trustees, and the Representatives. Each Member elected to one of these offices is elected at the same time and by the same vote as a Delegate. The President/Business Manager is first Delegate and the Secretary is the second Delegate. All the others are alternate Delegates. In the event one of the first two Delegates chooses not to, is unable to attend an official function, or more than two Delegates are required, the necessary number of Delegates will be selected from among the alternate Delegates by vote of the Executive Board. Reasonable expenses of Delegates attending official functions shall be paid from funds of the Local. Other selection of Delegates will be according to the Constitution and Bylaws of the International when necessary.

## ARTICLE X

### DISCIPLINARY ACTIONS

#### SECTION 1

Any member charged with misconduct as defined in the IAFF Constitution and Bylaws shall be served with written specific charges. (*Section changed March 2018*)

#### SECTION 2 - CHARGES

The charges of misconduct shall be preferred in the manner and forms specified in the Constitution and By-laws of the International.

#### SECTION 3 - TRIALS

Trials of a Member against whom charges have been preferred shall be conducted under the Constitution and By-laws of the International.

#### SECTION 4 - APPEALS

Appeals may be taken under the Constitution and By-laws of the International.

#### SECTION 5 - AUTOMATIC SUSPENSION

Failure to pay dues and assessments as required in the Constitution and By-Laws of the International results in automatic suspension and loss of voice or vote in the Local under the Constitution and By-Laws of the international.

#### SECTION 6 - REINSTATEMENT

A Member suspended under Section 5 this Article may be reinstated to membership in good standing by majority vote of the Members at any regular monthly meeting. Applications for reinstatement must be made in the same manner as applications for admission to the Local and must be accompanied by a reinstatement fee of \$35.00, plus all dues and other assessments if applicable owed for the months in arrears or a signed salary deduction card authorizing deduction of same. The Board may reduce the amount of arrearages payable hereunder as circumstances warrant.

## ARTICLE XI

### AMENDMENTS

The Board shall submit to a vote of the Membership any proposal to amend this Constitution, which is either proposed by a Member and approved by the majority of the Board or presented to the Board on a petition signed by 25% of the Members in good standing.

Each such proposal must be placed before the Membership for vote within 60 days of the date the proposal qualifies, therefore as set out in the previous sentence. If specifically requested by the Member making the proposal or stated in the presented petition the proposal may be delayed and submitted to a vote of the Membership with the next regular ballot. *(Sentence added July 2016)* A two-thirds majority of the Members voting on any such proposal is required for passage. Votes conducted under this Article must be by secret ballot.

Any proposed amendments, revisions or modification to this Constitution & By-laws shall be submitted to the International for final ratification prior to implementation.

ARTICLE XII  
CONSTRUCTION

SECTION 1 - SCOPE

This Constitution supplements and is subordinate to the Constitution and By-laws of the International. In the event of conflict between this Constitution and the Constitution and By-laws of the International or the absence of applicable provisions herein, the Local is bound by the applicable provisions of the Constitution and By-laws of the International. This Local, its officers, representatives, and members shall recognize, observe, and be bound by the provisions of the Constitution and By-Laws of the International Association and the interpretations rendered by the International General President, the resolution, decisions and directives of the Executive Board of officers of the Association when made in conformity with the authority granted by the Constitution and By-Laws of the Association, and the resolution adopted and policies established by the delegates at conventions, Article XIII of the Constitution and By-Laws of the Association is recognized as providing the basic rules governing this local. *(Section changed 11-15)*

SECTION 2 - RESERVATION

The Local reserves the right to exercise any power and engage in any activity not prohibited by the Constitution and By-laws of the International of this Constitution so long as the exercise of such power or the engaging in any such activity is consistent with the objectives of the Local and the International.

SECTION 3 - EFFECTIVE TERM

This Constitution shall be in effect from date of passage by the members, and it shall be subject to final ratification by the International of Firefighters.

SECTION 4 - SEPARABILITY OF PROVISIONS

In the event any provision of this Constitution and By-laws is declared null and void by superseding federal or state law, or determined by a court of competent jurisdiction or a governmental agency of competent jurisdiction to be nullified, illegal or unenforceable, or null and void by the International, it shall not affect any other provisions of this Constitution and By-laws, the remaining provisions of which shall continue in full force and effect.