

NCUA BASEBALL CONSTITUTION AND BYLAWS

Table of Contents

No.	Article	Page
1	The Association & Umpire Status	1
2	Purpose	2
3	Qualifications	2
4	Procedures	3
5	Officers & Selection Thereof	3
6	The President	4
7	The Secretary	5
8	The Treasurer	6
9	The Assigner	8
10	Association Board	8
11	Games Fees, Expenditures, Registration Fee, and Assessments	9
12	Meetings, Voting, & Clinics Attendance	11
13	Membership Status	12
14	Suspension & Expulsion	15
15	Payment, Collection, and Return of Money	15
16	Members – Restrictions	17
17	Members – General Obligations	18
18	Members – Work Obligations	20
19	Disciplinary Action and Due Process	21
20	Amendment Process	23
21	Committees	23

NCUA BASEBALL CONSTITUTION AND BYLAWS

Article 1-The Association & Umpire Status

Section 1 Title

This organization shall be known as NCUA Baseball, the “Association”

Section 2 Independent Contractors

The Association’s active umpires including applicants, members, and Officers are independent contractors and not employees of the Association. They shall comply with California State Guidelines for independent contractors. It is recognized that as such they may not be able to seek and collect worker’s compensation for injuries sustained while performing, or traveling to and from officiating assigning or officiating-related or assigning-related work. Each such person should obtain and maintain disability insurance for such injuries.

Section 3 Work is Optional

Each umpire participating in this Association may decide to accept or reject game assignments.

Section 4 Umpire Agreements

Each and every working Association umpire must have signed and filed with the Secretary a current copy of the Association’s Standard Umpire Agreement, as approved by the Board.

Section 5 Yearly Participation

The participation of all working umpires in the Association is on a yearly basis, and this participation is renewable, provided such renewal is in accord with the provisions of Article 13 herein.

Section 6 Calendar Year

All business of the Association, including membership, training, financial, and accounting, is conducted on a calendar year basis.

Section 7 Tax Basis

The Association is a qualified amateur sports organization under IRS 7.25.26 and a Section 501(c)(3) tax-exempt organization. Upon dissolution of the Association, any remaining assets will be used exclusively for exempt purposes.

Article 2 – Purpose

Section 1 Umpiring Services

The purpose of the Association is to provide qualified baseball umpiring services in the San Francisco Bay Area of California.

Section 2 Informational Programs

The Association shall provide ongoing informational, training and evaluation programs regarding baseball umpiring, and this material shall be made available to the Association’s participating umpires for their use, benefit and information.

NCUA BASEBALL CONSTITUTION AND BYLAWS

Article 3 – Qualifications

Section 1 Personal Interest

Any person with a strong interest in baseball and a firm desire to officiate baseball games may be considered as an applicant for membership in this Association.

Section 2 Membership Status

Membership status in this Association must be in conformance with Article 13.

Section 3 Anti-Discrimination – State CIF Compliance

The Association does not exclude, discriminate against, or treat differently anyone on the basis of race, color, creed, religion, national origin, gender, sexual orientation, age or disability. In particular, no person will be:

- a) denied application for membership in this Association,
- b) denied membership in this Association,
- c) denied access to membership rights within this Association or,
- d) subject of disciplinary proceedings within this Association

due to race, color, creed, religion, national origin, gender, sexual orientation, age or disability.

Article 4 – Procedures

Section 1 Parliamentary Procedures

The rules contained in the current edition of Robert’s Rules of Order Newly Revised (2002 Edition) shall govern the organization in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the organization may adopt.

Article 5 – Officers & Selection Thereof

Section 1 Officers

The Officers in this association are four (4) officers: a President, a Secretary, a Treasurer, and an Assigner, constituting the Board.

Section 2 Qualifications

All Officers, whether elected or appointed, must be active members in good standing per Article 13, Section 7 or members on leave of absence per Article 13, Section 8.

Section 3 Selection Procedures

When called for by this Article, the Officers shall be elected by majority vote by the members in good standing for one year with the term beginning and effective on January 1 of the new calendar year.

NCUA BASEBALL CONSTITUTION AND BYLAWS

Section 4 Officers Elected by Majority Vote

Whenever one of the four (4) Officers, as defined in Section 1 of this Article, is to be elected, it must be by a majority of those voting in any particular ballot. The election may take place prior to the calendar year to which it will take effect, or early in the year that it will take effect.

If there is a tie position, it shall be broken by a second vote, and subsequent vote until a majority vote is attained.

If these procedures cannot elect an officer, the election shall be by a coin flip conducted by the member with the longest continuous service present at the meeting who is not one of the candidates.

Section 5 Vacant Office

Except for the office of the President, if any office becomes vacant, the President shall fill it by appointment for the remainder of its calendar year term.

Section 6 Presidency Vacancy

If the office of the President becomes vacant, the powers and duties are assumed by the Secretary.

Article 6- The President

Section 1 Duties and Expenses

The President shall preside at all General Meetings and also over the Board. The President shall appoint all committees, per Article 21, Section 1, and he or she shall perform such other duties as may be necessary for proper administration of the Association's affairs.

The Association shall provide reimbursement to the President for expenses reasonably incurred while doing the work of the Association.

Section 2 Presidency Vacant

Whenever the office is vacant or the President is unable to perform his or her duties, the powers and duties of this office shall be assumed by the Secretary.

Section 3 Work Supervision

The President shall oversee the work of all Members to insure they are addressing their responsibilities.

Section 4 Contracts

The President shall have in his or her possession copies of all current Contracts between this Association and all Organizations and/or Leagues for which this Association provides Umpiring Service.

Section 5 Umpire Training - (CIF Compliance)

The President shall be responsible for the scheduling and supervision of Training Sessions, and it shall be an expectation that each member attend.

NCUA BASEBALL CONSTITUTION AND BYLAWS

The President or his/her designated representative shall attend, as the representative of the Association, the CIF Rules Interpreter's Meeting at a meeting site in Northern California.

The President shall be responsible for the distribution of the current year's National Federation Rules Book, National Federation Case Book, and National Federation Umpire Manual to each working umpire, and other materials deemed useful or necessary for umpire training.

The President shall be responsible for distribution of the current year's National Federation Umpire Test. The President shall establish a due date for completion of said Umpire Test which shall be completed in an unsupervised and open book format by each and every working umpire and returned prior to said due date to the President. Compliance with this provisions shall also include answering correctly a satisfactory percentage of the questions, as designated by the President.

The President shall schedule and conduct the Umpire Training Sessions, including meetings, clinics, and scrimmages, at their discretion but in accord with existing governing rules and standards especially those standards from the California Interscholastic Federation and National Federation of High Schools, among others. Applicants and members shall attend no less than 18 hours of Umpire Training Sessions each year.

Each General Meeting (see Article 12, Section 1) shall have at least thirty (30) minutes set aside within its agenda wherein umpire information/training will be discussed.

Additional Training Sessions may be scheduled at the discretion of the President for which attendance may be optional, expected for particular applicants and/or members or expected for all applicants and/or members.

Additional meetings and/or Training Sessions exclusively for Applicants may be scheduled by the President.

All necessary notifications pursuant to the various provisions with in this Section shall be in accord within Article 7, Section 5.

An umpire whose compliance with any provisions within this Section is expected, as stated herein, must comply unless he/she is excused by the President. See Article 12, Section 9.

Priority for assignments to games contested by the CIF Member High Schools shall be contingent upon satisfactory compliance with any provisions state herein which may apply to the individual working High School baseball.

Any disciplinary action under this Section must be in conformance with Article 19.

Article 7 - The Secretary

Section 1 Assumes Presidency

NCUA BASEBALL CONSTITUTION AND BYLAWS

The Secretary shall assume the powers and duties of the President in addition to those of his or own office, whenever required by provisions of Article 5, Section 6 and/or Article 6, Section 2.

Section 2 Duties

The Secretary or his or her designated replacement shall keep the Minutes of all Meetings, including General Meetings, Special Meetings, and Board Meetings, and such Minutes shall be presented for approval at or prior to the next scheduled Board Meeting or General Meeting. The Secretary at his/her discretion shall make these submittals by regular mail, by e-mail, the Website posting, or by distribution at the meeting. All approved minutes shall be made available by the Secretary to the membership at his or her discretion, as noted herein. He or she or his or her designated replacement shall either take or call the roll of the membership at any Meeting. The Secretary shall read all communications and papers when requested to do so, maintain custody of all papers and documents, and attach his or her signature alone, or in connection with that of the President to all of the acts, orders and proceedings of the membership and of this Association.

Section 3 Expenses

The Association shall provide reimbursement to the Secretary for expenses reasonably incurred while doing the work of the Association.

Section 4 Association Address

The address of this Association shall be established by the Secretary with approval of the Board, shall be considered as the office of this Association, and all communications, letters, etc. shall sent thereto.

Section 5 Meeting Notice

The Secretary shall notify all Association applicants and members when and where all meetings, clinics, etc., are to be held.

The Secretary shall notify all applicants and members when elections are to be held.

Section 6 Rules Violation Notices

The Secretary shall have the responsibility of notifying in writing any applicant or member who alleged to have violated any of the Association's rules where a disciplinary action may result. Notification will be as set forth in Article 19. Notifications may be delegated by the Secretary in accord with Article 19, Section 8.

Section 7 Account Reconciliation

The Secretary shall reconcile all bank statements in conjunction with the Treasurer.

Section 8 Website

The Secretary or his or her designated representative will oversee the operations of and the information posted on the Association Website. A current edition of this Constitution and Bylaws will be available to view and download on the website.

NCUA BASEBALL CONSTITUTION AND BYLAWS

Article 8- The Treasurer

Section 1 Duties

The Treasurer shall oversee the financial operations of the Association and give a report at each Meeting about the amount of money in the treasury (a bank account), any collections and/or disbursements, and any other information pertinent to the financial condition of the Association. The Treasurer shall keep funds in a bank account expressly owned by the Association. The Treasurer shall maintain records and receipts of all transactions which shall include an up to date file (three years minimum) of all invoices prepared by the Assigner, per Article 9, Section 6, and arrange for an annual audit of the association by a certified public accountant or a reasonable internal reconciliation using Generally Accepted Accounting Principles (GAAP). The Treasurer shall, at his or her discretion, deduct assessments, or any other monies due this association from the money due the Association's applicants and members. The Treasurer shall be responsible for notifying the Assigner whenever an applicant or member does not have liability insurance as provided in Article 11, Section 4. The Treasurer shall be responsible for collecting the Registration Fee from each umpire.

Section 2 Tax Requirements

The Treasurer shall be responsible for complying with the tax laws of all federal, state and local authorities, including but not limited to the issuance of 1099 Forms to all applicants and members and timely and proper filing of the required tax returns for the Association. The Treasurer shall prepare and file, or direct a competent person to prepare and file, necessary tax returns in accordance with federal, state and local law. At the Treasurer's discretion and direction, the Association may pay for the services of a competent person to prepare and file the tax returns.

Section 3 Expenses

The Association shall provide reimbursement to the Treasurer for expenses reasonably incurred while doing the work of the Association.

Section 4 Account Reconciliation

The Treasurer shall reconcile all bank statements holding Association funds with the knowledge or assistance of the Secretary.

Section 5 Payment and Collection of Association Funds

All checks of the Association must be signed by the Treasurer and by at least one other Officer authorized to do so by the President. If the Treasurer is unavailable, the Assigner, authorized by the President, may sign Association checks should their immediate issuance be deemed by the President necessary. All Association funds are to be kept by the Treasurer, and all transactions of said funds are to be by the Treasurer or by his or her authorized representative. Any check, money order, or wire transfer payable to Association and issued to an individual member or applicant of the Association shall be signed over and delivered, as soon as possible to the Treasurer. In no event shall such member or applicant cash said check or money order wherein the payee is the Association, and shall deliver as soon as possible said check or money order to the Treasurer. In no event shall such member or applicant cash said check or money order.

NCUA BASEBALL CONSTITUTION AND BYLAWS

Section 6 Check Signatures

All Checks of the Association must be signed by at least two so authorized Officers. All Officers will have their signatures on file and available.

Section 7 Commingling Association Funds

As a fiduciary of the Association, the Treasurer shall not commingle or mix personal funds or assets with those of the Association and shall keep funds and assets of the Association separate and identifiable as such.

Article 9 - The Assigner

Section 1 Duties

The Assigner shall be responsible for all the assignments, including post-season playoff assignments, of this Association. The Assigner may be assisted in making assignments by another individual or by other individuals, but only with the approval of the President. Assignments shall be made in accordance with Association rules and availability of officials.

The Assigner shall make assignments to provide the best umpire services to clients by considering the available and qualified umpires for the scheduled games. The Assigner shall determine umpire qualification based on game performances, experience, attendance at Training Sessions, and the National Federation Umpire Test. Game performances are evaluated based on making good calls, professionalism, applying rules correctly, exhibiting good mechanics, and game management.

Section 2 Expenses

The Association shall provide reimbursement to the Assigner for expenses reasonably incurred while doing the work of the Association, including the expense of a cell phone.

Section 3 Assigning Fees

The Assigner shall be entitled to receive assigning fees from this Association, and these fees shall be determined by the Board. Any and all such fees must be reported to the Treasurer of this Association.

Section 4 Assigning Reports

The Assigning Secretary shall communicate reports of any violations by applicants and members of Association rules regarding cancellation and/or fulfillment of assignments to the Board.

Section 5 Limiting Assignments

Any action of the Board specifically limiting the assignment of any individual applicant or member shall be adhered to by the Assigner. Written confirmation of such action, if requested by an applicant or member, shall be provided by the President, including therein the reason(s) for the action.

Section 6 Invoices

NCUA BASEBALL CONSTITUTION AND BYLAWS

The Secretary, by mutual agreement and/or in accord with approved Contracts shall, on behalf of all participating Association umpires, prepare invoices for payment for the officiating services provided, as independent contractors, by all participating umpires, by each and every Organization and/or League he/she assigns on behalf of the Association. These invoices shall be presented for payment in accord with a payment schedule mutually agreed between the Association and the entity being serviced. These invoices shall be immediately copied to the Treasurer and shall be kept by the Treasurer in an up to date file (three years minimum) per Article 8, Section 1.

Article 10- Association Board

Section 1 Membership

This Association shall be governed and guided by its Board, which shall consist of the four (4) Officers. The Assigner may concurrently hold another office, including President, Secretary, or Treasurer.

Section 2 Board Meeting Quorum

A quorum for the transaction of any business at a Board Meeting shall consist of at least two (2) members thereof, including the President or any presiding officer.

Section 3 Board Meetings

The President shall set the agenda and preside over the Board. Board Meetings and communications by telephone and email, as deemed necessary, shall be scheduled by the President. The proceedings of the Board shall be recorded by the Secretary.

Section 4 President Absent

In the absence of the President, the Secretary shall preside at the Board Meeting. If neither the President nor the Secretary is present, the Board shall mutually agree upon a presiding officer.

Section 5 Attendance

Roll shall be taken by the Secretary (or designated replacement) at all Meetings. This record shall include Meetings attended, Meetings excused from, and Meetings absent without excuse. All members of the Board must attend or be excused from more than half of the Board Meetings held while they are holding an Office during the current calendar year. Otherwise, their attendance is not satisfactory.

Section 6 Excused Absences

The President, at his or her discretion, may excuse an Officer from attending any particular Board Meeting or Meetings. Otherwise, failure to attend any Board Meeting is an absence without excuse.

Section 7 Meeting Minutes

The Minutes of all Meetings shall include when the Meeting begins, when it adjourns, the Members who are present, the arrival time of any Board Member who is late, excused time of

NCUA BASEBALL CONSTITUTION AND BYLAWS

any Board Member who leaves early, the Board Members who absence is excused by the President, and the Board Members who attendance is not excused.

Article 11 - Game Fees, Expenditures, Registration Fees, and Assessments

Section 1 Game Fees

The Board shall set the game fees to be paid to umpires for all games to be officiated during the year. The fee schedule for the year shall be published and distributed to the membership at the earliest opportunity.

Section 2 Expenditures

The Board shall approve all Expenditures for the Association.

Section 3 Determination of Registration Fee

The Board shall determine an annual Registration Fee which shall be payable by January 15, or as determined by the Board. Any changes thereof must be ratified by the membership.

Section 4 Liability Insurance

Each applicant and member must have liability insurance, as determined by the Board, and shall, whenever necessary and at the discretion of the Board, be assessed the cost to obtain it. Each year, the Board shall publish to all affected applicants and members the required liability insurance for each and every aspect of umpiring for the Association. Each applicant and member is responsible for furnishing proof of liability insurance compliance to the Secretary/Treasurer and to the Assigner. The assignments of any applicant or member discovered to be working without proper liability insurance shall be revoked immediately upon such discovery. The Assigner, or any individual authorized to assign on behalf of or in lieu of an Assigning Secretary, shall not assign a game to any applicant or member who has not demonstrated acceptable proof of proper liability insurance. The Officers (i.e., the four Officers,) must have Directors and Officers liability insurance, as determined by the Board and which shall be an Expenditure of the Association.

Section 5 Association Assessments

All working umpires shall be Assessed a percentage of game fees to cover the Association's operating expenses, as specified in Article 15, Section 4.

Section 6 Disciplinary Action

Any disciplinary action under this Article must be in conformance with Article 19.

Section 7 Registration Fee

Umpire registration fee for the current year shall include payment of liability insurance (section 4 of this article), Directors & Officers Insurance, and other operating expenses of the Association. These Expenditures shall constitute the Association Registration Fee for the current year. A due date for payment of this Registration Fee shall be established by the Board, nominally January 15, and the due notice thereof shall be given to all prospective umpires by the Treasurer. Payment of this Registration Fee must be to the Treasurer on or before the due date. If the

NCUA BASEBALL CONSTITUTION AND BYLAWS

payment is late, the umpire shall not be considered registered until said Registration Fee is received.

Section 8 Failure to Register

If an umpire eligible to register for the current year fails to do so, said umpire's membership status shall be terminated at the end of the current unless said umpire has been granted a Leave of Absence in accordance with Article 13, Section 8 or the Board grants an exception. There are no monies collectible by this Association for any reason from any umpire who fails to register. In accordance with Article 15, Section 7, no game fees are payable by this Association to any umpire who fails to register.

Section 9 Acceptance of Registration fee by the Board

By majority vote, the Board shall decide to accept or not accept the registration of each member after the due date. A registration fee not accepted shall be promptly returned and the umpire's membership shall be terminated

Section 10 Criminal Background Checks

The Association may conduct criminal background checks on applicants and members, in accordance with applicable law and in a qualified and professional manner. If an umpire's status with the Association is affected by the results of a background check, the umpire will be so advised of the results. The Association will maintain confidentiality of the results and the basis of any such change of status. The Association may ask applicants and members to assume or share the expense of such criminal background checks.

Article 12 - Meetings, Voting, & Clinic Attendance

Section 1 Meeting Quorum

A quorum for the transaction of any business at any Meeting of this Association shall consist of at least five (5) active members in good standing, including officers.

Section 2 Entitled to Vote

Except as additionally specified within this section, only active members in good standing are entitled to vote. Voting upon general business matters shall be by open ballot with the right hand uplifted; contrary minded the same. Provided he/she is in compliance with any other applicable provision(s) of this Article, any applicant who has been promoted in accordance with Article 13, Section 6, but who is not yet an active member in good standing shall be entitled to vote.

Section 3 Absentee Election Ballot

Any active member, qualified per Section 5 and in good standing who will not be present at the final General Meeting of the year may vote by filing an absentee ballot, by mail or email, with the Secretary, and said absentee ballot shall be valid for all ballots for which it may apply.

Section 4 General Meeting Schedule

General Meetings shall be scheduled by the President with the approval of the Board. The dates of the General Meetings for the next calendar year will be announced by the President at the final

NCUA BASEBALL CONSTITUTION AND BYLAWS

General Meeting of the current year.

Section 5 General Meeting Attendance

All applicants and all active members in good standing should attend the announced general meetings unless they are working an assignment for this Association or have been excused by the President for what he/she deems an acceptable reason.

Section 6 General Meetings Applicant Requirements

An applicant must attend at least one scheduled General Meeting in a calendar year in order to be considered for membership.

Section 7 General Meetings Member Requirements

Members are expected to attend all announced General Meetings, except members on leave of absence per Article 13, Section 8, are excused. Failure to attend scheduled meetings without an excused absence could result in a low priority status being designated by the President.

Section 8 Special General Meeting

The President, and only the President, may schedule a meeting for the entire association. If the President schedules a meeting for the entire association, this newly scheduled meeting becomes an additional General Meeting for that calendar year. If a decision which effects the entire association is required at the Special General Meeting, a quorum of at least twenty-five percent (25%) of the members at that time must be in attendance. The addition of a Special General Meeting does not raise the meeting requirement rule.

Section 9 Special Meeting & Clinic Attendance

When Special Meetings or Clinics are scheduled, the President shall designate the applicants and/or members who must attend, and they shall be notified per Article 7, Section 5. Any designated umpire may be excused, if for good cause, by the President.

For unexcused failure to attend any Special Meeting or Clinic (when designated to do so), an applicant or member may be placed on low priority status for assignments by the President.

Section 10 Low Priority Status and Term

Low priority status means an individual cannot be assigned to a designated league unless all priority umpires have been contacted (or a reasonable attempt to contact them has been made), if they are generally available. If the Assigner has less than 48-hours to fill an assignment, he or she is not restricted by low priority rules but should abide by them, if possible.

Low priority status for any individual shall be a specified one (1) month period. The Assigner, at his or her discretion may terminate an individual's low priority status if said individual meets specific requirements to the satisfaction of the Assigner.

Section 11 Disciplinary Action

Any disciplinary action under this Article must be in conformance with Article 19.

Article 13 - Membership Status

NCUA BASEBALL CONSTITUTION AND BYLAWS

Section 1 Application and Initiation Fees

Applications for membership in this Association shall be by properly written form issued by this Association upon request to the Secretary. The umpire will have applicant status for the current year.

Section 2 Applicant Probation

An applicant shall be on probation for two (2) years from the date of application in accordance with Section 1 of this Article.

Section 3 Applicant Testing

The President shall determine the means of testing for each applicant.

Section 4 Applicant Assignments

An applicant will be assigned games during his or her probation, and it shall be the Board's responsibility to judge his or her performance and give its approval before applicant can become an active member. All applicants' assignments are at the discretion of the Assigner.

Section 5 Completion of Probation

Upon completion of his/her probation, the Board shall determine the status of an applicant as follows:

- A. Selection to active status per Section 6 of this Article;
- B. Continuation of applicant status; or
- C. Rejection of applicant status in this Association.

Any applicant rejected may not work Association assignments for a minimum period of one (1) year.

Decision of the Board regarding the status of any applicant is final. The Board, at its discretion, may grant an applicant's request for reconsideration of his/her status.

Section 6 Applicant Promotion

Upon completion of an applicant's probation period, as specified in Section 2 of this Article, and upon approval by the Board, which may be given either during or after the completion of his/her promotion, an applicant passes probation and becomes an active member in good standing in this Association.

Section 7 Certified/Active/Good Standing Status

An umpire has active member status, and is certified as an umpire for NCUA Baseball, for the current year, if he or she qualified per all applicable provisions of these Bylaws. Until paying registration fees, an active member in good standing retains status, but cannot participate in work or affairs of the Association, i.e. be assigned and umpire baseball games. Active members in good standing lose that status when they are granted a leave of absence, resign, retire, or are suspended or expelled per Article 14. An active umpire who loses active member status may regain it by decision of the Board.

NCUA BASEBALL CONSTITUTION AND BYLAWS

Section 8 Leave of Absence

An active member's request for temporary inactive status by taking a leave of absence can only be granted by the Board upon written request.

Section 9 Leave of Absence Expires

After one (1) year, a member on leave of absence must either resume active status, resign, or retire (or be retired), unless granted an extension of said leave of absence by the Executive Board. At any time during the leave of absence, an active member may request reinstatement to active status in accordance with Section 13 of this Article.

Section 10 Member Status

All members are required to be full time members. All registration fees and assessments shall be paid as such. Members wishing to change their status may do so by informing the Board in writing and subject to Board approval.

Section 11 Junior Officials

For servicing the Junior Baseball Leagues, Junior Officials who are not applicants or members of this Association may, with approval of the Board, be assigned. Each month a Junior Official works games, he or she must pay the Association' assessments.

Section 12 Resignation and Active Standing Reinstatement

Any active member or applicant may voluntarily resign or retire at any time by giving notice, either verbal or written, to the President or to the Secretary,

The resignation or retirement of any active member or applicant, if properly given, is immediately in effect unless a future date is specific or agreed to by the umpire. If a future date is specified or agreed to said resignation or retirement is in effect at that time.

Immediately upon his or her resignation or retirement being in effect, properly resigned or retired active member or applicant is no longer governed by the Association's Constitution and Bylaws, is no longer entitled or obligated to umpire any game or games assigned to him or her by the Association, and any other Association requirements are null and void and not applicable to said properly resigned or retired umpire.

If a properly resigned or retired umpire has unmet and undisputed fiduciary obligations to the Association, any monies due the Association shall be deducted from any check(s) subsequently sent to the umpire. Otherwise, the Association's only recourse shall be legal action under civil law.

The Officer(s) to whom an active member or applicant's resignation or retirement was properly given is/are responsible for notifying any affected person(s) within the association.

Any resignation or retirement shall be reported to the Board and recorded in the minutes of the Board Meeting. At the discretion of the Board, acknowledgement or confirmation of a resignation or retirement shall be made to the umpire by the Secretary.

If a resigned or retired umpire should, at any time, re-apply for membership in this Association,

NCUA BASEBALL CONSTITUTION AND BYLAWS

the umpire's application shall be treated the same as any other applicant and in accordance with Section 1 of this Article.

Any umpire, who, for any reason whatsoever, is not on the active service list, cannot be reinstated to active standing until he or she has been approved by the Board.

Section 13 Americans with Disabilities Act

An applicant's probation, as specified in Section 2 of this Article, shall not include any period when said applicant cannot umpire due to a disability as defined in the Americans with Disabilities Act. An active member unable to maintain said status because of being unable to work, as specified in Section 7 of this Article, shall automatically resume active status when ready to do so if he or she was unable to work due to a disability as defined in said Americans with Disabilities Act. No disciplinary action may be taken against an umpire solely because of said umpire unable to work due to a disability as defined in said Americans with Disabilities Act.

Article 14 - Suspension and Expulsion

Section 1 Misconduct Penalties

For failure to comply with established Association authority or regulations or for failure to pay registration fee, or any other assessments, or for any other conduct established to be contrary to the best interest of this Association, an applicant or member may be:

- A. Placed on Low Priority Status, and/or,
- B. Put on Probation, and/or,
- C. Suspended for a specified period but for not more than one year from this Association

Section 2 Accused Rights

Proper opportunity shall be given the accused applicant or member to defend him or herself against all charges. Any applicant or member accused shall be granted due process, as provided in Article 19.

Section 3 Expulsion Procedures

To expel a member, the Board must approve specific charges and prosecute the matter before the membership of the Association.

The approved Resolution of Expulsion shall be scheduled at either a General or Special Meeting of the Association and communicated to all active members in advance of said Meeting.

Two-thirds (2/3) majority, by secret ballot, of all active members present in good standing at either a General or Special Meeting shall be necessary to expel any member.

A vote upon said Resolution of Expulsion may be postponed to a future date if it is deemed advisable by the Board and provided the matter is not brought up for prosecution at the originally scheduled meeting.

NCUA BASEBALL CONSTITUTION AND BYLAWS

Section 4 Suspension Procedures

The President has sole authority to file and prosecute a grievance requesting the suspension of any applicant or member of this Association, which grievance shall be for causes stated in this Article or for any other reason that is detrimental to this Association and for any specific period but not exceed one (1) year.

The President may not be suspended, but he or she is subject to other penalties as stated in this Article.

Section 5 Disciplinary Action

Any disciplinary action under this article must be in conformance with Article 19.

Article 15 – Payment, Collection, and Return of Money

Section 1 Registration Fee Determination

The Registration Fee for this Association shall be set by the Board in accordance with Article 11, Section 3.

Section 2 Payments

When due and payable, any and all game fees and other payments owed to applicants and members of this Association shall be paid to and/or collected by the Treasurer in the name of “NCUA Baseball”.

Section 3 Check Deductions

The Treasurer is authorized to deduct from any applicant’s or member’s check, at the time of issuance thereof, any assessments which are not yet due and payable but which shall reasonably become due and payable during the current year.

The Treasurer is authorized to deduct from any applicant or member’s check, at the time of issuance thereof, any assessments which are currently due and payable.

Section 4 Assessment for Operating Expenses

For operating expenses of this Association, a specified percentage of all monies collected by the Treasurer for games worked by this Association shall be assessed and deducted from applicants’ or members’ checks, whenever they are issued. The specified percentage for Assessment shall be put in effect after a change is recommended by the Board and ratified by a majority vote of members present at a General Meeting.

Section 5 Delinquent Debts

Any applicant or member who has been notified by either the Secretary or Treasurer that he or she is delinquent in payment of any assessments shall be subject to suspension (per Article 14) if full payment of said assessments is not received within twenty (20) calendar days of the issuance of said notice, verbal or written.

NCUA BASEBALL CONSTITUTION AND BYLAWS

Section 6 Payment of Games Fees

The Assigner and the Treasurer shall cooperate to make possible the prompt payment of applicants and members for games worked. Whenever practicable, leagues will be asked to either pay in advance or accept, and promptly pay, bills submitted during the progress of their season for games worked. No game fee shall be paid to any umpire unless and until said umpire registers for the current year per Article 11, Section 7. If an umpire works and subsequently does not register, any game fee(s) payable to said umpire are forfeited to this Association. If an unregistered umpire works and subsequently registers, any game fee(s) payable to said umpire shall be paid minus any deductions mandated by applicable provisions of these Bylaws.

This Association will use reasonable efforts to collect any and all unpaid game fees, transportation fees and/or reimbursements and expenses owed to its applicants and members.

Section 7 Fees Paid

All checks issued by this Association to the Association's participating umpires, including Officers, are for services performed by these individuals as independent contractors, as stated in Article 1, Section 2, herein.

Section 8 Membership Forfeiture

In the event of a member being expelled or forfeiting his or her membership, any monies paid in advance of the current quarter shall be returned. Monies paid for the current quarter will be forfeited to this Association.

Section 9 Inactive Waiver

In the event an applicant or member being unable to work, the Board, at its discretion, may waive his/her payment of assessments due and payable for the time he/she is inactive and return any such monies paid in advance.

Article 16 - Members Restrictions

Section 1 Membership in Other Umpire Associations

Any applicant or member of this Association is free to belong to any other officiating organization; however, all registration fees and assessments are owed in full to this Association as well.

Any applicant or member of this Association may belong to another umpire association for the purpose of umpiring in leagues in good standing with but not doing business with this Association.

Section 2 Assigning Priorities

When an applicant or member also belongs to another officiating organization, and a conflict in assignments results, the applicant or member must fulfill the first assignment he or she received. If this is not an assignment by this Association, the applicant or member is responsible for immediately notifying the Assigner. If this is an assignment of this Association, the applicant or member is responsible for fulfilling it unless he or she is allowed to cancel by the Assigner.

NCUA BASEBALL CONSTITUTION AND BYLAWS

Section 3 Discussion of Association Business

No applicant or member shall discuss with non-members/outside anything that has transpired at any General Meeting, Special Meeting, Clinic or Board Meeting of this Association or the business of the Association, including game fee information, lists of members, or contact information of members.

Section 4 Umpires Soliciting Games

No applicant or member shall, as an individual, solicit games for him or herself, or for his or her friends from any organization, or representative thereof, which is under contract with the Association for providing exclusive umpire services for said games. Said applicant or member shall refer parties interested in the service of the Association to an Officer or the Website.

Section 5 Leagues not in Good Standing

At no time shall any applicant or member of this Association umpire a game for a league that has been declared to be “not in good standing”, whenever such declaration has been recommended by the Board and approved by the membership. Umpires shall be notified whenever a league is “not in good standing” with this Association.

Section 6 Umpiring Games Not Assigned by the Association

When an applicant or member is officiating outside this Association, he or she shall not wear the Association logo or otherwise specifically identify him or herself as representing this Association without permission of the President.

Section 7 Disparaging Colleagues

No applicant or member while participating in any baseball game shall disparage by any remark(s) or action(s) any applicant or member of this Association while said applicant or member is officiating in accordance with this Constitution and By- Laws.

Section 8 Grievance for Alleged Misconduct by Umpire

Any applicant or member of this Association, because of any allegedly disparaging or degrading incident that may have taken place while said applicant or member was officiating in accordance with this Constitution and Bylaws, may file a grievance against any applicant or member of this Association for alleged violation(s) of Section 9 of this Article, and pursuant to said filing, said applicant or member may request penalties as mitigation of said grievance in accordance with Article 14, Section 1.

Section 10 Disciplinary Action

Any disciplinary action under this Article must be in conformance with Article 19.

Article 17 - Members General Obligations

Section 1 Assigner’s Authority

There shall be no disputes with the Assigner regarding the assigning of umpires. The Assigner has authority to change or cancel any assignment he or she has issued to any applicant or

NCUA BASEBALL CONSTITUTION AND BYLAWS

member, provided the Assigner has reason to judge such action is in the best interest of this Association.

Section 2 Fulfilling Assignments

Whenever an applicant or member accepts a game assignment for this Association, it must either be fulfilled or properly turned back to the Assigner. The Assigner, with approval of the Board, shall establish policies for the proper turn back of assignments, these policies shall be published and made available to all affected applicants and members. Failure to properly turn back a game assignment with notice of 48 hours or more is subject to a grievance as specified in Article 19. Failure to fulfill a game assignment without any notification is subject to a grievance.

Section 3 Discussion of Umpiring by other Umpires

Any applicant or member who has witnessed any Association umpire calling plays or rendering decision contrary to the playing rules and umpire mechanic adhered to by this Association or conducting oneself on the field in any manner which might reflect adversely upon oneself or this Association, shall not advertise or discuss the incidents with any person or persons other than responsible Officers of this Association or those present at a meeting of this Association.

Any applicant or member authorized by the President or Assigner to make an evaluation shall communicate said evaluation only with the responsible Officer.

Section 4 Soliciting Association Business

The solicitation of games or business for this Association shall be only be by committees appointed by the President unless required to do so by law or within the authorization of the Board.

Section 5 Information Concerning Possible Business

Any applicant or member having information regarding the securing of games or business for this Association will immediately report this to an Officer.

Section 6 CIF Code of Conduct

Along with payment of the registration for the current year, as stated in Article 11, Section 3, each umpire shall certify his/her compliance with CIF Code of Conduct requirements by subscribing to/signing the current year's CIF document "CIF – Pursuing Victory with Honor (Suggested) Code of Conduct for Officials" or any equivalent document authorized by CIF. The applicable CIF Code of Conduct will be provided to the umpire by the association. If the umpire fails to subscribe to said CIF document, the assignments of the umpire to any scholastic baseball may be limited and/or withdrawn at the discretion of the Assigner, until the umpire is in compliance. The umpire will be in compliance when the umpire has read the CIF document and has notified the Assigner, either verbally or in writing, of their acknowledgement of its provisions.

Section 7 Conflict of Interest - CIF Compliance

No Officer, member or applicant of this Association shall knowingly participate in any

NCUA BASEBALL CONSTITUTION AND BYLAWS

transaction or game assignment of this Association wherein a conflict of interest (COI) might reasonably arise, be perceived, or called into question, by a reasonable person, their ability to be impartial in the manner.

An Association transaction directly affecting an Officer might be a COI for the Officer. An Association Officer, member or applicant participating in a transaction who has a personal or family relationship with a representative of the other party might have a COI. Any such Association Officer, member or applicant with another working or financial relationship with a representative of the other party might have a COI. Any such person Association Officer, member or applicant who might be the direct beneficiary of the transaction might have a COI. These examples of but are not the only things which might be a COI.

No member or applicant of this Association shall knowingly accept an officiating assignment to this Association wherein his/her personal or institutional COI might reasonably call into question, by a reasonable person, his/her impartiality.

A working umpire with a personal relationship, family or non-family, friendly or unfriendly, with a person directly or indirectly associated with a team might have a COI. A working umpire might have a working or financial association with a person directly or indirectly associated with a team might have a COI. A working umpire who is a recent graduate of a team's school, or an employee or an ex-employee of said school, or has a direct relationship with an employee of said school might have a COI. A working umpire with any of the above relationships with somebody or something connected to another school that might benefit from the outcome of the game may have a COI. These are examples of but are not the only things which might be a COI.

An individual may voluntarily recuse him/herself from participating in a transaction or from a game assignment, or the Assigner may recuse an individual from a game assignment if there is a possible COI.

If otherwise unresolved, any possible COI shall be reported to the President who shall have the authority to recuse an individual from participation in a transaction or from a game assignment.

The President shall report any COI decision to Board. Any COI decision may be appealed to the Board which would then have the final decision upon the matter.

Every member and applicant shall notify the Secretary of any possible COI. The Secretary shall notify the Assigner and to other Officers on a need to know basis.

Section 8 Disciplinary Action

Any disciplinary action under this Article must be in conformance with Article 19.

Article 18 – Members Work Obligations

Section 1 Uniform Requirements

All applicants and members are expected to wear the approved uniforms of this Association.

NCUA BASEBALL CONSTITUTION AND BYLAWS

Section 2 Baseball Uniform

The approved baseball uniform (unless specific exception is made by the Board) shall be the same as noted in the National Federation High School (NFHS) Rules Book for the current year, with any interpretations by the CIF Baseball Rules Interpreter of the minimum standard. Exceptions include the jacket and shirt which shall bear the Association's logo on the left breast and the member's number on the left shoulder. The approved logo will be supplied by the Association.

Section 3 Required Equipment

Umpires shall equip themselves with the tools of their trade, which include a watch, an inside chest protector, mask, shin guards, ball bag, whisk broom, indicator, pen, etc. Rule Books and Umpire Manuals will be provided by the Association. Umpires are expected to be informed of their contents, and use them as required.

Section 4 Umpire Conduct

Umpires shall not smoke, drink, or be under the influence of drugs or intoxicants while at the game site and immediately before, during and/or after a game. Violation of this Section 4 is grounds for disciplinary action.

Section 5 Disciplinary Action

Any disciplinary action under this Article must be in conformance with Article 19.

Section 6 Performance Reviews

The performance of applicants and members is expected to be reviewed each year by the President for continued membership in the Association. The Association has a minimum standard based on standards of officiating, acceptance of games offered, and availability to umpire games. When the performance standard has not been met, the President shall inform the Treasurer to not offer registration for the following year according to Article 12, Section 15. The member or applicant may request a hearing to the Board which shall not be reasonably denied, and may reapply as an applicant.

Article 19 - Disciplinary Action and Due Process

Section 1 Grievance by Umpire

Any applicant or member may file a grievance against another applicant or member for alleged failure to fulfill any of the requirements of Association membership, as set forth in this Association's Constitution and Bylaws and/or in approved and published policies of this Association.

Section 2 Grievance by Officer

Any Officer, acting in accord with his or her responsibility and/or authority may file a grievance against any applicant or member for alleged failure to fulfill any of the requirements of Association membership, as set forth in this Association's Constitution and Bylaws and/or in approved and published policies of this Association.

NCUA BASEBALL CONSTITUTION AND BYLAWS

Section 3 Due Process Forms

The Secretary shall have available to all umpires in this Association a Standard Grievance Form, a Notice of Hearing Form, and a Disposition of Grievance Form. These forms shall be organized so as to facilitate the due process provisions of this Article, and their content shall be reviewed and approved by the Board. The Board may, from time to time, change these forms without the requirement of Amendment as stated in Article 20. The Secretary shall be responsible for the proper handling and transmission of these forms pursuant to this Article, but any alleged failure by the Secretary shall not be grounds for automatic dismissal of any action taken under this Article.

Section 4 Filing of Grievance

A grievance shall be stated upon the Standard Grievance Form and signed by the accuser. The grievance shall be considered filed when it has been transmitted to and received by the Secretary. The grievance shall include the date, time, place, and substance of said alleged violation. The accuser must also state a requested penalty which shall not exceed the maximum penalty which can be enforced if the grievance is sustained.

Section 5 Notice of Grievance

The Secretary shall review the received Standard Grievance Form, and if it meets the requirements of this Article, the Secretary shall keep the original and transmit a copy to the accused applicant or member as soon as practicable. If the received Standard Grievance Form is not satisfactory, the Secretary shall inform the accuser and either may make any necessary correction as to form. Whenever a Standard Grievance Form is transmitted by the Secretary, the accused individual will be deemed to have received it five (5) days after its mailing.

Section 6 Right to a Hearing

Any accused individual has the right at his or her discretion to a hearing before the Board. To exercise this right, the accused individual may request a hearing by the Board by notice of response to the Secretary within ten (10) days of receipt of a copy of the grievance. A Board hearing shall be in accord with Section 7 of this Article. It is recommended the accused individual phone the Secretary to make certain said request has been received. If the accused individual fails to make a timely request for a hearing, said accused individual waives the right to a hearing and the grievance is sustained.

Section 7 Procedures

Upon receipt of an accused individual's request for a Board Grievance hearing, the Secretary shall notify the President. The President shall determine the date, time and place of all Grievance hearings, and he/she shall so notify the Secretary. The Secretary shall also send a Notice of Hearing Form to the accuser who filed the grievance and to the accused individual, which Form shall contain the date, time and place of the hearing. If the accuser fails to appear at the hearing, the grievance shall be dismissed unless the Board finds good cause to continue the hearing to another date. If the accused fails to appear at the hearing, the Board shall sustain the grievance and determine the penalty to be enforced unless the Board finds good cause to continue the hearing to another date.

If both parties are present, the accuser shall present any evidence and/or witness pursuant to the

NCUA BASEBALL CONSTITUTION AND BYLAWS

grievance, and then the accused may present any evidence and/or witnesses pursuant to the grievance. The Board shall have latitude to ask questions of either party and/or of witnesses.

After hearing the presentations of both sides, the Board shall convene in private and determine whether the grievance should be sustained and what penalty should be enforced if the grievance is not dismissed. All decisions of the Board shall be by majority vote. Anything not resolved by majority vote shall be dismissed.

The President shall fill out the Disposition of Grievance Form, keep a copy thereof and transmit the original to the Secretary. The Secretary shall, as soon as practicable, send copies of said Disposition of Grievance to the accused, and the accuser, and the Board. The matter shall also be recorded in the Board minutes, and the decision of the Board is final.

Section 8 Delegation of Notifications

Any of the provisions of this Article which are specified in various Sections of this Article to be transacted by the Secretary may be delegated by the Secretary to a responsible Officer in which said transaction shall have the same legitimacy as if said transaction was executed by the Secretary. All Article 19 proceedings must be filed with the Secretary.

Article 20 – Amendment Process

Section 1 Presentation

Due notice shall be made in writing of any proposed amendments to the Constitution and Bylaws of this Association.

Section 2 Signature Requirement

The proposed amendments must be stated and signed by at least three (3) active members in good standing.

Section 3 Voting Notice

Prior notice must be given to the members regarding said proposed amendments before a vote.

Section 4 Approval Process

The proposed amendments must be read and then voted upon at a General Meeting.

Section 5 Approval

When a majority of the members present and voting at the final meeting concur therein, such amendments shall stand in lieu of the original and immediately take effect unless stated otherwise.

Article 21 – Committees

Section 1 Appointment

Standing or special Committees shall be appointed by the President as the membership or the Board shall deem them necessary to carry on the work of the Association. The President shall be

NCUA BASEBALL CONSTITUTION AND BYLAWS

ex-officio a member of all Committees.

This document known as “NCUA Baseball Constitution and Bylaws” was reviewed, modified from an earlier draft, discussed, adopted and ratified by unanimous vote of the membership of NCUA Baseball, newly constituted as such, on 26 February 2018, at Riordan High School, San Francisco, CA, and amended by a vote of the members on _____ May 2018.