

**CONSTITUTION AND BY-LAWS OF  
STROUD TOWNSHIP VOLUNTEER FIRE DEPARTMENT**

**INTRODUCTION**

This document contains the Constitution and By-Laws for Stroud Township Volunteer Fire Department.

**ARTICLE I – NAME, PURPOSE, TERRITORY**

The Department was founded in 1949 and is named Stroud Township Volunteer Fire Department.

The Department is a volunteer fire department. The Department's purpose is to provide fire protection and rescue services. The territory in which the Department provides services is Stroud Township and certain neighboring communities. The Department is a 501(c) (3) non-profit charitable organization.

The Department has four stations: 5<sup>th</sup> Street, Analomink, Arlington, and Poplar Valley.

**ARTICLE II – MEMBERSHIP**

A. Types of Membership

The Department has the following types of membership: Junior, Probationary, Active, Retired, Life, and Honorary.

B. Junior Members

Junior Members are 14 through 17 years old. The Department shall have a Junior Division consisting of Junior Members and Advisors. Each year, the Fire Chief shall appoint one (1) Junior Advisor and two (2) Assistant Junior Advisors. All advisors are required to be Active Members with at least five (5) years of firefighting experience and have current (not more than one (1) year old) Pennsylvania State Criminal Background (Act 34), Child Abuse (Act 151), and Federal Criminal History Record (Act 114, Fingerprinting) clearances.

1. Limitations on Activities

Junior Members cannot drive Department vehicles. Junior Members also have the following limits on firefighting activities based on age:

### 17 years old

If 17 year old Junior Member successfully completes a course of training equal to the standards for basic firefighting established by the Pennsylvania Department of Education, the Junior Member may then engage in general firefighting activities, provided such minors are under direct supervision and control of the Chief or an Active Member who is over 21 years old and has at least one (1) year of firefighting activities.

17 year old Junior Members are not permitted to do the following:

- i. Operate an aerial ladder, aerial platform, hydraulic tool or high pressure hose.
- ii. Ascend ladders.
- iii. Use rubber electrical gloves, insulated wire gloves, insulated wire cutters, life nets or acetylene cutting units.
- iv. Enter a burning structure.

### 16 years old

16 year old Junior Members' activities are limited to:

- i. First aid.
- ii. Clean-up service outside of structure after fire has been declared by fire official in charge to be under control.

### 15 and 14 year olds

Junior Members who are 15 and 14 years old shall be limited to the following activities:

- i. Training.
- ii. Cleaning and storing equipment.

Junior Members who are 15 and 14 years old shall not be permitted to do the following:

- i. Ride any official vehicle to the scene of a fire.
- ii. Participate in any firefighting activities.

2. Review Board

The Junior Division shall have a Review Board appointed by the Board of Directors on an annual basis. The Review Board shall consist of one (1) Department Administrative Officer, one (1) Department Line Officer, one (1) Active Member. No Junior Advisors are permitted to be on the Junior Review Board. The Review Board will make all determinations regarding discipline of Junior Members including, but not limited to, suspension and termination.

3. Requirements for Junior Members

Junior Members must:

- i. not have been convicted of any crime involving arson and related offenses as defined in Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes Annotated.
- ii. undergo a criminal background check subject to review by the Membership Committee which may, in its discretion, reject an application for conviction of crimes.
- iii. comply with the provisions of this Constitution and By-Laws;
- iv. comply with the provisions of the Constitution and By-Laws of the Junior Division;
- v. comply with Department Standard Operating Guidelines;
- vi. Department Safety Program; and Department Vehicle Operating Guidelines.
- vii. All Junior Members who are under the age of 18 must provide the Department with a copy of their Pennsylvania work permit before performing any activities for the Department.

4. Voting Rights for Junior Members

Junior Members have no voting rights.

C. Probationary Membership Requirements

Probationary Members must:

- i. be 18 years old or older;

- ii. be able to perform essential functions of firefighter position with or without reasonable accommodation;
- iii. not have been convicted of any crime involving arson and related offenses as defined in Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes Annotated.
- iv. undergo a criminal background check subject to review by the Membership Committee which may, in its discretion, reject an application for conviction of crimes.
- v. attend at least 50% of all drills and business meetings on a yearly basis;
- vi. attend at least 15% of alarms and special assignments;
- vii. fulfill 10 hours of fund raising activities, which are approved and monitored by the Officers
- viii. comply with the provisions of the Constitution and By-Laws;
- ix. comply with the Code of Conduct;
- x. comply with Department Standard Operating Guidelines; Health & Safety Programs; Vehicle Operating Guidelines;
- xi. pay dues of \$2.00 per year.
- xii. All probationary members must attend and pass the essentials of firefighting state recommended training. Probationary members who completed equivalent training or have equivalent experience may receive an exemption from this training upon a majority vote of the Line Officers. Probationary members who are unable to complete this training requirement within their first year may be provided additional time to complete the training by a majority vote of the Line Officers.

1. Voting Rights

Probationary Members have no voting rights.

## D. Active Membership

### 1. Application Process

Applicants must submit a Department Application form and \$2.00 application fee. The Application form must be signed by the Applicant and two Active Members. Applicants who have been a resident of the Commonwealth of Pennsylvania for 10 or more years must also submit a Pennsylvania State Police Criminal Records Check Report, SP4-164, and a Pennsylvania Child Abuse History Clearance Report, CY-113, at their own expense. Applicants who have been a resident of the Commonwealth of Pennsylvania for less than 10 years will also be required to submit an FBI background check, in addition to the foregoing documents, at their own expense. The Application will be reviewed by the Membership Committee. The Membership Committee shall consist of two Captains and two Lieutenants, in office during the time of the application.

The Membership Committee shall perform an investigation including: reviewing the Application form; conducting a criminal background check; interviewing at least three references, including the Chief of any fire departments with which the Applicant was affiliated; interviewing the Applicant; investigating if the Applicant is able to perform the essential functions of a firefighter position with or without reasonable accommodation.

Once the review of the Membership Application is complete, the Membership Committee shall prepare a written investigation report. Each member of the Membership Committee shall sign the investigation report. The investigation report shall state whether the Membership Committee recommends that the Department offer membership to the Applicant or that the Department declines to offer membership to the Applicant. The Membership Committee shall describe the investigation during a Regular or Annual Meeting of the Department in which the Application will be voted upon.

Once the investigation report is complete, the proposed member shall be required to submit a report from one of the Department's approved doctors about the proposed members ability to perform the essential functions of a firefighter.

### 2. Voting

After the Membership Committee describes the investigation, the Application will be submitted for a vote, by secret ballot, on whether the Applicant should be admitted as a Probationary Active Member by the Department. If the Applicant receives at least a two-thirds "Yes" vote of the Department's Voting Membership<sup>1</sup> then the Applicant will be admitted as a Probationary Member. If an Applicant is not admitted as a Probationary Member, the Applicant will not be permitted to reapply for 12 months.

Upon completion of one year of service from the date the Applicant is admitted as a Probationary Member, Department Line Officers will provide the Members with

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<sup>1</sup> "Voting Membership" means all members entitled to vote, whether or not they are present at the meeting where the vote takes place.

input on the Applicant. The Probationary Member will then be submitted to the Members for a vote on whether the Probationary Member should be admitted as an Active Member. If the Probationary Member receives a “Yes” vote from at least two-thirds of the Voting Members, the Probationary Member shall be admitted as an Active Member. If the Probationary Member is not admitted as an Active Member, the Probationary Member’s membership shall be terminated and the individual shall not be permitted to reapply to the Department for one year.

3. Requirements for Active Membership

Active Members must:

- i. be 18 years old or older;
- ii. be able to perform essential functions of firefighter position with or without reasonable accommodation;
- iii. not have been convicted of any crime involving arson and related offenses as defined in Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes Annotated.
- iv. undergo a criminal background check subject to review by the Membership Committee which may, in its discretion, reject an application for conviction of crimes.
- v. attend at least 50% of all drills, and business meetings on a yearly basis;
- vi. attend at least 15% of all alarms and special assignments;
- vii. fulfill 10 hours of fund raising activities which are approved and monitored by the Officers;
- viii. comply with the provisions of this Constitution and By-Laws;
- ix. comply with the Code of Conduct;
- x. comply with Department Standard Operating Guidelines; Health & Safety Program; or Vehicle Operating Guidelines;
- xi. pay dues of \$2.00 per year.

4. Voting Rights

Active Members are entitled to vote on all issues submitted to a vote including: membership, officer positions, and amendment of Constitution and By-Laws.

E. Retired Members

Members may seek Retired Member status after ten (10) years of active service and are at least 55 years of age by submitting a document, in writing, to the President, which indicates the desire to retire. A member shall be permitted to retire if the member receives a majority yes vote from the Board of Directors.

1. Requirements for Retired Members

Retired Members must:

- i. not have been convicted of any crime involving arson and related offenses as defined in Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes Annotated.
- ii. undergo a criminal background check subject to review by the Membership Committee which may, in its discretion, reject an application for conviction of crimes.
- iii. comply with the Department Constitution and By-Laws;
- iv. comply with Department Standard Operating Guidelines; Department Safety Program; and Department Vehicle Operating Guidelines;
- v. must not perform any Department firefighting activities.

2. No Voting Rights for Retired Members

Retired Members have no voting rights.

F. Life Members

When an Active Member reaches 20 years of service as an Active Member of the Department, the Member shall receive a lifetime membership card.

1. Requirements for Life Members

Life Members must:

- i. be able to perform essential functions of firefighter position, with or without reasonable accommodation;

- ii. not have been convicted of any crime involving arson and related offenses as defined in Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes Annotated.
- iii. undergo a criminal background check subject to review by the Membership Committee which may, in its discretion, reject an application for conviction of crimes.
- iv. attend at least 5% of all calls, drills, meetings and special assignments;
- v. comply with the Constitution and By-Laws;
- vi. comply with the Code of Conduct; and
- vii. comply with Department Standard Operating Guidelines; Health & Safety Program; or Vehicle Operating Guidelines.
- viii. If nonconsecutive years then at the discretion of the board.

Life Members are not required to pay dues.

## 2. Voting Rights for Life Members

Life Members are permitted to vote on all issues submitted to the Voting Members for a vote including, but not limited to: membership; officer positions; amendment of Constitution and By-Laws; and dissolution.

## 3. Life Members who Become Retired Members

Life Members who retire or who are transferred to Retired Member status, in accordance with the Constitution and By-Laws, shall not have the life insurance benefits they are eligible for as Life Members decreased in any way when they become Retired Members.

## G. Honorary and Auxiliary Members

An Honorary or Auxiliary Membership is a membership conveyed on a person who makes a significant contribution to the Department, its goals, or objectives. The Board of Directors is authorized to appoint an individual to Honorary or Auxiliary Member status. Honorary and Auxiliary Members shall have no privileges or rights of membership. Honorary and Auxiliary Members shall, however, be covered by the Department's Workers Compensation Insurance when they perform services at non-fire related Department functions.

1. Requirements for Honorary and Auxiliary Members

Honorary Members must:

- i. be able to provide a service of value to the Department for which Honorary Member status is granted;
- ii. be 18 years old or older;
- iii. not have been convicted of any crime involving arson and related offenses as defined in Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes Annotated.
- iv. undergo a criminal background check subject to review by the Membership Committee which may, in its discretion, reject an application for conviction of crimes.
- v. comply with the provisions of the Department Constitution and By-Laws;
- vi. comply with Department Standard Operating Guidelines; Department Health & Safety Programs; and Department Vehicle Operating Guidelines to the extent the guidelines or programs are relevant to the functions performed by the Honorary or Auxiliary Member;
- vii. must pass same background check as new members.

2. Voting Rights for Honorary and Auxiliary Members

Honorary and Auxiliary Members have no voting rights.

H. Membership Committee

The Membership Committee shall be appointed by the President each year and shall consist of the two Captains and two Lieutenants. The members of the Membership Committee shall perform the duties described in Article II, Section D.1 of this Constitution and By-Laws. In the absence of one of the officers, the President may appoint someone else.

I. Membership Review Committee

This committee will be appointed by the President each year. It will consist of two junior line officers, two business officers and two regular members in good standing. The Membership Review Committee shall meet on a quarterly basis to review whether members are meeting their attendance requirements on a quarterly basis sufficiently to be able to meet their

yearly requirements. If members are not meeting their attendance requirements sufficiently on a quarterly basis, in the sole discretion of the Membership Review Committee, then the Membership Review Committee shall make a report and recommendation to the Board of Directors for whether the member should be placed in retired status. If the Membership Review Committee is unable to agree on a recommendation then the President shall serve as a tie-breaker on any recommendation to the Board of Directors regarding quarterly attendance issues. The Board of Directors in response, by majority vote, shall have the right to engage in disciplinary action up to and including termination of membership as a result of the member's failure to meet the attendance percentage requirements.

If the member who is not meeting his/her attendance requirements is a Life Member, the Membership Review Committee shall be authorized to recommend that the Board place the member in Retired Status. The Board of Directors in response, by majority vote, shall have the right to transfer a Life Member to Retired Member status. Life Members who are transferred to Retired Member status under this provision shall not have the life insurance benefits, they are eligible for as Life Members, decreased in any way when they become Retired Members.

J. Member Pledge

The President or Presiding Officer shall administer the following pledge to all newly elected Active members as well as any Active Members who have not previously had the pledge administered. All Members shall read and sign the Roll Book.

1. Content of Pledge

“Will you as a member of the Stroud Township Volunteer Fire Department pledge that you will abide by the Department Constitution and By-Laws and by signing the Constitution and By-Laws Roll, that you will, in time of duty, obey the orders of your commanding officers, and that whenever your services are required, you will be prompt, faithful, and obedient in the discharge of your duties, as becomes a true firefighter?”

2. Officer Pledges

A. President

“Will you as President of the Stroud Township Volunteer Fire Department promise that you will impartially fulfill the requirements of the Constitution and By-Laws of this Department and faithfully discharge all duties placed upon you as our presiding officer to the best of your ability?”

B. Pledge of Officers

“Will you as officers of the Stroud Township Volunteer Fire Department promise to faithfully perform the duties of your office, as specified in the Constitution and By-Laws of this Department to the best of your ability?”

C. Pledge of Junior Members

“Will you as a member of the Stroud Township Volunteer Fire Department Junior Division pledge that you will abide by the Constitution and By-Laws of the Department and the Constitution of the Junior Division. And by signing the constitutional roll that you will in the time of duty, obey the orders of your senior advisors and your commanding officers. That whenever and wherever your services are required you will be prompt, faithful, and obedient in the discharge of your duties and become a true Junior Firefighter?”

K. Incentive Program

Active Members who make 40% of all alarm calls are eligible for an incentive award on a yearly basis. The incentive award will be determined by the Business Officers, on a yearly basis.

**ARTICLE III – OFFICERS**

The Department has the following Business Officers: President, Vice President, Secretary, Treasurer. The Department’s Board of Directors shall consist of President, Vice President, Secretary, Treasurer and four (4) non-Business Officer Directors The Department has the following Line Officers: one (1) Chief; two (2) Assistant Chiefs; two (2) Captains; two (2) Lieutenants; one (1) Engineer; one (1) Assistant Engineer; two (2) Safety Officers.<sup>2</sup>

A. Selection of Officers

1. Term of Office

a. President, Vice President, Secretary, and Treasurer shall each have a one-year tem from the date of the Department’s Annual Meeting on which they were elected.<sup>3</sup>

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<sup>2</sup> This Constitution and By-Laws refers to Commanding Officers. Commanding Officers means the highest-ranking Line Officer during any emergency response or training. In other situations, Commanding Officer refers to a Member’s next highest person in the chain of command at the Department.

<sup>3</sup> There is no prohibition on a President, Vice President, Secretary or Treasurer being elected to the same office in successive years.

b. Line Officers shall have one-year terms from the date of the Department's Annual Meeting on which they were elected.<sup>4</sup> Appointed offices such as Engineer and Safety Officers shall also serve one year terms.

c. Directors, who are not Business Officers shall have a two-year term from the date of the Department's January business meeting in which they were elected.

d. The Chief, Assistant Chiefs, President, Vice President, Secretary, and Treasurer can only hold one elected office at a time. No members are permitted to serve in more than one Business Officer position at same time. No members are permitted to serve in more than one Line Officer office at the same time.

## B. Elections

1. Any Voting Member, as defined in Article II of the Constitution and By-Laws, may nominate Members, who meet the Qualifications for Office, at the November and December business meetings.

2. Nominations for officer positions shall not be closed until the results for the preceding higher office have been announced.

3. Voting for Officers shall take place at the Department's Annual Meeting, which takes place in December.

4. At the December business meeting before an election, the President shall publish a list of eligible Voting Members. At the December business meeting the President shall appoint two (2) tellers, who shall receive written secret ballots during the December business meeting. The tellers shall count the votes and give the results to the President who will announce the results at the December business meeting.

5. Each elected officer shall be elected by a majority of the votes cast by secret ballot for the position.

## C. Qualifications for Office

1. Only Members with at least three (3) years of service in good standing shall be eligible for Office.

2. Only Active Members are eligible for officer positions.

3. The following are the experience and geographic requirements for the identified Line Officer positions:

i. Chief – must have two (2) years of service as an Assistant Chief with the Department;

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<sup>4</sup> There is no prohibition on Line Officers being elected to the same office in successive years.

- ii. Assistant Chief – must have two (2) years of service as a Captain with the Department;
- iii. Captain – must have two (2) years of service as a Lieutenant with the Department;
- iv. Each year one (1) Captain is to be from the Northern stations and one (1) Captain is to be from the Southern stations;
- v. Each year one (1) Lieutenant is to be from the Northern stations and one (1) Lieutenant is to be from the Southern stations.

4. Any Officer who held an Officer position before the date on which these Constitution and By-Laws were adopted will be permitted to continue as an Officer even if he/she does not meet all of the qualifications for office listed above.

D. Removal from Office

Upon recommendation from the President or Board of Directors, the Voting Members at a regular or special meeting by majority vote may remove an officer for any of the following reasons:

- i. failure to perform duties;
- ii. expulsion from Member status;
- iii. if the Officer has been judicially declared incompetent.

E. Duties of Officers

1. President

The President shall perform the following duties:

- i. preside at all meetings of the Department in accordance with recognized parliamentary procedure;
- ii. upon written request of five (5) Members, call special meetings of the Department and direct the Secretary to provide notice to all Members;
- iii. appoint all committees;
- iv. shall not vote on any issues apart from the election of new members and the election of Officers;

- v. shall place the tiebreaking vote on any issues in which there is a tie in voting;
- vi. shall sign all checks for bank withdrawals together with the Treasurer;
- vii. shall sign all agreements and legal documents on behalf of the Department – no legal documents shall be binding on the Department unless signed by the President;
- viii. shall appoint a Sergeant at Arms at all Member meetings; and
- ix. shall assign a Member to maintain the membership rolls of the Department. The Membership Roll shall contain for each Member the name, the date of membership, the status of membership, and the Member's percentage of years of membership in which the Member maintained active status

2. Vice President

The Vice President shall assist the President in the discharge of Presidential duties. In the case of the President's absence, disability, or should the office become vacant, the Vice President shall perform the duties of the President for the period of absence, disability, or vacancy.

3. Secretary

The Secretary shall perform the following duties:

- i. call the roll of Members at every meeting;
- ii. record the proceedings of all meetings through the preparation of minutes;
- iii. maintain all books, papers, and records of the Department;
- iv. upon request from the President or Board of Directors, make available Department books, papers, and records;
- v. provide the Treasurer with any funds received;
- vi. provide notice of all meetings and special meetings to the Members;
- vii. forward, process and/or respond to all correspondence;

- viii. issue a report of all members' fines and inform in writing any members who have not paid their fines for six (6) months;
- ix. the Secretary shall be reimbursed \$200.00 per month for these services.

4. Treasurer

The Treasurer shall perform the following duties:

- i. receive all monies paid to the Department;
- ii. deposit all monies received by Department into Department approved accounts in a timely fashion;
- iii. submit all bills to Board of Directors for approval of payment;
- iv. pay bills after receiving Board approval;
- v. keep a correct account of all receipts and disbursements;
- vi. prepare and maintain accurate financial reports on a timely basis;
- vii. sign checks and bank documents together with the President and/or Secretary;
- viii. provide an oral and written financial report at each regular meeting describing all receipts and disbursements;
- ix. at the end of the Treasurer's term in office, the Treasurer shall immediately turn over to his or her successor, all Department monies, reports, statements, records, passwords, and items in the Treasurer's possession, custody, and/or control;
- x. Treasurer shall be reimbursed at the rate of \$200.00 per month by the Department for the services provided;
- xi. establish an operating budget for the following fiscal year at least one month before the end of the current fiscal year;
- xii. prepare and/or work with the Department's accountant to timely tax returns.

5. Board of Directors

- i. The members of the Board of Directors (“Board”) shall elect one (1) member of the Board to serve as the Chairman on an annual basis during the January regular meeting;
- ii. The Board shall examine all bills, including utility bills and accounts of the Department, and if the Board finds them correct then it shall approve them and present them to the Secretary and Treasurer for payment. The Board does not need to receive approval from the Members for the payment of bills;
- iii. The Board shall examine all potential expenses and accounts of the Department of the Department and if the Board finds them correct then it shall approve them and present them to the President for effectuation and to the Secretary and Treasurer for payment. The Board does not need to receive approval from the Members for the payment of expenses. If a Member wants the Department to make a purchase or incur an expense the Member shall present the request to the Board – the Board shall examine the request and if it approves the request then shall present it to the President for effectuation and to the Secretary and Treasurer for payment;
- iv. The Board shall have authority to obtain and issue loans as follows. No funds of the Department shall be loaned, nor shall the Department borrow any funds except with a two-thirds vote of the Board. The Board shall not loan funds unless the monies loaned are secured by a first mortgage and judgment note. Additionally, no funds shall be loaned unless the promissory note for the funds shall include an interest rate equal to or greater than the prime interest rate.
- v. The Board shall be in charge of all Department property, real estate, machinery, equipment, furniture, and fixtures. The Board shall see to it that such items are properly housed and insured as necessary;
- vi. The Board shall promptly act upon and investigate all requests and suggestions from Officers and the Department for parts, repairs and improvements;
- vii. The Board shall retain a 3<sup>rd</sup> party certified public accountant to audit the books of the Treasurer and all committees at the time of the preparation of Department tax returns and then submit a copy of the audit to the Department at the next regular meeting after the submission of tax returns and if the report is accepted and

approved by a majority vote of the eligible voting Members present at the regular meeting and if the report is accepted approved it shall be made part of the minutes of the meeting.

6. Chief

The election of the Chief shall take place in accordance with Article III, above. The radio designation for the Chief is 37-7. The Chief shall perform the following duties:

- i. Direct operations at all emergency responses;
- ii. Direct operations at all inspections and reviews;
- iii. Have supervision of and ensure the operation of all Department engines, hoses, equipments and other apparatus owned by the Department connected with the prevention and extinguishing of fires;
- iv. Shall prepare written reports and provide reports to the Township Secretary and Relief Association Secretary, for insurance purposes, when and if any Members are injured, killed, or missing in the line of duty;
- v. Shall have the right to suspend Members from any and all operations duties if they refuse orders, are unfit for operational duties, recklessly fail to follow standard operating procedures, and/or recklessly or improperly operate any Department equipment. Upon a suspension by the Chief, the matter will be handled in accordance with the penalties and expulsion proceedings described in Articles XII below;
- vi. Shall be responsible for and oversee the Line Officers with, training all Members in all aspects of firefighting including, but not limited to, use of equipment and procedures;
- vii. Shall, with Line Officers, designate Members who are qualified to perform duties and use various pieces of apparatus and equipment;
- viii. Fire Chief, Captains, and Lieutenants are responsible to examine all apparatus at least once a month and report conditions of the apparatus at each regular meeting.
- ix. Shall recommend to Township Supervisors any Member of the Department who is qualified for Fire Police duties;

- x. Shall along with the two Assistant Chiefs appoint an Engineer and an Assistant Engineer on an annual basis;
- xi. Shall along with the two Assistant Chiefs appoint two (2) Members to serve as Safety Officers on an annual basis; and
- xii. Shall designate one Member to serve as Junior Advisor for the Junior Division and two (2) members to serve as Assistant Junior Advisors to the Junior Division.

7. Assistant Fire Chief

The election of the Assistant Chief shall take place in accordance with Article III, above. The radio designation for the Assistant Fire Chief 37-8. The Assistant Chief shall perform the following duties:

- i. Shall assist the Fire Chief in the performance of his duties; and
- ii. In the absence of the Fire Chief, shall act as Chief, with all duties;

8. Second Assistant Fire Chief

The election of the Second Assistant Chief shall take place in accordance with Article III, above. The Radio designation for the Second Assistant Fire Chief is 37-8-1. The Second Assistant Fire Chief shall perform the following duties:

- i. Shall assist the Fire Chief and Assistant Fire Chief in the performance of their duties; and
- ii. In the absence of both the Fire Chief and Assistant Fire Chief, the Second Assistant Fire Chief shall act as Chief;

9. Captain

The election of Captain shall take place in accordance with Article III, above. The radio designation for Captain shall be 37-9-1. The Captain shall perform the following duties:

- i. The Captain shall attend as many functions as possible;
- ii. The Captain shall assist the Fire Chief and Assistant Fire Chiefs in the performance of their duties.
- iii. The Captain shall perform the duties assigned by the Fire Chief; and

- iv. In the absence of the Fire Chief and Assistant Fire Chiefs, the Captain shall act in their place.

10. Second Captain

The election of Second Captain shall take place in accordance with Article III, above. The radio designation for the Second Captain is 37-9-2. The Second Captain shall perform the following duties:

- i. The Second Captain shall assist the Chief, Assistant Chiefs and Captain in their duties;
- ii. The Second Captain shall perform the duties assigned by the Fire Chief;
- iii. In the absence of the Chief, Assistant Chiefs and Captain, the Second Captain shall act in their place;

11. Lieutenant

The election of the Lieutenant shall take place in accordance with Article III, above. The radio designation for the Lieutenant is 37-9-3. The Lieutenant shall perform the following duties:

- i. It shall be the duty of the Lieutenant to attend as many functions as possible;
- ii. It shall be the duty of the Lieutenant to assist the Fire Chief, Assistant Fire Chiefs and Captains in the performance of their duties;
- iii. The Lieutenant shall perform the duties of the Fire Chief, Assistant Fire Chiefs, and Captains in their absence; and
- iv. The Lieutenant shall perform the duties assigned by the Fire Chief;

12. Second Lieutenant

The election of the Second Lieutenant shall take place in accordance with Article III, above. The radio designation of the Second Lieutenant is 37-9-4. The Second Lieutenant shall perform the following duties:

- i. The Second Lieutenant shall attend as many functions as possible;
- ii. The Second Lieutenant shall assist the Lieutenant in the perform of his duties;

- iii. In the absence of the First Lieutenant, the Second Lieutenant shall perform the Lieutenant's roles; and
- iv. The Second Lieutenant shall perform the duties assigned by the Fire Chief;

13. Engineer

The Engineer shall be appointed as set forth in Article III, above. The duties of the Engineer shall be as follows:

- i. The Engineer shall perform duties assigned by the Fire Chief;
- ii. The Engineer shall perform maintenance duties on fire apparatus and equipment; and
- iii. The Engineer shall report to the Fire Chief on maintenance that is required on fire apparatus and equipment;

14. Assistant Engineer

The Assistant Engineer shall be appointed in accordance with Article III, above. The duties of the Assistant Engineer shall be as follows:

- i. The Assistant Engineer shall assist the Engineer in performing the Engineer's duties;
- ii. In the absence of the Engineer, the Assistant Engineer shall perform the Engineer's duties;

15. Safety Officers

The Safety Officers shall be appointed in accordance with Article III, above. The duties of the Safety Officers shall be as follows:

- i. Safety Officers are responsible for safety of Members at emergency or training operations;
- ii. Safety Officers shall report to the Fire Chief;
- iii. Safety Officers shall perform the duties assigned by the Fire Chief;
- iv. Safety Officers shall be appointed by the Fire Chief and two Assistant Chiefs)

## **ARTICLE IV – COMMITTEES**

### A. Disciplinary Committee

A Disciplinary Committee consisting of five (5) Members of the Department shall be appointed each year by the President. Junior Line Officers and Business Officers may be members of the Disciplinary Committee. The Disciplinary Committee is charged with handling Charges in accordance with Article XII of the Constitution and By-Laws.

### B. Special Committees

Special Committees may be appointed by the President when necessary after notice to the Members present at the Regular Meeting, which is immediately before the appointment.

## **ARTICLE V - CONDUCT OF BUSINESS**

### A. Meetings

1. Regular meetings shall be held on the second Monday of each month at 19:30 hours.

2. Special meetings shall be held subject to the discretion of the President. The Notice of Special Meetings shall specify the purpose for the meeting and no other business shall be transacted.

### B. Quorum

Twenty (20) Members shall constitute a quorum and may transact business. All votes shall be in accordance with the Constitution and By-Laws. If less than twenty (20) Members are present at a meeting, then roll shall be called, absentees noted, and the meeting shall be adjourned without transacting any other business.

### C. Agenda For Regular Meetings

1. Flag Salute
2. Moment of Silence
3. Roll Call
4. Report of Fines
5. Reading of Minutes of Preceding Meeting
6. Report of Treasurer
7. Report of Board of Directors
8. Report of Fires and the Fire Chief
9. Proposition of Candidates for Membership
10. Report of Membership Committee
11. Election of New Members

12. **Election of New Officers (occurs only one time per year at December Meeting)**
13. Report of Each Committee
14. Junior Division Report
15. Deferred Business
16. New Business
17. Roll Call
18. Adjournment

D. Rules of Order in Meetings

1. Any Member wishing to address the Chair during a meeting must rise. If more than one Member rises at the same time, the presiding Officer shall decide who is entitled to have the floor.

2. Active Members are permitted to make motions and to second motions. The Chair, who will be the highest ranking business Officer present during the meeting, shall decide the validity and second of a motion. The Chair shall repeat the motion to the Members present and offer it for discussion. Once discussion is complete, the Chair shall offer the motion for a vote.

3. Members are not to be interrupted while speaking unless the Chair calls the Member to order, or to explain comments made, and the Chair shall confine his or her comments and remarks to the issues under debate.

4. A motion to postpone action or delay any question that is at issue shall always be in order without debate, until the next regularly scheduled or special meeting occurs.

5. If a Member engages in abusive language or other improper or disorderly conduct, the Member shall be called to order by the Chair; and if the violations persist, the Chair shall have the authority to request that the Member leave the meeting or to levy fines in accordance with the provisions regarding fines that are in Article XII(C) of this Constitution and By-Laws.

6. At the conclusion of the meeting, a motion to adjourn is required and must be seconded. The motion to adjourn will be decided without debate.

7. If there are disputes during a meeting, they shall be decided in accordance with the provisions of *Roberts Rules of Order*.

**ARTICLE VI – INSURANCE, AND REPAIR AND MAINTENANCE EXPENSES**

A. Insurance

The President, Secretary and Treasurer of the Department shall be authorized to and shall obtain insurance coverage and/or fidelity bonds to cover the following: general liability; property; inland marine mobile property; boiler and machinery; umbrella/excess

liability; automobile; crime and fidelity; directors & officers liability; and any other related insurance recommended by the Department's insurance agent. The Treasurer shall issue the checks paying for such coverage. Coverage should be in a sufficient amount to adequately protect the Department.

B. Maintenance and Repair

The Chief and President of the Department shall have the authority to order and have made repairs, cleaning or other maintenance to Department equipment, apparatus and buildings that they deem necessary to be done immediately and shall present all bills for such work to the Board and report all expenses at the next regular meeting after receipt of the bills.

**ARTICLE VII – DUES**

Members, excluding life members and retired members, shall pay annual dues of two dollars (\$2.00) payable on or before the December meeting before elections of officers. Each Member must pay his or her own dues in person at a monthly meeting. Dues may not be paid by another member of the Department. Members whose dues and fines are unpaid shall not be eligible to hold office or to vote.

All Members whose dues and fines are not paid, in full, after the January meeting, shall be expelled from membership in the Department in accordance with Article XII of this Constitution and By-Laws.

**ARTICLE VIII – DRIVER CERTIFICATION**

All drivers of any Department apparatus, must comply with the requirements, procedures and guidelines in the Department Standard Operating Guidelines, Health & Safety Program, and Vehicle Operating Guidelines.

**ARTICLE IX - EQUAL EMPLOYMENT OPPORTUNITY**

The Department is fully committed to a policy of equal employment opportunity.

All aspect of employment and/or volunteer service are governed and administered on the basis of merit, qualifications and competence, and are not influenced or in any manner effected by race, color, religious creed, ancestry, age, sex, national origin, disability, or any other legally protected status.

If a Member employee and/or Applicant believes he/she needs an accommodation, he/she should request an accommodation from the President and the Fire Chief. After receiving a request for an accommodation, the Department may require the Applicant/Member/employee to provide information about the need for an accommodation including, but not limited to, information from a medical provider or religious provider as is relevant to the request. The Department will make reasonable accommodations, which do not impose an undue hardship on the Department, to enable an otherwise qualified Member/Applicant/employee to apply for a

position or perform essential functions of a position, respectively, in accordance with applicable law.

The Department requires all Members and Officers to give their continuing support to the implementation of the Department's Equal Employment Opportunity policy.

If a Member believes he or she has been discriminated against, the Member should report the matter to his/her commanding officer, the Fire Chief, or the President.

## **ARTICLE X - SEXUAL AND OTHER UNLAWFUL HARASSMENT**

The Department is committed to providing a work environment that is free of all forms of harassment, intimidation, and discrimination. The Department will not tolerate unlawful discrimination, including harassment, based on sex, race, religion, national origin, disability, and other forms of legally impermissible harassment. This policy prohibits harassing conduct even if it is not sufficiently severe or pervasive to meet the legal definition of a hostile work environment.

### **A. Scope**

This policy prohibits harassment not only by or to Members, employees and Applicants, but also by or to vendors, contractors, suppliers, visitors, trades people, and other non-employees on the Department's premises or conducting business with the Department.

### **B. Prohibited Sexual Harassment**

The Department prohibits sexual harassment by any Member, employee, or third parties doing business on Department premises or with the Department.

### **C. Definition of Sexual Harassment**

Sexual harassment means unwelcome touching, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when such conduct:

1. Is made explicitly or implicitly a term or condition of service; or
2. Is used as a basis for service decisions; or
3. Has the purpose or effect of interfering with work performance or creating an otherwise intimidating, hostile, or offensive working environment.

A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser. Such conduct may also include actions by members of the employee's own sex.

Examples of prohibited sexual harassment include, but are not limited to:

- Repeated flirtations;
- Sexual advances or propositions;
- Pressure for sexual favors;
- Jokes, stories, comments, or verbal abuse of a sexual nature;
- Offensive or degrading or derogatory words used to describe a person;
- Leering, whistling, or other sexually suggestive conduct;
- Displaying or distributing, while at the workplace or on Department business, sexually explicit or suggestive objects, drawings or pictures;
- Displaying or distributing, while at the workplace or on Department business, obscene or pornographic materials;
- Inquiries into or descriptions of one's sexual experiences or activities;
- Unnecessary physical contact.

The Department expressly prohibits any Member or employee from explicitly or implicitly linking any term or condition of service or employment to sexual or romantic conduct, even if the conduct is consensual.

D. Other Discriminatory Harassment Prohibited

The Department prohibits harassment on the basis of race, color, gender, religion, national origin, ancestry, age, disability, or any other protected classification.

E. Definition of Other Discriminatory Harassment

Other discriminatory harassment means verbal, physical, or visual conduct that relates to race, color, gender, national origin, ancestry, age, disability, religion, or any other protected characteristic and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's service opportunities.

Examples include, but are not limited to:

- epithets, slurs, or negative stereotypes;
- threatening, intimidating, or engaging in hostile acts that relate to a protected characteristic, including purported jokes/pranks;
- display or distribution of written, drawn, or graphic material that makes fun of, denigrates or shows hostility or aversion to a person or group because of a protected characteristic.

F. Complaint And Investigation Process

Any Member, employee, or Applicant who feels he/she is a victim of – or is otherwise aware of – a violation of this policy should promptly report the matter to his/her commanding officer. Commanding officers who are advised of or are otherwise aware of a possible violation must report the matter promptly to the President or Fire Chief. If the matter involves Member's or employee's commanding officer, or if the Member or employee is uncomfortable for any reason discussing such matters with his/her commanding officer, then the Member or employee may bypass his/her commanding officer and report the matter promptly to the President or Fire Chief.

When a report of harassment is made, the Department will undertake an impartial and prompt investigation as may be appropriate under all of the circumstances. The steps to be taken during the investigation cannot be fixed in advance, but will vary depending upon the nature of the matter. Confidentiality will be maintained as much as reasonably possible, consistent with the obligation to investigate and respond to the complaint. The Department may, in its discretion, take reasonably necessary or prudent interim measures pending the outcome of the investigation.

G. Corrective Action

The Department will take appropriate corrective action, up to and including expulsion or discharge, when an investigation discloses a violation of this policy.

H. Prohibited Retaliation

No individual who reports or complains about harassment or improper conduct, or who assists the Department in an investigation of harassment, will be subjected to retaliation. If you are a victim of or are aware of any retaliatory behavior, you should report the behavior immediately to the President or Fire Chief. The reporting and investigation of retaliation will follow the procedures set forth in this policy. Any person found to have retaliated against an individual for reporting harassment or assisting in an investigation of harassment will be subject to corrective action up to and including discharge or expulsion.

The Department will not tolerate any effort to avoid, hinder, or corrupt the complaint or investigation process, including refusal to cooperate with an investigation or knowingly making false statements during the complaint or investigation process. Such actions may result in corrective action up to and including discharge or expulsion.

Any questions regarding this policy should be addressed to the President.

## **ARTICLE XI – SOCIAL MEDIA POLICY**

### A. Purpose

The purpose of this policy is to define and regulate the use of social media by Department Members and employees.

### B. Definitions

1. Social media: forms of electronic communication through which users share information, ideas, personal messages, and other content online. The term social media includes, but is not limited to, social networking sites such as Facebook, Myspace, LinkedIn, Twitter, and YouTube, as well as instant messaging, texting and paging.

2. Department social media site: a social media site created, maintained and controlled by the Department.

3. Personal social media: social media content maintained and controlled by an individual employee or Member of the Department.

### C. Scope

This policy applies to the use of personal social media relating to a Member's or an employee's duties, and to social media on Department social media sites.

### D. Department Social Media Sites

1. Department social media sites shall not be created without the approval of the Board of Directors.

2. All content posted on Department social media sites shall be approved by the Board of Directors or designated person.

3. Social media content on Department social media sites shall adhere to all applicable provisions of the Constitution and By-Laws, laws, regulations and policies.

E. Personal Social Media

1. In order to preserve privacy and confidential information, no information, videos or pictures gathered while on Department business (including emergency calls, meetings, drills, details, trainings or anything obtained on organization property or at organization functions) may be shared or posted in any format without the approval and written consent of the Fire Chief or the Fire Chief's designee.

2. Avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, disparaging, harassing, bullying, or that are known to be false. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of age, race, sex, gender, disability, religion or any other legally protected status.

3. Social media content shall adhere to the Constitution and By-Laws and policies.

F. Guidelines for Use of Personal Social Media

1. Do not share confidential or proprietary information of the Department.

2. Do not violate the Department's Constitution and By-Laws.

3. Do not display Department logos, uniforms or similar identifying items without prior written permission from the President or Chief.

4. Do not publish any materials that could reasonably be considered to represent the views or positions of the Department without authorization.

G. Ownership of Data and Monitoring

1. The Department owns the right to all data files in any Department owned computer, network, cell phone or other information system.

2. The Department also reserves the right to monitor electronic mail messages (including text and instant messaging systems) and their content created, viewed or accessed on Department computers, networks and cell phones.

H. Noncompliance

Inappropriate use of social media may result in disciplinary actions, up to and including expulsion in accordance with the expulsion provisions of the Constitution and By-Laws.

## **ARTICLE XII – ETHICS POLICY**

All Members of the Department are to maintain the highest level of ethical standards. Members of the Department recognize their responsibility to those they serve and the purpose of this Ethics Policy is to ensure that the Department and its Members put the interests of the citizens they serve first and carry out their duties in an ethical and appropriate manner.

All Members of the Department are required to:

- A. Use Department resources effectively and judiciously for the benefit of the citizens they serve.
- B. Use information gained by virtue of their position only for the benefit of the citizens they serve.
- C. Conduct personal affairs in a manner that will not improperly influence their performance of their Department duties.
- D. Disclose to the Department Board any personal financial interest they have in any transactions or agreements with the Department before engaging in such transactions or agreements. Members who have a potential personal financial interest in such matters must receive approval by a majority vote of the Board before engaging in such matters.
- E. Must not disclose confidential information of the Department or of the citizens the Department serves, which Members learned through the Department, to third parties.

## **ARTICLE XIII – DRUG AND ALCOHOL TESTING**

### A. Purpose and Scope

The Department is committed to providing a safe, healthy and productive workplace, free of alcohol and drugs. In order to maintain such a working environment, The Department has adopted this Drug and Alcohol Policy. Any positive confirmed results of drug and alcohol testing, as set forth below, will result in corrective action up to and including discharge.

### B. Policy

The Department prohibits all Members from engaging in the illegal use of drugs while on the Department's premises or while conducting Department business. The term "illegal use of drugs" includes the use, concealment, possession, sale, purchase, transportation or distribution of illegal drugs; the use, concealment, possession, sale, purchase, transportation or distribution of legal drugs without a proper prescription when the drug is available only by prescription; the misuse of legal or properly prescribed drugs; and the misuse of inhalants. The Department also prohibits all employees from being under the influence of illegally used drugs while on the Department's premises or while conducting Department business. "Under the influence" is defined as being unable to perform the essential functions of a job in a safe and productive manner, or having a level of alcohol

and/or illegal drug in the Member's body equal to or exceeding the medical and/or legal standard for impairment.

The possession, distribution, unauthorized use, sale, concealment, purchase, transportation or consumption of alcoholic beverages while on the Department's premises or while conducting The Department business is prohibited. No Member shall consume alcohol during breaks or lunch periods. The Department further prohibits all Members from being under the influence of alcohol while on the Department's premises or while conducting Department business. "Under the influence" is defined as being unable to perform the essential functions of a job in a safe and productive manner, or having a level of alcohol and/or illegal drug in the employee's body equal to or exceeding the medical and/or legal standard for impairment.

The Department's premises include but are not limited to, vehicles, parking lots, sidewalks and all property surrounding and/or contiguous to Department buildings. Members shall be considered to be conducting Department business while on calls, at training, Department events, or while performing any Department related duties premises, or any other location, where Department business is being conducted.

Members who are properly utilizing medication prescribed by their physician are responsible for determining whether the medication will have any adverse effects, which may impair a Member's ability to safely perform his/her job responsibilities. Members should not report to work if they are taking medication, which may have such adverse effects. Members who are required to take prescribed medication during their assigned hours should store the medication in its original, properly labeled container.

The limited consumption of alcoholic beverages at Department-sponsored functions, either in designated areas of the Department's premises or at a designated location off the Department's premises, may be authorized by the Chief, provided the:

1. Individual consuming alcohol is not under the applicable state law's minimum drinking age.
2. Personal safety of the individual and others is not endangered.
3. Consumption does not interfere with the individual's effective performance of work-related activities.
4. Consumption does not render the individual under the influence.
5. Under no circumstances should the granting of permission to consume alcoholic beverages at Department-sponsored functions be construed to permit intoxication, or the operation of a motor vehicle, equipment or machinery while intoxicated, all of which are expressly prohibited.
6. The Department reserves the right to conduct reasonable searches and/or inspections of Department premises and property.

7. Members who engage in activity prohibited by this policy or who are aware of, but fail to report such activity will be subject to discipline up to and including termination of Membership. Members who violate this policy may be further subject to criminal prosecution.

C. Drug and Alcohol Testing Procedure

**Pre-Membership Testing** - Following the extension of conditional Membership, all applicants for Membership with The Department shall be required to submit to a drug and alcohol test. Applicants who refuse to submit to drug and alcohol testing will be disqualified from consideration for Membership with The Department.

**Reasonable Suspicion Testing** - If the Chief or other OIC has a reasonable suspicion, based upon objective facts or reasonable inferences drawn from such facts, that any Member is in violation of this policy, he/she may require the Member to submit to a drug and/or alcohol test, or the Member may voluntarily resign his/her position. The tests will be performed on site by a trained and/or certified Member of the Department. The refusal to be tested and refusal to voluntarily resign will result in the immediate Discharge from Membership.

1. A Member who is required to undergo reasonable suspicion testing will be placed on immediate suspension, pending the results of his/her test.

2. Where a Member has been subject to reasonable suspicion testing, the Department will make arrangements for transporting the Member to the test site and to the Member's home.

**Post-Accident Testing** - All Members are subject to being tested after the occurrence of a duty-related accident. A duty-related accident results in injury to person(s) requiring medical treatment and/or results in damage to property. Since accidents demonstrate that safety has been threatened, both the victim and perpetrator may be tested. Any Member who refuses to be tested may voluntarily resign. The refusal to be tested and refusal to voluntarily resign will result in the immediate discharge of the Member.

1. A Member who is required to undergo post-accident testing will be placed on immediate suspension, pending the results of his/her test.

2. Where a Member has been subject to post-accident testing, the Department will make arrangements for transporting the Member to the test site and to the Member's home.

D. Guidelines

The following guidelines will apply to the testing of Member for illegal drugs and/or alcohol:

1. The Department will use a licensed laboratory of its choice or portable drug testing equipment to test for illegal drugs or alcohol.

2. When testing for illegal drugs or alcohol with portable drug testing equipment, the test will be administered by any officer of the Department that has been certified to do so.

3. The laboratory or officer administering the test with portable drug testing equipment will follow stringent chain of custody procedures with respect to specimen collection and preservation to safeguard the specimen integrity and to protect the confidentiality of specimen results.

4. Test results will be forwarded to the Chief for verification.

5. All positive samples will be preserved so that retesting may be performed.

6. The Chief will directly notify an employee who tests positive and provide the employee with a copy of the test report. In the event of a positive test result, the Chief will determine whether there is an alternative medical explanation.

7. All information regarding drug and alcohol testing shall be kept confidential.

8. Members will be required to sign a consent form and a HIPAA authorization prior to testing.

9. Members will be required to produce a photo identification at the time of testing.

10. Members who refuse to consent to or cooperate with testing, or who refuse to execute a HIPAA authorization will be subject to Discipline up to and including discharge from membership.

E. Consequences of a Positive Test Result

1. All Members whose drug or alcohol tests produce positive results will result in discharge.

2. Applicants for Membership whose drug or alcohol tests produce positive

results will not be eligible for Membership and will have their conditional offers of Membership withdrawn.

#### **ARTICLE XIV - CODE OF CONDUCT**

All Members of the Department are required to comply with the following Code of Conduct:

- Members are required to conduct themselves, on and off duty, in a manner that reflects positively on themselves, on the Department and on the fire service, in general;
- All Members are required to be truthful and honest at all time, and in all required written documentation and are required to report instances of cheating and other dishonest acts that compromise the integrity of the Department;
- Members are required to conduct their personal affairs in a manner that does not improperly influence the performance of their duties or bring discredit to the Department;
- Members are required to be respectful and conscious of each Member's safety and welfare;
- Members serve in a position of trust that requires stewardship in the honest and proper use of resources, including uniforms, facilities, vehicles and equipment, and are prohibited from engaging in misuse and theft;
- Members are prohibited from using Department uniforms, facilities, vehicles, and equipment in a manner which violates the law and/or brings disrepute to the Department. An example of improper conduct would be a Member flashing his or her blue light to speed through a neighborhood for personal reasons unrelated to any fire service activity.
- Members are required to exercise professionalism, competence, respect and loyalty in performance of their duties and to use information, confidential or otherwise, gained by virtue of their position only to benefit those who they are entrusted to serve;
- Members must avoid financial investments, outside employment, outside business interests or activities that conflict with or are enhanced by their official position, or have the potential to create the perception of impropriety or conflict;
- Members must not propose or accept personal rewards, special privileges, benefits, advancement, honors or gifts that may create a conflict of interest or the appearance of one;
- Members are prohibited from performing Department services under the influence of alcohol or any other substance that impairs or can impair mental state, the performance of duties and/or safety;
- Members must comply with all Articles of the Constitution and By-Laws, all provisions of the Standard Operating Guidelines, Health and Safety Program, and Vehicle Operating Guidelines, and all written policies and/or practices of the Department;
- Members are prohibited from disobeying orders or instructions of a Commanding Officer;

- Members are prohibited from leaving the scene of a fire or incident without first receiving permission from a Commanding Officer on site;
- Members are prohibited from engaging in disorderly conduct during all Department functions;
- Members are prohibited from stealing or intentionally defacing any Department property or intentionally causing injury to Department Members or employees;
- Members are prohibited from consuming alcohol on Department property if they are under the age of 21 and from serving alcohol to anyone under 21 on Department property;
- Members are prohibited from using drugs or illegal narcotics;
- Members are prohibited from engaging in the performance of any Department-related services including, but not limited to, driving or operating apparatus, after having consumed any alcohol or narcotics;
- Members are prohibited from engaging in conduct that is unbecoming a fire service member;
- Members are prohibited from threatening other persons while on Department premises and/or while performing Department duties;
- Members are prohibited from using profanity or abusive language to any other Members;
- Members are prohibited from using profanity or abusive language during the performance of any duties for the Department;
- Members are prohibited from failing to perform their duties adequately and responsibly.

## **ARTICLE XV - DISCIPLINE AND EXPULSION**

### A. Charges

Charges may be brought against any Member, Officer or employee for violation of any of the provisions of the Constitution and By-Laws, Standard Operating Guidelines, Health and Safety Program, Vehicle Operating Guidelines and/or neglect of duty or conduct unbecoming a Member. A written Charge shall be submitted, in writing, by one or more Members submitted to a Business or Line Officer. Notwithstanding, this Article XII, the provisions of Article II, Section H shall apply to questions of quarterly attendance issues.

### B. Disposition of Charges With and Without Hearings

A Member who is the subject of a written Charge, shall receive a copy of the Charge and shall be entitled to request a hearing upon the charges. The request for hearing must be made, in writing, directed to the Disciplinary Committee, within 10 days of the receipt by the Member, who is a subject of the Charge, of a written copy of the Charge. The Discipline Committee shall schedule a hearing to be held in private before them within 10 days of the receipt of a written request. The hearing shall be scheduled for a time no more than 30 days beyond the receipt by the Discipline Committee of the request for a hearing. Hearings on Charges before the Discipline Committee shall be confidential. The Member bringing the Charge shall be provided a time to present evidence supporting the Charge, following which the

subject of the Charge will be afforded a time to present evidence. Following the presentation of evidence, the Disciplinary Committee shall meet in private and then issue a summary and recommendation to the Business and Line Officers with regard to what, if any, discipline should be rendered. The Business and Line Officers shall meet in private and render a decision by majority vote. The decision shall be communicated in writing to the Member who is a subject of the charge.

If a Member who is the subject of a written Charge does not request a hearing, then the Disciplinary Committee shall meet to vote on a recommendation to the Business and Line Officers regarding what, if any, discipline should be rendered. The Business and Line Officers shall meet in private and render a decision by majority vote. The decision shall be communicated in writing to the Member who is a subject of the charge. If the decision is for expulsion, the decision will require approval by a two-thirds majority of the Business and Line Officers. If the Board decision is that the Officer should be removed from office as a result of its decision on the Charges, then the Decision shall be presented to the Business and Line Officers, apart from the Officer in question, and will require an affirmative vote of two-thirds of the Business and Line Officers supporting the decision to remove from office.

The Business and Line Officers shall report on the disposition of charges during the next regular meeting of the Members after the disposition takes place.

#### C. Fines

The President shall be authorized to levy fines as follows. Any Officer absent from meetings, except in the case of sickness, death of family members, or other acceptable excuse presented by the Fire Chief or President- \$2.00; any Member absent from a schedule meeting, except in the case of sickness, death or excuse - \$1.00; any Member absent from special duties after having signed the roll call - \$1.00; Secretary or Treasurer not having Department books and papers without excuse - \$2.00; Any Officer failing to perform required duties - \$1.00; Any business Officer or Board Member not at the meeting room by 6 p.m. in time for the beginning of a meeting - \$2.00; Any Member leaving a meeting without being excused - \$2.00. The Chair of any Regular, Annual, or Special Meeting shall be authorized to fine a Member for abusive language or other improper or disorderly conduct in amounts up to \$25.00.

All fines collected shall be for the exclusive use of the Department.

#### D. Suspensions

The Fire Chief and/or the President are authorized to suspend any Member where criminal charges have been brought and/or for failure to obey orders and/or for conduct unbecoming a firefighter. At the time the President and/or Fire Chief suspends a Member, the President and/or Fire Chief must prepare a Charge, in writing, to be handled as stated above.

E. Probationary Members

During a Probationary Member's probationary period, the Probationary Member can be expelled by a majority vote in favor of expulsion, by the Line Officers, where the Line Officers believe the Probationary Member is detrimental to the safety and/or welfare of the Department and/or public it serves.

F. Other Expulsions

Members may be expelled for failing to maintain the membership requirements contained in these Constitution and By-Laws.

**ARTICLE XVI - LEAVES OF ABSENCE**

Any Member may request a leave of absence in the event of an issue related to education, employment, family, health or military service, for up to 365 days. The Member must submit a request for a leave of absence to the Fire Chief and President in writing, stating the reason for the leave, the date in which the requested leave will take place, and the date upon which the Member will return from a leave of absence. A leave of absence may be granted in the full discretion of the Business Officers and the Fire Chief and Assistant Fire Chiefs, who must agree on the decision to grant leave. All leave of absence requests must be renewed and reevaluated at the end of each fiscal year. Where a leave of absence has been granted or where a leave of absence request has been denied, the Business Officers, Fire Chief and Assistant Fire Chiefs shall report on that leave of absence during the next regular meeting of the Members. Any Member who is placed on a leave of absence must return all Department property in their possession.

**ARTICLE XVII – STATUS OF CONSTITUTION AND BY-LAWS**

These Constitution and By-Laws supersede all earlier date and adopted versions of the Constitution and/or By-Laws.

**ARTICLE XVIII – AMENDMENT**

The Constitution and By-Laws may only be amended as follows:

A. A draft of the Amended Constitution and By-Laws must be discussed and made available to the Members present at a Regular Meeting of the Department and to any Members who request a copy of the Amended Constitution and By-Laws; and

B. The Amended Constitution and By-Laws must be approved by a majority vote of the Members at the Regular Meeting after the Regular Meeting where the Amended Constitution and By-Laws were first discussed and made available.

C. Any amendments to The Amended Constitution and By-Laws, after their initial adoption can only be amended once per year at the July meeting.

**ARTICLE XIX – DISSOLUTION**

The Board of Directors is authorized to initiate the process to dissolve the Department. The Board of Directors, or its designee, shall prepare a plan of dissolution. The plan of dissolution shall after itemizing and, to the extent possible, providing for payment of all debts, liabilities, and expenses, provide for the disposition of all property, funds and other assets of the Department to the Township of Stroud for the continued benefit of the citizens of the Township of Stroud. No Officer, Director or Member of the Department may share in the disposition of property, funds, or other assets of the Department upon dissolution.

If the plan of dissolution is adopted by the Board of Directors, then it must be presented in a Special Meeting called for that purpose. In order for a plan of disposition to be adopted, it must receive a two-thirds (2/3) majority vote of the Members present at the Special Meeting.

The Constitution and By-Laws were voted on and approved by the Members during a Special By-Law Meeting which occurred on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Printed Name