

CONSTITUTION AND BY-LAWS
OF THE FIREFIGHTER'S FRATERNAL BENEFIT FUND OF THE RANDOLPH
COUNTY ASSOCIATION OF FIRE CHIEFS, Inc.

ARTICLE I . NAME AND OBJECT

SECTION 1. The name of the Association which is organized by voluntary agreement of its members and under resolution duly adopted by the Randolph County Association of Fire Chiefs, Inc., hereinafter (RCAFC), shall be known as "Firefighter's Fraternal Benefit Fund of Randolph County".

SECTION 2. The object of said Association shall be to cement more firmly the bonds of fraternity and friendship now existing between the members of the RCAFC.

SECTION 3. The Firefighter's Fraternal Benefit Fund shall be created and maintained by assessment made upon its' members, which shall become due and payable as provided in the by-laws of the Association.

ARTICLE II. GOVERNMENT

SECTION 1. The Firefighter's Fraternal Benefit Fund shall be under the general control, supervision, and management of the Board of Directors of the RCAFC.

SECTION 2. The Executive Committee shall provide an annual report at the August meeting of the RCAFC for the prior fiscal year accounts and activities.

SECTION 3. A financial review of all account activity, checks, and statements by two (2) executive committee members (excluding the Administrator), as prescribed by the Board of Directors, shall be performed at the end of each term of office or when deemed necessary by the Board of Directors. A written report along with any recommendations shall be presented to the Board of Directors for review.

ARTICLE III. BY-LAWS AND REGULATIONS

SECTION 1. The officers of the Firefighter's Fraternal Benefit Fund shall be the Executive Officers of the RCAFC.

SECTION 2. An Administrator shall be an executive officer, elected by the Board of Directors to handle the affairs of the Firefighter's Fraternal Benefit Fund. The Treasurer of the RCAFC may serve as the Administrator. The Board of Directors shall appoint one (non-executive officer) member to assist the Administrator, but shall have no control of the funds or serve as a signature on any fund account.

The Secretary of the RCAFC shall have signatory authority on all fund account(s) to serve in the absence of an Administrator and to increase accountability of the fund account(s). In the absence of a Secretary, the 1st Vice President shall have signatory authority and serve in the absence of an Administrator and Secretary, until the succession of officers are replaced.

ARTICLE IV. MEMBERSHIP

SECTION 1. Any active member with a Fire Department that is a member in good standing with the RCAFC shall be eligible for membership in the Firefighter's Fraternal Benefit Fund. Active members shall also include junior or cadet firefighters ages 14 - 17. The determination of a member being an "Active Member" shall be determined by the Fire Chief of the member's Fire Department.

SECTION 2. An honorary member is a former or retired active member with a Fire Department that is a member in good standing with the RCAFC. An honorary member shall be eligible to remain a member in the Firefighter's Fraternal Benefit Fund, so long as their assessment dues continue to be paid by the member or their Fire Department.

If an honorary member's dues are no longer going to be paid by the fire department at the time of retirement or separation, the fire department chief shall notify the member and the administrator of the separation and intent not to continue paying the member's dues. The member shall provide

a new enrollment form to the Administrator within 30 days of separation or receipt of the Chief's intent that they wish to remain a dues paying member, and providing billing information for assessments.

If the requested documentation isn't received within 30 days of separation or the Chief's notice of intent, by the Administrator, the Administrator shall drop the member from the fraternal membership roster, and they will no longer be eligible for the death benefit.

SUBSECTION A. The enrollment form of any person presented to the Administrator of the Firefighter's Fraternal Benefit Fund, for membership as an honorary member, shall be accompanied by a letter signed by the Fire Chief and two members of the department or organization to which the applicant has belonged or has been affiliated, stating that such applicant has previously been an active member in good standing of their Fire Department, that is a member in good standing with the RCAFC.

SUBSECTION B. Any active firefighter retiring from a fire department having representation in the RCAFC, shall be eligible to retain membership in the Firefighters Fraternal Benefit Fund, so long as their assessment dues continue to be paid by the member or their Fire Department. All dues to the RCAFC and assessments from the Fraternal Benefit Fund must remain in good standing by the firefighter's associated department.

SECTION 3. Any active member whose name has been dropped from their Fire Department's roster may be reinstated in membership by any Fire Department that is a member in good standing of the RCAFC upon submitting a new enrollment form and paying the prescribed new member fee.

SECTION 4. The Chief of the fire department shall be responsible for notifying the Administrator by e-mail of any member to be removed from their fraternal membership roster. The Official Fraternal Benefit roster shall be updated by the Fire Chief or their designee with the removal of the member, an updated revision date, and the digital excel document shall be e-mailed to the Administrator.

Section 5. The Chief of the fire department shall provide an Enrollment Form, marked as "New Member", for any new member that is to be added to their fraternal benefit roster and pay the prescribed new member fee. The Official Fraternal Benefit roster shall be updated by the Fire Chief or their designee with the addition of the member's information, an updated revision date, and the digital excel roster shall be e-mailed to the Administrator. The Administrator shall assign a unique certificate number for the member on the digital roster.

Section 6. The Chief of the fire department shall provide an Enrollment Form, marked as "Updated", for any current member in which any information on the previous enrollment form or signature card on file has been changed or updated. All information on the Enrollment Form must be completed, as if a new one is being completed. The Updated Enrollment Form will replace all previous forms with signatures.

When the Administrator receives an "Updated" Enrollment Form, any previous enrollment forms or signature cards shall be destroyed and the updated form shall become the official wishes of the member. The Official Fraternal Benefit roster shall be updated by the Fire Chief or their designee with any updated information on the roster, an updated revision date, and the digital excel document shall be e-mailed to the Administrator.

Section 7. When an Enrollment Form has been submitted, the member providing the information or updates shall have their signature on the form witnessed by two (2) Officers, in which one must be the Fire Chief.

Section 8. A person isn't eligible for membership or the death benefit as prescribed herein, until the Administrator has received a valid Enrollment Form and payment of the new member's dues. A person's death that is preceded by the Administrator having received both a valid enrollment form and payment of the new member fee is not eligible for the death benefit.

ARTICLE V. BENEFICIARIES AND CERTIFICATES

SECTION 1. CERTIFICATEE OF MEMBERSHIP. A completed Enrollment Form, legible, signed by an active or honorary member, witnessed by two (2) Officers (one must be the Fire Chief), and in the possession of the Administrator. A unique certificate number shall be assigned by the Administrator for each member.

SECTION 2. PRIMARY AND CONTINGENT BENEFICIARIES. A primary and contingent beneficiary shall be named and designated by the member at the time of enrollment for membership. Any Certificates of Membership accepted prior to March 15, 2024 are not required to identify a contingent beneficiary. However, when an update is required, a new enrollment form indicating "Update" shall be submitted and at that time, the member must declare a contingent beneficiary. The beneficiaries shall be a living human or the member may designate their estate as the beneficiary.

SECTION 3. The designated primary and/or contingent beneficiaries may be changed at the pleasure of the member upon the replacement of the certificate of membership to the Administrator as described herein.

SECTION 4. In case the certificate of membership shall be lost or destroyed, and a member desires to procure a duplicate certificate of membership that is on file with the administrator, a new enrollment form must be completed and submitted to the Administrator by the member's Fire Chief or the member if they are retired and no longer affiliated with a Fire Department. The Administrator shall only issue a replacement certificate of membership, if the member requesting is currently a fraternal member in an active or honorary member status.

SECTION 5. SUCCESSION OF BENEFICIARIES. In the event, the primary beneficiary is deceased at the time of the member's death, the Administrator shall pay the death benefit to the contingent beneficiary on the membership certificate.

In the event, the contingent beneficiary is also deceased at the time of the member's death, the Administrator shall pay the death benefit to the member's biological children if known; or the member's parent(s); or the member's sibling(s) in this order until.

If no known relative listed above can be identified or located, the death benefit may be paid to the member's estate, a non-profit organization or a charity in the name of the member as approved by the Board of Directors. The Fire Chief of the Member's Department shall assist the Administrator in identifying any eligible beneficiary as prescribed above.

ARTICLE VI. PAYMENT OF BENEFICIARY FUND

SECTION 1. Upon receiving notice of a member's death, the Administrator shall within 48 hours deliver to the beneficiary designated on the Certificate of Membership or identified as prescribed herein, a check for the sum of not less than the prescribed amount approved by the Board of Directors of the RCAFC. In the event, the treasury doesn't have sufficient funds to pay the benefit at the time of death, the benefit shall be delivered no longer than 60 days after an assessment has replenished the funds.

No funds shall be paid from the treasury of the RCAFC primary banking account that is not associated with the Fraternal Benefit Fund, except as authorized by the Board of Directors. If authorized, the funds paid shall be reimbursed within 60 days from the Fraternal Benefit Fund, after an assessment has replenished the funds.

ARTICLE VII. ASSESSMENT AND BENEFICIARY FUND

SECTION 1. Every new member and returning member of the fraternal benefit fund shall pay a new member fee of \$5.00 at the time an Enrollment Form is submitted for membership to the administrator.

SECTION 2. Upon the death of a member, the Administrator shall notify the Fire Chiefs of an impending assessment that will be issued on the 1st day of the following month. The Administrator shall assess participating fire departments

an assessment fee of \$5.00 per member on their fraternal roster as they existed at the time of the member's death and \$5.00 per member for those no longer affiliated with a fire department.

The Fire Chief shall have 30 days to pay the assessment fee for every member on their roster that is on file with the Administrator. No members may be added or removed from the fire department's roster after the Chiefs have been notified of an impending assessment, which would increase or decrease the assessment amount as on file with the Administrator at the time of death.

SECTION 3. If a member shall die due to a Line of Duty Death (LODD), the Administrator shall pay to the member's beneficiary double the death benefit as prescribed by the Board of Directors, if the LODD determination is approved by a majority of the Executive Officers of the RCAFC.

If a death is questionable as to whether it is LODD or not and the Executive Officers can't make a clear determination in consultation with the member's Fire Chief, the determination shall be decided upon by the Board of Directors at their next regular meeting. In the event this occurs, the Administrator shall pay to the beneficiary the standard death benefit amount until a decision is made by the Board of Directors. If the Board of Directors authorize a LODD death benefit, the Administrator shall pay the remainder of the LODD death benefit that is no greater than equal to the standard death benefit amount.

SECTION 4. When a determination is made by the majority of the Executive Officers that a member's death is a LODD, the Administrator shall assess all fraternal members and departments, the amount of \$10.00 per member as prescribed herein.

Any member or Fire Chief may appeal the decision of the Executive Officers to the Board of Directors, upon notifying the Association President, within 48 hours of the determination by the Executive Officers. The Board of Directors shall hear the appeal at their next regular meeting. The Administrator is authorized to issue the LODD Death Benefit, ONLY after a 48-hour period has expired from the date/time the Fire Chiefs were notified of the Executive Officers determination.

The determination by the executive officers shall be announced on the Fire Chief's WhatsApp and on a group e-mail message from the Administrator. Any determination of the executive officers that isn't appealed within the time prescribed, shall be final.

SECTION 5. A Line of Duty Death (LODD) is defined by the Office of State Fire Marshal to be on-duty fatalities that include any injury or illness sustained while on-duty that proves fatal. The term 'on-duty' refers to being involved in operations at the scene of an emergency, whether it is a fire or non-fire incident; responding to or returning from an incident; performing other official duties such as training, maintenance, public education, inspection, and investigations. LODD recognizes cancers as defined in G.D. 143-166.2(c). (Requires proof, and is not eligible for federal benefits). Cancers covered include, but is not limited to, mesothelioma, intestinal, testicular, and esophageal.

North Carolina General Statute 143-166.2(c) reads in part, "killed in the line of duty" shall apply to any law-enforcement officer, firefighter, rescue squad worker who is killed or dies as a result of bodily injuries sustained or of extreme exercise or extreme activity experienced in the course and scope of his official duties while in the discharge of his official duty or duties.

For purposes of this Article, when a law enforcement officer, firefighter, rescue squad worker, or senior civil air patrol member dies as a direct and proximate result of a myocardial infarction suffered while on duty or within 24 hours after participating in a training exercise or responding to an emergency situation, the law enforcement officer, firefighter, rescue squad worker, or senior civil air patrol member is presumed to have been killed in the line of duty.

For the purposes of this Article, when a firefighter dies as a direct and proximate result of any of the following cancers that are occupationally related to firefighting, that firefighter is presumed to have been killed in the line of duty: Mesothelioma,

Testicular Cancer, Intestinal Cancer, Rectal Cancer, Esophageal Cancer, Oral Cavity Cancer, Brain Cancer, Non-Hodgkin's Lymphoma, or Multiple Myeloma.

SECTION 6. If a Fire Department or member no longer affiliated with a Fire Department shall fail to pay the assessment issued by the Administrator within 45 days from the date of issuance, the fire department's fraternal roster or the individual member no longer associated with a fire department, shall be considered delinquent and lapsed in coverage.

The Administrator shall not pay the prescribed benefit to any member's beneficiary on a Fire Department's roster or to an individual member no longer affiliated with a fire department if the member passes during a "Lapse in Coverage" event.

Upon payment of any past due assessments, the Administrator may pay to the beneficiary of the member that passed during a "Lapse in Coverage" event, ONLY after approval of the Executive Officers. If the Executive Officers doesn't approve the issuance of the death benefit, the matter shall be presented before the Board of Directors at their next regular meeting to uphold the executive officer's decision or overturn it. The decision of the Board of Directors shall be final.

SECTION 7. Upon payment of the prescribed benefit amount, the Administrator shall remove the deceased member from their agency's fraternal roster and only assess that department for the remaining number of members that doesn't include the deceased member.

ARTICLE VIII. AMENDMENTS

These By-Laws and Regulations may be repealed, amended or added to by the majority vote of the Board of Directors at any regular or special meeting of the Association in accordance with the By-Laws of the RCAFC. The Notice Requirement to the Board of Directors for amendments to the Firefighter's Fraternal Fund bylaws shall be the same as listed in the bylaws of the RCAFC.

Effective as amended November 10, 1983.

Effective as amended January 12, 1989. - ARTICLE **VI** -LINE #11

Effective as amended January 10, 1991. - ARTICLE **VI** -LINE #11

Effective as amended January 14, 1993. - ARTICLE VI -LINE #11

Effective as amended March 11, 1993. - ARTICLE **IV** -SECT 2-SUBSECT B

Effective as amended January 13, 1994. - ARTICLE **VI** -LINE #11

Effective as amended March 9, 1995. - Name change, Gender, Editorial

Effective as amended May 08, 2003. - ARTICLE VI -LINE #11

Effective as amended April 4, 2024. - ARTICLE'S I - VIII. F