**CONSTITUTION**

 **EVERETT POLICE OFFICERS ASSOCIATION**

 **Article I**

 **NAME AND PURPOSE**

Sec. 1 The organization established by this constitution shall be designated the "EVERETT POLICE OFFICERS ASSOCIATION, INC."

Sec. 2 The purpose of this Association shall be to promote the general welfare of its members by improving wages, hours, and working conditions through collective bargaining and protecting the active members’ rights and benefits under the collective bargaining agreement between the Association and the City of Everett established in accordance with the law.

 **Article II**

 **MEMBERSHIP**

Sec. 1 Active Membership. All persons employed within a bargaining unit represented by the Association who are in good standing will be granted active membership in the Association.

Sec. 2 Retired Membership. All retired commissioned employees of the Everett Police Department are Life Members of the Association and will not pay dues, hold office or vote on any matters of Association business; however retired commissioned employees may be elected to the State Pension Board. Retired status includes both service retirement and disability retirement.

Sec. 3 Every active member shall have the right to: (a) attend any Association membership or Executive Board meeting and to participate in such meeting in accordance with the Constitution and By-Laws, (b) nominate candidates, and (c) vote in elections and referendums of the Association. All active members shall have full membership rights whether or not their probationary status with the City has been completed.

Sec. 4 Good Standing. Good standing shall mean the payment of any initiation fee, dues, and assessments required by this organization. Persons who fail to pay the required initiation fee, dues, and assessments within periods prescribed by the Constitution and/or By-Laws and/or the Labor Contract or any other existing contract between the Association and any member(s) shall be deemed delinquent, shall be suspended and cease to be members in good standing. Delinquent and suspended members are not entitled to voice, vote, or participate in the business of the Association.

Sec. 5 All members shall abide by the EPOA rules and regulations in the constitution and by-laws and the labor contract with the City of Everett.

Sec. 6 Fair-share Payers. Bargaining unit employees who choose not to be active members of the Association shall not be entitled to voice, vote, or participate in the business of the Association.

A. If a member of the bargaining unit refuses to join the Association, he or she will be assessed his or her fair share of the cost of negotiation and maintaining the collective bargaining agreement. This amount will be determined by the Association's Executive Board after an independent auditor has examined the Association's expenditures for the previous year and detailed budget for the year. The accounting must designate the amount of funds which are to be clearly used for ideological purposes, those which are not clearly to be used for the cost of negotiating and maintaining the contract, and those which are not clearly in either category. This accounting must also include all funds sent to state or national organizations and affiliates.

 B. The Association will then inform the employer as to what amount of fair share (agency) fees are chargeable to non-members. The Association will then place in escrow the amount which is not clearly either for ideological proposes or for negotiating or maintaining the collective bargaining agreement. The amount which is clearly to be used for negotiating and maintaining the contract may be used immediately by the Association. The amount in escrow can only be used after non-members have had an opportunity to register their objections by utilizing the appeal process described below.

C. All non-members shall be provided with a copy of the budget along with an explanation of the amount of fair share (agency) fees to be deducted from their paychecks. They will also be provided with a copy of the procedures described in this Article whereby they may register their objections to the amount deducted.

D. A non-member will have fifteen (15) days from the date they received the information described in Section C of this Article to inform the Association in writing that they object to the amount being deducted from their wages, and the reasons for these objections. Failure to inform the Association in a timely manner will be considered a waiver of the right to so object.

E. Upon receipt of this objection the Association Executive Board will review the objection and inform the member within fifteen (15) days of its decision. If the Board agrees with the non-member, the fair share (agency) fees will be adjusted accordingly. If the Board rejects the non-member's objection, then the non-member has ten (10) days in which to inform the Board that he or she desires to have the dispute settled in arbitration.

F. Upon receipt of a request for arbitration, the Association will request, as soon as possible, a list from the American Arbitration Association of the names of five arbitrators to be submitted to the Association and the non-member. Within ten (10) days of the receipt of the list, the Association representative will meet with the non-member and each will alternatively strike names until a single arbitrator is left. The Association will inform the arbitrator of his or her selection and schedule a hearing as soon as possible. The Association may consolidate before a single arbitrator all objections received to the fair share assessment. The arbitrator will have thirty (30) days from the date of the hearing to render his or her decision. The decision will be final and binding upon both parties. The cost of the arbitrator will be born by the Association.

If the arbitrator sustains the objection by the non-member, then the Association will refund to the non-member the appropriate amount. If the arbitrator rejects the objection and supports the Association, then the remainder of the non-member's fair share (agency) fees deducted and in escrow may be withdrawn and used by the Association.

Sec. 7 Fully commissioned employees of the Police Department of the City of Everett, not eligible for membership under Article II, Section 1, may, at the discretion of the employee and the EPOA Executive Board, elect to become Social Members of the Association. Social Members shall pay dues and have rights as members of the Association, excepting the right to hold office, to have voice before the membership, or to vote on any matters of association business.

 **Article III**

 **GOVERNMENT**

Sec. 1 The Everett Police Officer's Association shall be governed by an Executive Board subject to the action of the active members of the Association in business meetings.

Sec. 2 The Executive Board shall exercise general supervision of the Association, and shall meet at the call of the President. The Executive Board shall consist of the President and past President and current Vice-President, Secretary, Treasurer, and Sgt. at Arms. A quorum shall consist of three (3) members present.

Sec. 3 The Association's Executive Board shall have the authorization to expend up to $1,000.00 of the Association's funds without a full vote of the Association general membership.

Sec. 4 Executive Board meetings shall be held the first Thursday of every month, or on such other dates as designated by the President, at a time and place designated by the EPOA Executive Board, within the City of Everett. Notice of the day, time, and place for the meeting shall be given at least 3 days in advance of the meeting by the President or Secretary or Executive Board. The method of notice (e.g., personal delivery, mail, posting, or e-mail) shall be determined by the President.

 **Article IV**

 **FINANCE**

Sec. 1 Regular members of the Association shall pay an initiation fee in accordance with Sec. 3 below and dues to the Association in order to fund the activities of the Association and remain in good standing.

Sec. 2 Monthly dues for active members are to be 1.5% of monthly pay for First Class Police Officer, deducted from payroll automatically monthly.

Sec. 3 Regular members of the Association as of the date of the adoption of the

 amendment adding the provisions for payment of an initiation fee shall be deemed to have paid an initiation fee to the Association. Any and all other bargaining unit employees seeking to become regular members, at any time more than 30 calendar days after hire by the City, shall be required to pay an initiation fee as a condition for becoming a regular member. The amount of the initiation fee shall not be less than $1500.

A. The amount of the initiation fee may be set higher and may be changed from time to time by: (a) a recommendation by a majority vote of the members of the Executive Board, (b) a reading of the vote at membership meeting of the regular members of the Association where no vote will be taken, and (c) a majority vote of the Association’s regular membership voting at a regular or special meeting occurring after the reading of the vote of the Executive Board.

Sec. 4 Elected officers of the Association Executive Board; comprised of the President, Vice-President, Secretary, Treasurer, and Sergeant-At-Arms, will have their year’s dues repaid to them at the December meeting of the year for which they have completed their term of service.

Sec. 5 As compensation for the duties associated with the position, the President and the Treasurer shall be paid at the first of each month a sum of $200.00 in addition to the sum reflected in Section 3 above. The Secretary, Vice President and Sergeant-At-Arms shall be paid at the first of each month a sum of $100.00 each in addition to the sum reflected in Section 3 above.

Sec. 6 The Association body shall, no later than the first meeting of each year, approve a budget for that year. Expenditures may be made by the Association Executive Board should follow budget guidelines. Expenditures not listed in the budget and not exceeding $1,000.00 total may be made by the Association Executive Board as noted in Constitution Article III, Section 3. Expenditures exceeding $1,000.00 total must be approved by a vote of the members present at any Association meeting, so long as the proposed expenditure has been included as a new business item and properly posted as part of the meeting agenda as required by Constitution Article V, Section 3 or Section 5.

Sec. 7 The EPOA shall maintain books and records reflecting at a minimum all monies received, the monies budgeted and all expenditures. These books and records will be established and maintained in accordance with guidelines provided by the EPOA’s CPA or financial consultant.

Sec. 8 Executive Board shall be responsible for ensuring that an outside audit or review is performed every third year. The audit or review will be conducted by a Certified Public Accountant retained by the EPOA and shall ensure, at a minimum that the EPOA's financial statements are reliable and that the EPOA's internal controls are effective.

Sec. 9 The Association may elect, at its option, to contract with a lawyer or law firm to provide representation in labor relations matters and Officer involved deadly force issues.

Sec. 10 The Association may elect, at its option, to provide legal assistance when an Association member is sued civilly or criminally as a result of actions occurring in the line of duty and the City's false arrest insurance does not protect the member. This shall be decided by a vote of the body.

 **Article V**

 **MEETINGS**

Sec. 1 Regular meetings shall be held the first Thursday of every month, so far as practical, at a time and place designated by the EPOA Executive Board. Notice of the day, time, and place for the meeting shall be given at least 10 days in advance of the meeting by the President or Secretary or Executive Board. The method of notice (e.g., personal delivery, mail, posting, or e-mail) shall be determined by the President.

Sec. 2 Members must be physically present to be counted as having attended an Association meeting. The Association Secretary shall include in the minutes of every meeting a list of the members attending or present in person. Members present will be eligible for a $50.00 cash drawing given away randomly at the conclusion of every meeting. Members must still be present at the conclusion of the meeting to claim the $50.00.

Sec. 3 Other meetings shall be held as may be determined by the Executive Board or upon written request of six active members; such notice or call to be posted on the official Department bulletin board for at least 48 hours in advance of the proposed meeting.

Sec. 4 A quorum shall consist of ten (10) members of the Association provided such number be present in person.

Sec. 5 All topics covered and discussed at the monthly meeting of the EPOA will be on the agenda, seven (7) days prior to the scheduled meeting. Copies of the agenda will be posted on the official Department Bulletin board. Members must submit their topics in writing to the EPOA Executive Board at least ten (10) days prior to the meeting for inclusion on the agenda.

Sec. 6 Unless otherwise stated within the Constitution or By-Laws, all meetings shall be governed by Roberts Rules of Order.

Sec. 7 Voting on motions and amendments made at an EPOA meeting can be made by voice vote, rising of hands, secret ballot or payroll ballot. If a majority of the members present decide that the proposal on the floor is so important, the proposal may be tabled to the next regular meeting, where discussion will be held and a vote taken disposing of that issue.

Sec. 8 The following topics will be voted on by payroll ballot only: Election or recall of officers, acceptance or rejection of wage and labor contract.

Sec. 9 A payroll ballot vote on any topic can be initiated by a motion, a second and a simple majority vote of the members physically present, provided a quorum exists as stated in Section 5 of Article V.

Sec. 10 All payroll ballots will be held on the first pay period following the request for same and will remain open for five (5) days. The responsibility for the conduct of the payroll ballot will be with the Association Secretary and/or appointed representative.

Sec. 11 A secret ballot vote shall be conducted on any issue should such vote be requested by two or more members of the Association present at a meeting.

Sec. 12 Accounting of all ballots shall be done by the Secretary with assistance of two other EPOA members present. The individual ballots shall be destroyed. A copy of the results shall be maintained with the minutes of the meeting in which they were read.

Sec. 13 An active member who was present at any meeting of the Association at which action on any Association matter is taken shall be presumed to have assented to the holdings of the meeting and action taken unless his/her dissent or objection shall be entered in the minutes of the meeting or unless he/she shall write his/her written dissent or objection to such action with the person acting as the Secretary of the meeting before the adjournment thereof, or shall forward such dissent by registered mail to the Secretary of the Association immediately after the adjournment of the meeting. Such right of dissent shall not apply to a member who voted in favor of such action

 **Article VI**

 **OFFICERS**

Sec. 1 The Officers of the Association shall consist of a President, Vice-President, Secretary, Treasurer, and Sergeant-At-Arms, and the Past-President.

Sec. 2 The Officers shall serve for one year or until their successor has been duly elected.

Sec. 3 All members shall be eligible to hold office provided the member has physically attended at least 4 of the previous 12 meetings prior to the last month in which the nominations are accepted. The 12 meeting requirement figure does not include special meetings.

Sec. 4 Nomination of officers shall be held at the regular October and November meetings each year. No member shall be on the same ballot for more than one office. Nomination may be verbal or in writing by members.

Sec. 5 Election of officers shall be on the following pay period after the November meeting. Each ballot shall be in a form prescribed by the Executive Board and shall contain the name of every candidate, showing the office the nominee is running for. The ballots shall be tallied in the manner prescribed by the Executive Board. The candidate receiving a majority of the ballots cast shall be declared elected. If no candidate receives a majority of the ballots cast, the balloting shall continue through a run-off election in which only the two candidates receiving the greatest number of votes shall participate until there is a majority.

Sec. 6 Officers shall be installed at the annual December meeting in the year of election.

Sec. 7 The President shall appoint members to fill elected positions (e.g., officers, WSCOP delegates, or committee members) when those positions are vacated prior to the expiration of the positions tenure. Such appointments shall be approved by a majority of the body at the next regular Association meeting following the vacancy. In the event of a vacation of the President’s office, the Vice-President shall assume that role, and shall then appoint a new Vice-President as noted herein.

Sec. 8 If any elected officer of the Association fails to attend two (2) consecutive meetings without cause, the Executive Board of the Association shall submit the officer's name to the membership for recall pursuant to the provisions in this Article.

Sec. 9 An elected officer may be recalled from office for the following reasons: (a) acts which would discredit the Association, and/or (b) acts which would prevent the Association from carrying out the best interests of the membership, and/or (c) failure to remain an active member (member in good standing) in the Association. A petition for recall containing the signatures of 40% of the active EPOA members would be required to bring the matter to a payroll vote. A majority of the voting members would be needed to recall the officer. A recall election may also be conducted pursuant to action of the Executive Board under Section 8 of this Article.

 **Article VII**

 **STANDING COMMITTEES**

Sec. 1 The President shall appoint at least one (1) active member to the following standing committees:

Budget, Audit, By-Laws, Building, Civil Service, Collective Bargaining, Off-Duty Work

Sec. 2 The President of the Association shall appoint the chair for each committee. It shall be the duty of the chairperson of the committee to see that their respective members function properly.

Sec. 3 Special committees may be appointed by the President or by the direction of the membership voting in meetings. The President shall appoint all the members of special committees

Sec. 4 Five (5) members will be elected to the Grievance Committee and will serve over a three year period with staggered terms. The Grievance Committee will consist of three Patrol Officers and two Sergeants. Committee members will be elected with the Association election of officers. The President of the Association will appoint the chair for the committee.

Sec. 5 One member of the EPOA shall be elected to the Pension Board. Anyone wishing to run for the position shall pick up a nomination form from the City Clerk.

Sec. 6 The EPOA Sergeant-At-Arms shall see that a list of all committee members shall be posted at the EPOA building and on the briefing room bulletin board.

**Article VIII**

**WASHINGTON STATE COUNCIL OF POLICE OFFICERS**

Sec. 1 Two (2) delegates will represent the Association at the regular meetings of the Washington State Council of Police Officers. These delegates will serve over a five year period. Delegates will be elected with the Association election of officers. These delegates will attend the meetings of the Washington State Council of Police Officers. The senior voting delegate will be appointed by the President of the Association.

Sec. 2 The President of the Association may attend the meetings of the Washington State Council of Police Officers in addition to the delegates mentioned in Section 1.

Sec. 3 The delegates' and/or President's expenses for traveling to and attending meetings all of the Washington State Council of Police Officers shall be paid or reimbursed by the Association in such amount(s) as determined by the Executive Board. Delegates will have their year’s Association dues repaid to them at the December meeting for the year’s service they have completed. Each delegate must attend all three yearly state meetings to be eligible for the dues reimbursement unless he/she is unable to attend due to staffing or other legitimate reasons, to be determined by the E-Board.

Sec. 4 An elected delegate may be recalled. A petition for recall containing the signatures of the majority of the executive board would be required to bring the matter to the body at a regular meeting of the Association. A majority of the voting members present at the meeting would be needed to recall the delegate.

 **Article IX**

 **POWERS OF THE ASSOCIATION**

Sec. 1 The Association, at the meeting at which this Constitution is adopted and at any subsequent meeting(s), called for that purpose, may adopt such By-Laws, prescribe initiation fees, dues, penalties, assessments, qualifications and elections to membership, rules of order, etc., as it shall consider proper for the government of the Association provided such By-Laws or prescription shall not contravene this Constitution or the laws of the State of Washington or City of Everett.

Sec. 2 This Constitution may be amended by a majority vote of the active members present and shall require for its adoption, repeal, or amendment, a reading on the floor at one meeting and a vote of the active members present at the next meeting.

 **Article X**

 **DISSOLUTION**

Sec. 1 In the event of dissolution of the Association, all assets will first go toward any and all outstanding debts. If any funds are left, all remaining assets will be divided equally between five (5) qualifying tax exempt Snohomish County charities, selected by majority vote of the active group.

 **Article XI**

 **GENERAL**

Sec. 1 Any and all Constitutions, By-Laws, resolutions, motions, commitments, and acts of members of the Everett Police Department under the name of any other organization in conflict are hereby rescinded upon adoption of this Constitution of the Everett Police Officers Association as set forth in the previous articles.