

CAL FIRE LOCAL 2881
STATE



Constitution



The official copy of the operating procedures handbook will be maintained by and retained in the office of the union's executive secretary.

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ARTICLE I

NAME

CAL FIRE Local 2881.

**ARTICLE II
OBJECTIVES**

CAL FIRE Local 2881, a nonprofit corporation, is hereby constituted and established in order to foster acquaintance, cooperation, efficiency and harmony among all California Department of Forestry and Fire Protection employees; to promote and protect the welfare of California Department of Forestry and Fire Protection employees in all ways compatible with the public interest, including the support of legislation deemed beneficial and resistance to legislation deemed detrimental to their interest; to represent California Department of Forestry and Fire Protection employees in discussions and negotiations with the state and its agencies relating to all personnel and employment matters; to encourage the maintenance of the highest standards of employee conduct in governmental affairs; to aid in the development of the state's resources and the advancement of the state's economy; and in all ways to render the most effective services to the people of the United States of America and of the state of California.

**ARTICLE III
OFFICIAL HEADQUARTERS**

Official headquarters will be in the City of Sacramento, County of Sacramento. The president need not maintain his/her residence nor operate from the official headquarters.

**ARTICLE IV
MEMBERSHIP**

Section I. Active Membership.

Active membership will be open to all personnel employed by the California Department of Forestry and Fire Protection or any other employee or group of firefighting and related employees, who with the approval of the CAL FIRE Local 2881 Executive Board are considered to be appropriate. Seasonal employees and retired members may elect to maintain active membership. Seasonal employees may opt for active membership to attend convention as provided in the operating procedures handbook.

Section 2. Retired Membership.

Only those members who retired as "a member in good standing" of CAL FIRE Local 2881 may apply for retired membership status without the approval of the majority of the CAL FIRE Local 2881 Executive Board. When a person did not maintain his/her membership prior to retirement, the CAL FIRE Local 2881 Executive Board, by majority consent, may authorize a retired membership. The CAL FIRE Local 2881 Executive Board shall define the rights and privileges for retired members. **(12-00)**

Section 3. Honorary Membership.

The association may elect to honorary membership such persons who have rendered distinguished service to the association. Retired California Department of Forestry and Fire Protection employees may be included in the class of honorary members. They will not have the privilege to hold office or vote.

Section 4. Inactive Member.

Members shall maintain inactive member status between periods of employment, on a fiscal year basis, as set by the executive board. They will not have the privilege to hold office or vote and will not count toward delegate count. This section does not preclude a member from electing to maintain active membership as described in Article IV, Section I, herein. **(6-18)**

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Section 5. Associate Membership.

Associate membership will be open to California Department of Forestry and Fire Protection employees who do not meet the eligibility requirements for becoming a retired member and to volunteers and paid-call firefighters working for an entity where CAL FIRE Local 2881 represents the firefighting or related employees. The executive board will set dues and other benefits for such members. In no event shall such benefits include contract negotiations or adverse action representation unless the member is in a bargaining unit represented by CAL FIRE Local 2881. Such members shall not vote and shall not count toward the number of delegates to be elected to convention.

Section 6. Location of Membership.

When an active member's work location is changed, his/her membership and dues disbursement automatically change to the chapter in which the employee is working. Fair share status and fee disbursement will be allocated in a similar manner.

Section 7. Member Benefits and Restrictions.

The executive board shall establish membership benefits and guidelines of conduct for CAL FIRE Local 2881 members.

Section 8. Member Participation.

Any and all active or retired members may participate within CAL FIRE Local 2881 and be an officer/representative and/or delegate at their respective classification within CDF, consistent with the Dills Act and state law.

**ARTICLE V
ADMINISTRATION**

Section 1. Authority.

The administration of the affairs of the association is vested in the executive board, subject to the guidance established by the general convention and the objectives of the association.

Section 2. Executive Board - Composition.

The executive board shall consist of the officers of the association, the bargaining representatives, and the district vice presidents.

Section 3. Officers - Composition.

The officers of the association are president, past president, general vice president and finance director.

Section 4. Bargaining Representatives.

The association shall elect a representative to represent supervisory and management employees, and another to represent the rank and file employees, and as provided for in Article IX, Section 5, the CAL FIRE Local 2881 retired members in good standing on September 1 of the year of election shall elect the representative for retirees. The supervisor and rank & file directors shall be elected as described in Article IX, Section 4. The retiree director shall be elected as described in Article IX, Section 5. Each district and chapter shall also provide for representatives to similar positions. None of these representatives shall be in the line of succession for any other state office. **(4-16)**

Section 5. Committees.

The president shall have the power to appoint any committee deemed necessary to carry out the functions of the association and whenever feasible shall appoint a member of the executive board as committee chairperson.

Section 6. Mutual Recognition.

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CAL FIRE Local 2881 membership may enter into a mutual recognition agreement with other employee organizations. No such agreement shall limit the authority of the association or be contrary to the association constitution and bylaws.

Section 7. Commission on Organization.

The commission on organization is established for the purpose of making emergency organizational changes or affiliations in order to fulfill the needs of the association in the arena of collective bargaining.

The commission is established and will be composed of the CAL FIRE Local 2881 Executive Board. The association president shall serve as the chairperson of the commission.

The commission is vested with the authority to act in emergency situations to make organizational changes or affiliations to meet association needs, to respond to state or federal legislative, constitutional, administrative, or judicial changes in the area of collective bargaining and employer relations for state employees. Within 60 days of immediate notification, commission action may be disaffirmed by a majority vote of the chapters.

**ARTICLE VI
LIMITATIONS**

Section 1. Political Activities.

The association may participate in political activity.

Section 2. Incompatible Acts and Endorsements.

Neither the executive board, any committee, officer nor member shall take any action in the name of the association which is incompatible with the objectives of the association.

Section 3. Indebtedness.

Debts in excess of funds in the treasury shall be incurred only with a 2/3 majority vote of the state executive board and only for the purchase of real estate as determined appropriate and necessary by the executive board.

Section 4. Liability.

This association shall not incur, or cause to be incurred, any liability or obligation whatsoever which shall subject liability to any subdivision of this association, group of members, or other individuals, corporations or organizations.

Section 5. Interpretation.

Nothing in the constitution or bylaws of the association shall be construed to be in conflict with the laws of the state of California or its articles of Incorporation.

The body which shall interpret the constitution or the bylaws of the association, and any possible conflict by any district's provision for self government or any chapter's provision for self government with the constitution or bylaws of the association shall be the executive board of the association. A ruling by the executive board of the association shall be final, subject to appeal to the delegates of the next convention, who may overrule the executive board by a majority vote.

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Section 6. Exhaustion of Remedies Within the Association.

No officer or member of the association shall resort to judicial proceedings of any kind, before any forum, with regard to any matter pertaining to this organization or its local chapters, or their membership or their office, until all remedies provided for within the constitution and bylaws have been fully exhausted, provided that the foregoing shall not apply where the action was initiated in order to prevent a loss of rights under an applicable statute of limitations and the member or officer has diligently pursued his or her internal remedies.

Section 7. Non Discrimination.

This association shall not discriminate against any person because of race, color, creed, religion, national origin, or sex.

**ARTICLE VII
DISTRICTS**

Section 1. District Defined.

For administration and representation purposes, the state is divided into districts. The district shall encompass the unit(s) and/or chapters, including the non-CDF counties in its geographical boundaries as provided in organizational policy. Sacramento headquarters and those proximate facilities best administered thereby, as determined by a majority vote of the executive board, shall be recognized as one district. **(12-13)**

Section 2. District Charter.

A charter is an instrument issued at the discretion of the executive board officially establishing a district and authorizing it to operate as a lawful part of the association. Districts may elect to be incorporated under the laws of the state of California. **(12-03)**

Section 3. Suspension or Revocation of District Charter.

The charter of any district may be suspended or revoked by a majority vote of the executive board for failure to function in accordance with the CAL FIRE Local 2881 Constitution and Operating Procedures Handbook. The district may appeal any such suspension or revocation to the executive board, and if it so appeals, the executive board, may, by a majority vote of the executive board, reenact the charter. If the appeal is denied, the district may appeal to the next convention. **(12-03)(05-16)**

Section 4. Filing of C&OP.

Each district shall file with the association a duly authenticated copy of its Operating Procedures and of each amendment as and when it is adopted. **(12-05)**

Section 5. Conflict with CAL FIRE Local 2881 C&OP.

A district's provision for self-government shall not conflict with this constitution and organizational policy, and to the extent that if any such provision is in conflict, it is void.

Section 6. Reapportionment.

When an imbalance in delegate count occurs, the executive board may initiate a study and make recommendations to the annual convention regarding reapportionment.

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**ARTICLE VIII
CHAPTER**

Section 1. Defined.

Chapters must hold a valid charter and will consist of all the facilities and appropriate personnel assigned within the boundaries of an existing unit and any facilities or personnel administered by that unit. More than one chapter may exist in a unit. In the case of new facilities established between conventions, the executive board will assign the facility to the closest chapter or district while still maintaining balance in the delegate count. **(12-13)**

Section 2. Charter.

A charter is an instrument issued at the discretion of the executive board officially establishing a chapter and authorizing it to operate as a lawful part of the association. Chapters may elect to be incorporated under the laws of the state of California.

Section 3. Suspension or Revocation of Charter.

The charter of any chapter may be suspended or revoked by a majority vote of the executive board for failure to function in accordance with the association constitution and organizational policy. The chapter may appeal such suspension or revocation to the executive board, and if it so appeals, the executive board, by a majority vote of the executive board, may reenact the charter. If the appeal is denied, the chapter may appeal to the next convention.

Section 4. Voluntary Suspension of Charter.

In the event a district only contains one chapter, the chapter charter will be placed into suspense by the executive board. This is done for administrative purposes only (the elimination of duplicate meetings, financial records/accounts and elections) and is not punitive in any manner. Should a district gain an additional prospective chapter, the executive board shall consider removing the suspension of the original chapter charter and the creation of a new charter for the additional chapter(s). **(12-13)**

Section 5. Filing of C&OP.

Each chapter shall file with the association a duly authenticated copy of its Operating Procedures and of each amendment as and when it is adopted. **(12-05)**

Section 6. Conflict with CAL FIRE Local 2881 C&OP.

A chapter's provision for self government shall not conflict with this constitution or the association organizational policy and to the extent that if any such provision is in conflict, it is void.

**ARTICLE IX
ELECTIONS**

Section 1. Qualifications.

Elected officers and delegates to the IAFF Convention and CPF Convention shall be members in good standing of the association. The election of delegates shall be as provided in the CAL FIRE Local 2881 Bylaws.

Section 2. Nominations.

The past president shall be the chairperson of the nominations committee, which will consist of the district vice presidents. The nominations committee shall open nominations on September 1 for the offices of the president, general vice president, finance director, fiscal steering committee trustee and bargaining representatives in the appropriate year as described in Article IX, Section 4, Term of Office. Nominations shall remain open until October 15.

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The past president shall post notification for state level office elections on the CAL FIRE Local 2881 web page by September 5.

Nominations for candidates may be submitted by e-mail to the CAL FIRE Local 2881 election e-mail box, mailed or faxed to the CAL FIRE Local 2881 office, or at the September executive board meeting. Nominations must be received by 1600 hours on October 15 and/or in the case that October 15 falls on a weekend, mail and in-person delivery must be received by 16:00 hours on the preceding Friday.

The past president shall after the close of the nomination period post names of all nominees to the CAL FIRE Local 2881 website by October 20.

Anyone being nominated for office must have given his or her written permission to the person making that nomination prior to his or her nomination. The written notice shall be submitted at time of nomination.
(4-16)

Section 3. Elections.

The election for the offices to be elected will be held on the second to the last day of the annual convention. They shall be elected by a secret ballot by a majority vote of the delegates. **(12-13)**

In any office for which there is no opposition, the candidate will be declared the winner by acclamation. When appropriate, this announcement shall be made by the elections chairperson immediately after the close of nominations for each office.

Section 4. Term of Office.

The term of office for the president, general vice president and finance director shall be for a period of approximately two years to be elected at the general convention. The term of office for bargaining representatives shall also be for approximately two years to be elected the opposite year of the president at the general convention. The officers shall take office at the close of the annual convention. The president becomes the past president upon the installation of their successor. **(12-10)**

Section 5. Election of Retiree Director

Nominations may be made by any executive board member or by a petition signed by any seven retired members in good standing. **(4-16)**

The names of all nominees, following a determination of willingness to serve and their being a retired member in good standing, will be included in a ballot to be sent to each retired member of record on September 1.

When only one candidate exists, no balloting shall occur and he/she will be considered elected by acclamation. Ballots, when required, are to be mailed no later than October 25 and must include the statement, "Vote will not be valid unless received in the CAL FIRE Local 2881 headquarters by the close of business on the last Friday in November." Self-addressed envelopes shall be provided. Within 10 days after the ballot return date, the ballots shall be counted by three CAL FIRE Local 2881 members, and the results made known to the executive board and all candidates for election as retiree director no later than seven (7) days after the ballot counting. (Any candidate elected by "acclamation" shall be notified of his/her election by October 20.) All ballots received shall be turned over to the convention ballot committee to allow for resolution of any challenge to the reported election results.

Travel expenses for both the incumbent and newly-elected retiree director will be reimbursed for their expenses in accordance with the rates established for the convention.

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The individual receiving the greatest number of votes from the ballots received shall be elected as retiree director. In the event of a tie for the most votes, the convention, utilizing convention voting procedures, shall vote the second and succeeding ballots. In the event of a tie, both candidates will be authorized to attend and be reimbursed as prescribed for their expenses. **(4-16)**

Section 6. Filling Vacancies.

When a vacancy occurs in the president position, the general vice president shall assume the office until the last order of business on the last day of the annual convention immediately following the date of the vacancy. Prior to and during the annual convention following the date of vacancy, the nominations committee shall provide candidate names to fill the position utilizing current policy for placing names in nomination. Candidates appointed and or elected to fill a vacancy shall hold office until the end of the next convention.

If a vacancy occurs in the general vice president or finance director position, a new general vice president or finance director may be appointed by the president to serve until the next meeting of the executive board, at which time a new general vice president or finance director will be elected as the first order of business, except that if the vacancy occurs prior to the adjournment of the annual convention in an odd-numbered year, the convention delegates shall elect a candidate to fill the unexpired term of office.

Should a vacancy occur 60 days or less prior to the next annual convention, the executive board shall not elect a general vice president.

A vacancy in the position of either bargaining representatives shall be filled at the next executive board meeting when the executive board shall elect a new representative as the first order of business except that if a vacancy occurs 60 days or less prior to the first day of the next annual convention, no appointments shall be made. If the vacancy occurs prior to or during the annual convention in an even-numbered year, utilizing nomination policy, a candidate shall be elected by convention delegates to fill the unexpired term of office.

A vacancy in the state retiree representative position which occurs after June 1 of any odd numbered year is to be filled on a temporary basis as the first item of business by the CAL FIRE Local 2881 Executive Board at its next regular meeting. The unexpired term created by a vacancy during any even numbered year or during the first five months of an odd numbered year shall be filled utilizing the same election procedure established in Article IX, Section 5, except nominations are to be made within 30 days following the vacancy. By the 60th day, ballots are to be mailed (self-addressed, stamped envelopes to be included) to each retiree who was a retired member on the first of the month following the vacancy. A period of at least 30 days shall be allowed for the return of the ballots; however, they shall bear a notice that the vote will not be valid unless received in CAL FIRE Local 2881 headquarters by a specific date which allows for that 30 day period.

Should an elected state officer, bargaining representative or retiree representative allow their name to be placed in nomination for another state level elected office, they shall vacate their current office upon adjournment of the annual convention at which the election for the office they are competing for takes place.

**ARTICLE X
IMPEACHMENT**

Section I. Recommendation for Removal of Officers.

Recommendation for removal of the president and/or general vice president and/or finance director and/or rank & file director and/or supervisor director and/or retiree director from office may be made to the association membership by a majority vote of the executive board, or by a petition for recall election of an officer by the membership.

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.A The recall petition must have the signatures of no less than twenty-five percent (25%) of the total association membership in good standing.

.B The petition concerning the proposed removal must be given to the executive board at least two weeks prior to the proposed meeting at which the subject of removal is to be presented.

.C The recall petition shall conform to the criteria set forth in the CAL FIRE Local 2881 Operating Procedures Handbook **(05-16)**.

.D Petitions for recall or impeachment of the retiree director may only be signed by CAL FIRE Local 2881 retired members.

Recommendation for removal of an elected district or chapter officer(s) will follow similar procedures as set down in the CAL FIRE Local 2881 Operating Procedures Handbook, in compliance with Article X. **(05-16)**

Section 2. Removal of Authority.

When the provisions of Section 1 are in effect, petitions having been submitted and validated as containing the signatures of twenty five percent (25%) of the total association membership in good standing at the time of signing, the authority of the accused officer will be suspended pending the tabulation of the mail ballot. The executive board may if necessary appoint an interim officer to transact the association business.

Section 3. Ballot Mailing.

A ballot for removal of an officer will be sent to each member of the association at the address of the member last known to CAL FIRE Local 2881 within ten days after the recommendation is made or valid petitions for recall have been received and verified as complying with Article X, Section 1. It shall have a maximum return date of twenty-one calendar days after the date mailed. Return shall be made in a self-addressed, stamped envelope which will be mailed to the association headquarters office.

Section 4. Ballot Composition.

A statement of reasons or facts regarding the alleged basis for removal shall be put on the ballot. Sufficient space on the ballot shall be made available for the accused officer to make a statement in rebuttal to the alleged basis for removal. If there is no rebuttal statement, it shall be so indicated.

Section 5. Results.

The officer shall be removed after the ballots have been counted if a majority of the membership voting wish it so. **(12-06)**

**ARTICLE XI
GENERAL CONVENTION**

Section 1. Meeting.

There shall be held approximately once each year a general convention for the entire membership of the association. **(12-10)**

Section 2. Place of General Convention. (12-11)

The convention management team will recommend the location of the convention site with consideration of the sponsoring districts. The sponsoring districts are as follows:

.A North: Districts I, II, VII and IX

.B Central: Districts III, IV and V

.C South: Districts VI, VIII and X **(12-12)**

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The convention management team will evaluate the location of the convention based on the needs of the membership. The final decision for the convention location shall rest with the executive board of directors.

Section 3. Delegates.

The state officers (president, vice-president, treasurer, past-president) and the state representatives (rank & file, supervisor, and retiree director) will be delegates at large. The district vice president or deputy district vice president shall be a delegate and represent the district at large. The chapter director or deputy chapter director shall automatically be a delegate and represent the chapter. In the event where a district does not have a chapter or the chapter charter has been voluntarily suspended, the deputy district vice president (1) will automatically be considered a delegate. One additional delegate shall be authorized for each fifty members or major portion thereof from each respective chapter or district. The number of delegates shall be determined by the number of chapter members in good standing as shown on the September 1 PDR and as determined by the executive board for retired and new members.

(12-13)

Section 4. Proxy.

A delegate may vote in session in person or by proxy. A delegate shall give his/her proxy vote to another delegate from his/her chapter or to the district vice president. Before using a proxy, the member with the proxy shall furnish the credentials committee with satisfactory proof of authorization.

Section 5. Resolutions.

A resolution intended for consideration by the convention must be in writing and proposed by a chapter, district, the executive board or any standing committee, at any officially convened meeting, and delivered to the resolutions committee chairperson. The resolutions committee shall cause a copy of each resolution so received to be combined in a packet, for each delegate, to be in the hands of their respective chapter director at least 30 days prior to the convening of the convention. The resolutions chairperson will be appointed by the president. Resolutions received during the convention *will be for issues that are considered emergency in nature (fiscal or irreparable harm) as determined by the resolution committee. These resolutions* must be accompanied by CAL FIRE Local 2881 Form 2208.I containing the signatures of 50 delegates to the convention, and shall be presented to the resolutions committee chairperson no later than 1300 hours on the day the convention is convened. The resolutions committee shall assign resolutions to the proper committee and number each resolution. If a resolution is found to be covered in existing policy or to be inconsistent or mis-worded, it shall be sent back to the sponsor. Each resolution that involves monetary changes to the dues structure will require a two-thirds majority standing vote of the delegates at the convention.

(4-16)

Section 6. Voting on IAFF and CPF Delegates.

Other provisions of this constitution notwithstanding, any member in good standing of CAL FIRE Local 2881 may take part in the election, by secret ballot, of delegates to the IAFF Convention and CPF Convention, as provided in the CAL FIRE Local 2881 Bylaws.

ARTICLE XII GOVERNING AUTHORITY

Section I. Rules of Order.

Roberts Rules of Order, latest edition, shall govern the conduct of all meetings except as may otherwise be provided in the constitution or bylaws.

Section 2. Order of Business.

The order of business at all executive board meetings shall be as follows:

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- (A) Call to order
- (B) Roll call of the executive board and committee chairpersons
- (C) Introduction of guests
- (D) Reading of minutes of last meeting
- (E) Report of the finance director
- (F) Communications
- (G) Report of committees
- (H) Open discussion
- (I) Unfinished business
- (J) New business
- (K) Adjournment.

**ARTICLE XIII
AMENDMENTS TO CONSTITUTION AND ORGANIZATIONAL POLICY**

Section 1. Proposed Amendments/Constitution.

Amendments to this constitution may be proposed by resolution to the convention, or by the executive board, or upon petition of 10% of the membership.

Section 2. Proposed Amendments/Bylaws.

Amendments to the association bylaws (operating procedure and policy handbook referred to as the "Operating Procedures Handbook") may be proposed by any member of the executive board at any regular meeting, or by resolution to the convention.

Section 3. Approval of Amendments/Constitution.

Amendments to this constitution shall be adopted by a majority vote of the delegates and ratified by a majority of the chapters and/or districts voting within ninety (90) days of the convention. Chapters and/or districts shall determine ratification. **(12-13)**

Section 4. Approval of Amendments/Bylaws.

Amendments to the association bylaws shall be adopted by either a majority vote of the board of directors or a majority of the delegates at the convention and become effective immediately. Upon approval and enactment, the proposed amendment must be published and available for review by the membership. This action is subject to a referendum on the demand of 5% of the active members filed with the president within 90 days.

Section 5. Corrections to Numerical Format.

The constitution and organizational policy committee shall assure continuity and consistency in numerical format in the constitution on a yearly basis, after amendments are ratified by the chapters.

(NOTE: The term "association", "constitution" or "organizational policy", unless indicated otherwise, refers to the state association, constitution or organizational policy.)