



# Fire Marshal and Emergency Services Association Bylaws

**The Fire Marshals and Emergency Services Association is dedicated to promoting and protecting its members' rights through strong representation and to improve their quality of life.**

Updated: November 9, 2018

Ratified: November 9, 2018



# FIRE MARSHAL AND EMERGENCY SERVICES ASSOCIATION BYLAWS



## Chapter 1 – Name

The Fire Marshal and Emergency Services Association (hereinafter referred to as “FMESA”) name and logo shall not be used by any person or entity without authorization of a two-thirds vote of the FMESA Board of Directors (hereinafter referred to as “Board”).

## Chapter 2 – Mission

The mission of FMESA Officers, Directors, and Site Representatives shall be to support and improve the working conditions of Public Safety, Consumer Protection, and Law Enforcement Professionals under their purview. These duties shall be performed as described in these Bylaws.

## Chapter 3 – Membership

- A. Regular members of FMESA shall consist of full dues paying employees of the State of California who are in classifications represented by the California Statewide Law Enforcement Association, Bargaining Unit 7 (hereinafter referred to as “CSLEA” or “BU7”) and employed in the following agencies (hereinafter referred to as “Divisions”)
- 1) Division 1 – Office of the State Fire Marshal - (Agency Code 544)
  - 2) Division 2 - Office of Emergency Services (CalOES) – (Agency Code 163)
  - 3) Division 3 – Communications Operators
    - Department of Forestry (CALFIRE) – (Agency Code 542)
  - 4) Division 4 – Public Safety and Consumer Protection
    - Emergency Medical Services Authority (Agency Code 312)
    - Social Services – (Agency Code 800)
    - Public Health – (Agency Code 580)
    - Food and Agriculture – (Agency Code 018)
    - State Parks (Agency Code 006)
- B. All supervisory and management personnel of the above Divisions shall be eligible for associate membership. Associate members shall be entitled to all benefits of membership within FMESA except that they may not hold office, may not vote, and may not participate in Board meetings, union deliberations, negotiations, and internal communications. Associate membership dues and assessments shall be the same as for active members.
- C. The Board, by two-thirds vote and concurrence with the CSLEA Board of Directors, shall have the right to add or remove job classifications within Bargaining Unit 7 to FMESA.

## Chapter 4 – Dues

The Board, by a two-thirds vote, shall determine membership dues.

## **Chapter 5 – Organizational Structure**

- A. FMESA is a non-profit California Corporation (501-C5) comprised of members who are State employees within Bargaining Unit 7 who have joined the organization to promote their interests as a group. FMESA members elect Directors from among their ranks whom will best represent their respective interests. The Board consists of the elected FMESA members.
- B. The Board shall consist of thirteen (13) Directors, Four (4) will also serve as Officers (President, and one Vice President each from Divisions 1,2,3 and 4). There shall also be non-director positions of Secretary and Treasurer who shall be appointed by the President and subject to ratification by the Board.
- C. Each Division of FMESA shall be comprised of three (3) Directors (one who is Vice President) from each Division.

## **Chapter 6 – Operational Terms/Guidelines**

- A. The FMESA Board encourages members to address issues and concerns via the chain of command (See Org. Chart attached). However, it is understood that members may contact an Officer of FMESA or a representative of CSLEA.
- B. Directors may submit an expense claim for reimbursement of authorized FMESA expenses by using expense claim procedures as detailed within these Bylaws. (See the Financial Management Policy.)
- C. Any Director desiring to resign from the Board shall submit their resignation in writing to the FMESA President. If the President wishes to resign, the written request shall be submitted to the Vice Presidents of all Divisions.

## **Chapter 7 – Officers/Appointed Staff**

- A. FMESA Board Officers shall be the President, 1<sup>st</sup> Vice President, 2<sup>nd</sup> Vice President, 3<sup>rd</sup> Vice President and 4<sup>th</sup> Vice President. The appointed staff shall be the Secretary and Treasurer and be non-voting positions.
- B. The FMESA President shall be the Chief Executive Officer of FMESA and will perform the following duties:
  - 1) Preside over meetings of the Board.
  - 2) Shall be the official representative and spokesperson for the affiliate.
  - 3) Appoint committees as needed to perform FMESA business.
  - 4) Sign all official documents on behalf of the affiliate.
  - 5) The President shall represent the FMESA membership to CSLEA.
  - 6) May use the FMESA Logo to conduct FMESA business as needed.
  - 7) Perform other duties as necessary.
  - 8) The President shall not vote on affiliate matters unless there is a need to break a tie.

- C. The Vice Presidents shall be the official representative of the members from their Division to FMESA.
- 1) The Vice Presidents, in descending order, shall be the next ranking Officer and shall perform the duties of the President, or the next ranking Vice President in their absence.
- D. The Secretary shall perform the following duties:
- 1) Keep full and complete records of all association proceedings and a list of attendees at each meeting.
  - 2) Within 15 business days of the completion of an official FMESA meeting, shall forward the proceedings and attendees to the President for review, and record retention.
  - 3) Keep a log of UTB usage.
  - 4) Perform other duties as necessary.
- E. The FMESA Treasurer shall perform the following duties:
- 1) Bookkeeper for the affiliate.
  - 2) Maintain a record of all monies received and expended by FMESA.
  - 3) Present an accounting of all income and expenditures to the Board at each Board meeting or upon request of the President.
  - 4) Advance monies to members as directed to conduct FMESA business.
  - 5) Ensure disbursements are supported by an invoice and signed expense claim form.
  - 6) Ensure that expenses incurred by the Board for FMESA business are approved as indicated within these Bylaws.
  - 7) Perform other duties as necessary.
- F. Nepotism
- 1) Nepotism is generally defined as the practice of a member using influence or power to aid or hinder another in the professional setting or situation because of a personal relationship. A professional setting or situation referenced is one of the following:
    - 2) Working for the same agency
    - 3) Having a direct or indirect Director/Board Member/Site Representative relationship.
    - 4) Personal relationships include, but are not limited to, associations by blood, adoption, marriage and/or cohabitation.
    - 5) No FMESA Board Member or Site Representative shall be permitted to report to another relative as defined in this section.

## **Chapter 8 – Committees**

- A. The President may create committees and appoint members to perform the following, non-exclusive, list of duties:
- 1) Escort any unruly, loud and disruptive member from a meeting so the meeting can continue for normal business.

- 2) Assist in coordinating, planning and presenting meetings.
- 3) Publish the FMESA Newsletter.
- 4) Determine, design, arrange for production of, and obtain promotional products for the members, devise the most efficient and effective means of utilizing these products, and distribute them to the members.
- 5) Develop strategy, processes and policies for FMESA to achieve its public relations objectives.
- 6) Recruit, organize and track FMESA Site Representatives to effectively represent FMESA members, to work with CSLEA to constantly improve Site Representative training, and assist the CSLEA Site Representative Program.
- 7) Conduct New Employee Orientations (NEO) upon request of the FMESA Board, or CSLEA Staff.

## **Chapter 9 – Meetings**

- A. FMESA Board of Directors shall meet quarterly at the call of the President, who will preside over the meetings. This includes allowing business and meetings to be conducted via electronic and telephonic methods. Absent exigent circumstances, the Secretary/President shall give fifteen (15) days notice of the meeting. A majority of Directors present shall constitute a quorum.
- B. The Secretary or designee shall give the Membership at least thirty (30) days notice of any Membership meeting. Notice of Membership meetings shall include type of communications available and methods of recording attendance.
- C. The Board may remove a member for unruly, loud and disruptive behavior at meetings.
  - The Secretary shall maintain a record of these incidents in the minutes.
- D. All FMESA meetings shall be conducted according to “Robert’s Rules of Order.” In case of conflict with these Bylaws, the Bylaws will prevail. Parliamentary procedures may be modified or suspended upon a two-thirds vote of the Board of Directors present.

## **Chapter 10 – Election of Directors**

- A. Directors shall serve four (4) year terms. Elections shall occur in even numbered years. Divisions 1 and 2 will occur in gubernatorial election years. Divisions 3 and 4 in mid-term election years. The President’s term of office shall be concurrent with the term of the Directorship of the Division from which he/she is elected.
  - 1) In the event the election shall occur in the year immediately preceding an MOU contract opening, the election shall be delayed for a term of no more than two (2) years or may be shortened by no more than one (1) year by majority vote of the Board.
    - i. The nomination period shall be opened as of the first business day of the month immediately following a published tentative agreement of the new MOU and shall be completed in accordance to the timeframes within these bylaws.

- ii. If the term is shortened, the nomination period shall be open as of a date determined by the Board in accordance to the timeframes within these bylaws.
  - 2) The election shall be open the first business day of the month immediately following the closing of the nomination period and shall be completed in accordance to these bylaws.
  - 3) The incoming board shall assume their elected positions as of the end of the first board meeting after the voting is completed.
- B. Any full dues paying member of FMESA, upon successful completion of an initial probationary period, and is in good standing with CSLEA/FMESA, is eligible to serve on the Board and vote.
- C. The nomination period shall open August 1 – 31 of the election year. The FMESA Secretary or designee will notify members of the opening of the nomination period.
- D. Ballots shall be made available the first business day of September and be returned to CSLEA HQ by the first business day of October. This may be completed via electronic or hard copy methods.
- E. Directors will assume the office for which they were elected at the beginning of the 4<sup>th</sup> quarter Board Meeting.
- F. The ballot will identify each candidate's name, job classification and Division.
- 1) Members may vote for no more than (3) Directors within their Division.
  - 2) The ballot shall include a deadline by which the ballot must be received.
- G. The Secretary or designee shall verify the membership status of each member returning a ballot. The ballots will then be tabulated and the candidates with the highest number of votes will be elected to the Board. If there is a tie vote in a Division, the existing Board will vote to break the tie. The tabulation of votes received by candidates will be kept on file for future reference in the event vacancies and/or disputes occur until the conclusion of the term to which ballots pertain.
- H. All Directors shall complete both Basic and Advanced Site Representative training as soon possible, or within six (6) months of appointment to Office. In the event the training is not available prior to six months; it shall be completed at the first available training after the six-month period. It is the desire of the Board to have all Officers be a Site Representative prior to election. In the event an Officer/Director fails to complete the training and opportunities existed to have completed the training, the Officer/Director shall be subject to removal from office by two-thirds vote of the entire Board.

## **Chapter 11 – Election of Officers**

- A. The FMESA Board shall meet no later than November 30 of an election year to elect the Officers from its' ranks.

- B. Interested Directors shall indicate their intention to seek the office of President or Vice President to the Secretary. The President shall be elected first, then the Vice President(s) of the eligible Divisions by majority vote of the Directors.
- C. Candidates may make statements and participate in debate with the Board at that time regarding their qualifications and goals.

## **Chapter 12 – Removal from Office**

- A. Any Director may be recalled for any reason that is held sufficient to FMESA. Such action shall be by a two-thirds vote of all voting Directors. The following procedures must be followed:
  - 1) A petition bearing the signatures of the majority of active members from the Division of the Director subject to recall shall be submitted to the Board.
  - 2) The Director under petition for recall may respond in writing to the Division within thirty (30) days of receipt of such petition
  - 3) At the end of the thirty (30) day period, the President will call a special meeting of the Board for the purpose of discussing and voting on the recall. If the Director under petition for recall is the President, the Vice President will call a special meeting of the Board. If both the President and 1<sup>st</sup> Vice President are under petition for recall, the 2<sup>nd</sup> Vice President will call a special meeting of the Board, and so on.
- B. When necessary to correct corruption, fraud or for any other reason sufficient to FMESA, a Director may be censured by a two-thirds vote of all Directors. Once subject to censure, the individual will not be allowed to participate in any decision making activities or act in any official capacity other than to attend a meeting of FMESA. A Director may be subject to censure as follows:
  - 1) Knowledge of any improprieties that could reasonably be expected to result in a Director being subject to censure will be forwarded to the President in writing. The President shall conduct a thorough and impartial investigation of the matter and present the evidence to the accused as well as the Board at least thirty (30) days prior to the next regularly scheduled Board meeting. The Board will then discuss the matter including allowing the accused individual to present a defense. The Board will then vote whether to subject the accused to censure.
  - 2) If the accused individual is subject to censure by the Board, it will take effect immediately after the vote is taken.
  - 3) If a request is made for the investigation and censure of the President, the request will be made to the 1<sup>st</sup> Vice President who shall conduct the investigation. If a request is made for the investigation and censure of both the President and 1<sup>st</sup> Vice President, the request will be made to the 2<sup>nd</sup> Vice President, and so on, who shall conduct the investigation.
- C. Should a Director fail to attend two (2) consecutive meetings, the Director may be removed from the Board by majority vote.

- D. Should a Director fail to attend four (4) consecutive meetings, the Director shall be removed from the Board unless the Board chooses to retain the Director by two-thirds vote of those present at the 4<sup>th</sup> meeting missed.

### **Chapter 13 – Vacancies**

- A. When filling a vacant Director's position, the FMESA President shall review the most recent election results and offer the vacant position to the remaining candidate(s) registering the highest number of votes cast by the members during the most recent election.
- B. In the event of a tie in registered votes for the next available candidate, it will be the decision of the Division Vice President of which the vacancy exists on which candidate to offer the position to first.
- C. In the event no such candidate exists, or none wish to accept the vacant position, the Board has the authority, by majority vote, to fill vacancies occurring within its ranks with a regular member of FMESA who is of the same Division.
- D. Vacancies filled in this manner are considered interim appointments and are limited to the remainder of the unexpired term.

### **Chapter 14 – Finance Management Policy**

- A. All FMESA disbursements/reimbursements shall be governed by the attached Financial Management Policy.

### **Chapter 15 – Union Time Bank Usage (UTB)**

For UTB usage, refer to the Bargaining Unit 7 MOU and submit requests to the President of FMESA within the times lines as directed in the MOU.

### **Chapter 16 – General Provisions**

The Association and Directors, when acting within the scope of their authority as specified herein, and the Officers, individually and/or collectively, when acting within the scope of their authority as specified herein or upon the direction of the Board, may be entitled to legal protection and counsel. Any legal expense must have two-thirds approval of the Board and will not exceed 80% of the existing treasury at the time of voting.

### **Chapter 17 – Amendments**

- A. These Bylaws may be amended at any FMESA meeting by a two-thirds vote of the Board, provided the amendment has been submitted in writing to the President and/or Secretary at least thirty (30) days prior to the meeting.



- B. The amendment shall take effect upon approval.
- C. Amendments submitted less than 30 days prior a meeting, shall be considered ratified by a two-thirds vote of the Board upon the completion of the posting period as noted below:
  - 1) These Bylaws, and associated Appendixes shall be posted to the FMESA page on the CSLEA website for a period of no less than 30 days for comment.
  - 2) A summary of changes will be posted with the proposed Bylaws.
  - 3) Notification shall be made to the membership of the updated Bylaws posting for comment.
  - 4) At the end of the posting period the Board shall take action for approval.
- D. No provision of these Bylaws shall abrogate to be inconsistent with any part of the FMESA or CSLEA Constitution or Standing Rules.

### **Chapter 18 - Suspension of the Bylaws**

Any section of these Bylaws may be suspended by a two-thirds vote of the Board for the duration of the meeting. Each motion to suspend must identify the Chapter and Section. Each motion may not suspend more than one Chapter. This Chapter may not be suspended. The motion shall be recorded in the meeting minutes, along with roll call voting.

## **Signature Page**

FMESA President

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FMESA Vice President

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FMESA Secretary

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Date:

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# Document History

- **June 2007** –
  - New version of Bylaws adopted to include CALFIRE ComOps addition to FMESA.
- **April/May 2014**
  - Significant changes including grammatical fixes, procedural changes, and term updates,
  - Chapters renumbered to keep in order.
  - 3 chapters added for UTB, disbursement of funds procedures.
- **November 2014/February 2015/June 2015**
  - Added other agencies/classifications represented by FMESA to Membership Chapter
  - Cleaned up language to eliminate conflict in voting status for Secretary/Treasurer
  - Added Appendix A (Financial Management Policy)
  - Changed voting status of officers to better mirror other government agencies including the format of CSLEA.
  - Changed the structure of FMESA to better mirror CSLEA and other union organizations in regards' to the voting status of its officers, and the makeup of the board.
  - Further cleanup of election process, and operating procedures.
  - Added Chapters and renumbered as needed
  - Added site rep training requirement to all Directors
- **March 2016**
  - Chapter 10 – added probationary requirement to Directors
  - Updated Mission statement added to front page
- **October 2016**
  - Updated for the inclusion of SEFFA
  - Updated for Inactivity rules
- **March 2017**
  - Added nepotism clause

- **March 2018**
  - Added officers Signature Page
  - Added language for Election of Divisional Directors near to an MOU opener.
- **November 2018**
  - Adopted changes suggested in March 2018
  - Signatures completed