

Article I

The name of this organization shall be the Fairfax Coalition of Police (FCOPs, Fairfax COPs), Local 5000 of the International Union of Police Associations (I.U.P.A.), AFL-CIO.

Article II Affiliations

This local union shall be affiliated with the I.U.P.A., AFL-CIO.

Article III Objectives

The objectives of this local shall be to carry out on a local basis the objectives of the International Union of Police Associations and to improve the working conditions, pay and benefits of its members.

Article IV Membership and Dues

Section 1. Membership:

- A. All regularly employed or retired sworn law enforcement officers below the rank of Lieutenant (Grade O-26) and all other employees below Grade P-26 or S-26 under the direct authority of the Fairfax County Police Department are eligible to be full participating members in this local union, subject to the requirements of the Constitution of the International Union. A "full participating member" is a member of the local with all the rights and privileges of membership, including the right to vote and to hold elected office.
- B. All sworn employed of the rank of Lieutenant or above (O-26)-, sworn retired and non-sworn at or above the grade of P-26 or S-26 under the direct authority of the Fairfax County Police Department or the Department of Public Safety Communications are eligible to be associate members in this local union subject to the requirements of the Constitution of the International Union. An "associate member" is a member of this local with all the privileges of membership except the right to vote or hold office. Dues for associate membership shall be the same as for full participating members.
- C. Any auxiliary officer, individual, business, foundation or entity that has provided support to the Fairfax Coalition of Police shall be eligible for honorary membership. Honorary members do not pay dues, cannot vote, hold office or attend regular meetings and do not receive any privileges of membership. Honorary members may participate in social and fundraising events. Candidates

for honorary membership shall be invited by a member and shall be voted on by the executive board. The nominating member shall fill out a membership application.

Section 2. Application for membership shall be made on a standard application form. Such form shall include a valid authorization for payroll deduction of dues.

Section 3. Amount of Dues. Effective July 1, 2008 the annual membership dues shall be calculated based upon a membership dues rate equal to the hourly starting rate of a Fairfax County police officer. The membership dues rate shall increase or decrease on July 1 of each year thereafter, depending upon the hourly starting salary of a Fairfax County Police Officer.

Section 4. Payment of Dues. Annual membership dues shall be payable bi-weekly by payroll deduction to the local Treasurer. Any member who fails to pay dues shall be considered delinquent, and upon failure to pay dues shall be removed from the roll. Any person who pays his/her dues through a system of regular payroll deduction shall, for so long as such person continues to pay through such deduction method, be considered in good standing

Any person that leaves this local, for any reason other than employment elsewhere shall, prior to being readmitted to this Local, appear before the Executive Board and show just cause as to why they should be readmitted. The Executive Board shall then hold a closed vote on the matter and notify the effected former member with in ten business days.

Any member reinstated to this Local in this manner shall then be required to pay all back dues owed up to a maximum of two years. The member shall not be entitled to any lost benefits or attorney representation for discipline that occurs during the period that they were not a member.

Section 5. Reinstatement fee. A member suspended under the above section may be reinstated to membership in the local on payment of all arrearages or upon payment of a reinstatement fee of \$20.00 plus the current month's dues.

Section 6. For voting and representation purposes, a person is considered to be a member of the local when an authorized representative of the local accepts his or her application or when accepted for membership by the Executive Board.

Article V Meetings

Section 1. Time and place. Regular membership meetings of this local shall be set at a time and place to be fixed by President. A majority of the Executive Board may cancel a regular

meeting, ensuring that adequate notice is given to the membership. No more than one consecutive meeting shall be canceled.

Section 2. Special meetings. Special membership meetings, including Executive Board meetings, shall be set at a time and place to be determined by the President, or a majority of the local Executive Board, or by petition filed with the local President and signed by 10% of the members of the local. Special membership meetings may also be called by the International President or by an authorized representative of the International President.

Section 3. Quorum. The quorum for meetings of this local shall be four officers and members present.

Article VI Officers, Nominations, and Elections

Section 1. Titles and Terms of Office. The officers of this local shall be a President, a Vice-President, a Treasurer, a Secretary and four Executive Board members. These eight shall constitute the local Executive Board. The term of office for the President, Vice-President Treasurer and Secretary shall be three years. The term of office for the Executive Board members shall be two years. Officers shall assume office on January 1 after the election and the terms expire on December 31.

Section 2. Nominations. Nominations for elected office shall be made at a regular or special nomination meeting of the local. At least fifteen days advance notice shall be given the membership prior to the nomination meeting. A nominating committee may be appointed or elected to make nominations, but whether or not such nominating committee is used, nominations shall be permitted from the floor at the nominating meeting. Nominations may also be submitted in writing to the Executive Board, no later than the adjournment of the nomination meeting.

Section 3. Eligibility. To be eligible for office, a member must be in good standing.

Section 4. Conduct of Election. Officers shall be elected by secret ballot vote, and the balloting shall be conducted so as to afford to all members a reasonable opportunity to vote. At least fifteen days advance notice shall be given the membership prior to the holding of the election. The nomination meetings for regular elections shall be held concurrently with the Third Quarter membership meeting in election years. Ballots from members shall be due before the votes are opened and counted, which shall occur at the Fourth Quarter membership meeting.

Section 5. Vacancies. Vacancies in office shall be filled for the remainder of the unexpired term by majority vote of the Executive Board.

Article VII
Duties of Officers and Executive Board

Section 1. President. The President shall:

- A. Preside at meetings of the local union and of the Executive Board.
- B. Countersign all checks drawn against the funds of the local, except as provided for in Section 2, subsection C.
- C. Appoint all standing committees and all special committees of the local, except as provided for in Section 2, subsection B; subject to the approval of the Executive Board.
- D. Report periodically to the membership regarding the progress and standing of the local and regarding the President's official acts.

Section 2. Vice President. The Vice President shall:

- A. Assist the President in the work of the President's office.
- B. In the absence of the President or in the event of the President's inability to serve, preside at all meetings and perform all duties otherwise performed by the President.
- C. Upon approval by the local Executive Board, be authorized to act as co-signer of checks drawn on the local funds in place of either the President or the Secretary-Treasurer.

Section 3. Treasurer. The Treasurer shall:

- A. Receive and receipt for all monies of the local union.
- B. Deposit all money received in the name of the local union in a bank or banks selected by the Executive Board. Money so deposited shall be withdrawn only by check signed by the President and Treasurer, except as provided for in Section 2, subsection C.
- C. Prepare and sign checks for such purposes as are required by the constitution or are authorized by the membership or Executive Board.
- D. Prepare and submit the monthly union membership report to the International Union office and ensure that a check drawn in payment of the local's per capita tax each month is sent to the International Secretary-Treasurer.

E. Keep an accurate record of receipts and disbursements and prepare or cause to be prepared an annual financial statement, which shall be distributed to all members. A report of the financial transactions of the local for the previous month shall be given at each regular membership meeting. Financial reports shall be made available to any member upon request.

F. Act as custodian of all properties of the local.

G. Give a security bond for an amount to be fixed by the Executive Board of the local, at the expense of the local.

H. Ensure that any financial reports required by the International Union Constitution to be submitted to the International Union are submitted in accordance with the International Union Constitution.

Section 4. Secretary. The Secretary shall:

A. Keep a record of the proceedings of all membership meetings and of all Executive Board meetings. Prepare draft minutes of each meeting in a timely manner, which shall be distributed to the membership.

B. Carry on the official correspondence of the local, except as the Executive Board may direct otherwise.

C. Perform such other duties as the Executive Board may require.

Section 5. Executive Board. The Executive Board shall be the governing body of the local union except when meetings of the local union are in session. All matters affecting the policies, aims and means of accomplishing the purposes of the local not specifically provided for in this constitution or by action of the membership at a regular or special membership meeting shall be decided by the Executive Board.

The Board shall meet at the call of the President or of a majority of the members of the Executive Board. A report on all actions taken by the Executive Board shall be made to the membership at the following regular membership meeting. A majority of the members of the Executive Board shall be required for a quorum. A majority vote of the Executive Board may initiate a ballot vote by the full membership on any issue deemed necessary.

Article VIII Charges, Trials and Penalties

Section 1. Definitions of Misconduct. The following shall constitute misconduct:

1. Refusal or failure to comply with or abide by the provisions of this constitution, the valid decision of any officer or officers, of the Executive Board or of the membership.
2. Committing an act of fraud, embezzlement, larceny or misappropriation of any funds or property or other thing of value, or refusing, failing or neglecting to comply with the provisions of the International's Constitution and/or this local's constitution which require full and accurate accounting of all funds, property, books and records for examination or audit.
3. Libeling or slandering or causing to be libeled or slandered any officer of the International Union, this local or any affiliate of the International Union. Properly filed charges of misconduct do not constitute libel or slander.
4. Failing, refusing or neglecting to appear as a prosecution witness after filing charges against a member or officer.
5. Advocating, encouraging or acquiring membership in any local, state, national or international organization which is opposed to the unionization of law enforcement personnel, or which is in competition with IUPA for membership.
6. Conduct unbecoming a member provided, however, that utilization of this provision shall be valid only when the charges are set forth in specific terms specifying the act or conduct which forms the basis of the allegation.

Section 2. Who May Proffer Charges. Any individual member in good standing may proffer charges of misconduct against any other member, including the officers of this local.

Section 3. To be properly filed, charges must be:

1. Filed in writing;
2. Signed by the charging party or parties;
3. Specifically state the acts that are alleged to have constituted misconduct;
4. Specifically identify, by Article and Section number, the provisions of this constitution that are alleged to have been violated. In the event an alleged violation involves established policies, decisions, rules, regulations or other governing principals of this local which are not set forth in this constitution, the charging document shall so state.

Section 4. Filing Procedure. A copy of any charges filed against a member or officer shall be sent by certified mail or hand delivered to the local President, Vice President, Secretary, Treasurer and to the accused. The local Secretary, if he/she is not the accused, shall, upon receipt of the properly filed charges, notify the accused by

certified mail or by hand delivery that he/she is formally charged. If the Secretary is the accused, the local President shall perform this duty.

Section 5. Response to Charges. The accused shall have fifteen (15) days from the receipt date of the certified or hand delivered letter from the local Secretary (or local President) to respond to the charges. The response must be hand delivered or by certified mail. If the accused fails to respond, the charges stand as filed. The accused may deny the charges in which case a Trial Board shall commence not sooner than fifteen (15) and not later than thirty (30) days from the receipt date of the certified or hand delivered letter which denies said allegations. The accused may admit the allegations and file a written explanation. The letter of admission must be signed by the accused and notarized.

Section 6. Trial Boards. The Trial Board for members who are not officers shall be the local President, Vice President, Secretary and Treasurer. The Trial Board for local officers shall be the Executive Board; excluding any officer who is accused, a charging party, a witness or the chosen representative of the accused or the charging party. Whenever similar charges are filed against a majority of the entire Executive Board, the members present at the next regular or special membership meeting shall serve as the Trial Board. The trial shall be conducted according to Robert's Rules of Order and shall be the first order of business after the meeting is called to order. The Chairman and presiding officer of all Trial Boards shall be the local President unless he/she is the accused or otherwise disqualified, in which case the local Secretary shall be the Chairman. If both the local President and Secretary are disqualified, the local Vice President shall preside. If the President, Vice President and Secretary are all disqualified, the Treasurer shall preside. If the President, Vice President, Secretary and Treasurer are all disqualified, the Executive Board, excluding those members who are disqualified, shall choose a presiding officer.

Section 7. Rules for Conduct of the Trial. If the accused denies the allegations or fails to respond, a Trial Board shall be convened at the local office or at a place within the boundaries of Fairfax County.

Except as otherwise provided herein, Trial Boards may promulgate their own set of rules for the conduct of the trial; formulated in consultation with both the accused and charging party or parties. The rules shall be distributed to them in writing at least five (5) days prior to the commencement of the trial. The Trial Board may determine additional rules of procedure for situations not covered by the rules as originally adopted.

Each party to the case shall have the privilege of designating a person to act as his/her counsel in the trial proceedings. Members of the Trial Board, other members involved in the proceedings, police department Command Staff officers and attorneys shall not be eligible to act as counsel.

For good cause shown, the accused or party proffering the charges may request a postponement of the date set for trial. Such motion shall be addressed to the Chairman of the Trial Board and shall be subject to approval or rejection at the discretion of the members of the trial board.

Spectators who are local members shall be permitted to attend the trial, space permitting.

Each Trial Board shall electronically record the trial proceedings. The Trial Board shall preserve all documents and other items offered as exhibits. A copy of any official minutes or transcripts shall be furnished to the accused without cost and a copy filed at the local office.

Should the accused fail to appear for trial after due notice; appear but refuse to comply with the rules for the conduct of the trial or should the accused engage in conduct designed to obstruct the trial, the Trial Board shall conduct the trial without the accused being present. The accused, the party preferring charges, counsel for either party or any witnesses or spectators who are guilty of misconduct before the Trial Board, at the discretion of the Chairman of the Trial Board, shall be excluded thereafter from the trial proceedings and the trial shall continue in their absence. After all evidence has been presented and arguments made by all parties or their representative, the Trial Board shall conclude the trial and, as soon as practicable, assemble for consideration of its decision.

Section 8. Decisions of Trial Boards. All decisions of Trial Board shall be rendered within thirty (30) days of the conclusion of the trial or from the date the accused files a letter of admission. The time may be extended by the Trial Board for good cause shown with the consent of both the accused and the charging party or parties.

In the event the accused files a letter of admission, the Trial Board shall consider the case as submitted and shall thereafter render a decision as to the penalty to be imposed.

The decision of the trial board shall be by majority vote of its members. It shall be reduced to writing and shall contain a statement of the pertinent facts involved, the violations charged, reference to all relevant Articles and Sections of this constitution, the International Constitution or other governing laws, a verdict of guilty or not guilty and the penalty to be imposed (if the verdict is guilty).

Prescribed penalties shall be a reprimand, fine, suspension from membership or expulsion from the local.

Section 9. Appeals. When the President, Vice President, Secretary and Treasurer act as the Trial Board, its decision may be appealed in writing within fifteen (15) days to the Executive Board, excluding the members of the Trial Board. The Executive Board may,

by two-thirds (2/3) vote of the total number of members qualified to hear the appeal, overrule the decision of the Trial Board.

When the Executive Board acts as a Trial Board, the decision may be appealed to the membership at the next regular or special membership meeting. The accused and the charging party or parties or their designated representatives shall each be allotted fifteen (15) minutes of oral presentation to the assembled members, with the charging party or parties going first. At the close of the oral presentation, the matter shall be put to a vote of the members. A two thirds (2/3) vote by the members voting shall overrule the decision of the Executive Board acting as a Trial Board. This ballot shall be taken by roll call vote.

Section 10. Removal for Inactivity. An Executive Board member may be removed for inactivity upon a motion made by, and seconded by, a Board member and a majority vote at a regular or special membership meeting.

Article IX Miscellaneous Provisions

Section 1. International Constitution. This local union shall at all times be subject to the provisions of the constitution of the I.U.P.A.

Section 2. Representing the Local. Except to the extent specified in this constitution, no officer of the local shall have the power to act as agent for or otherwise bind the local in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the local except to the extent specifically authorized in writing by the local President or by the local Executive Board.

Section 3. Rules of Order. Robert's Rules of Order, Revised, shall be the guide in all cases to which they are applicable and in which they are not inconsistent with this constitution and special rules of this local or of the I.U.P.A.

Section 4. Effective August 30th, 1992, a member will not be covered by the retainer agreement with the General Counsel for matters that predate his/her joining the local, unless a majority of the Executive Board decides that the matter is one beneficial to the membership as a whole.

Section 5. Effective August 30th, 2004, retired members will no longer be covered by life insurance if they were not already a member of the local at least two years prior to retirement from active duty. This amendment does not affect those retirees who were already members of the local.

Article X Amendments

This constitution may be amended, revised, or otherwise changed by a majority vote of the members voting on such proposed change. Proposed amendments to this constitution must be made at a regular or special membership meeting of the local and read and voted on at a subsequent meeting of the local. Adequate and proper notice shall be given to the membership prior to the date on which the vote is taken. A written copy of the proposed amendment shall be furnished to every voter at the meeting at which the vote is taken.

Adoption

This revised constitution of the Fairfax Coalition of Police, International Union of Police Associations, Local 5000, was adopted by vote of the membership on the 23TH day of July, 2007.

Marshall Thielen Brad Carruthers
President Vice President

Edward J. Nuttal, Esquire
General Counsel