

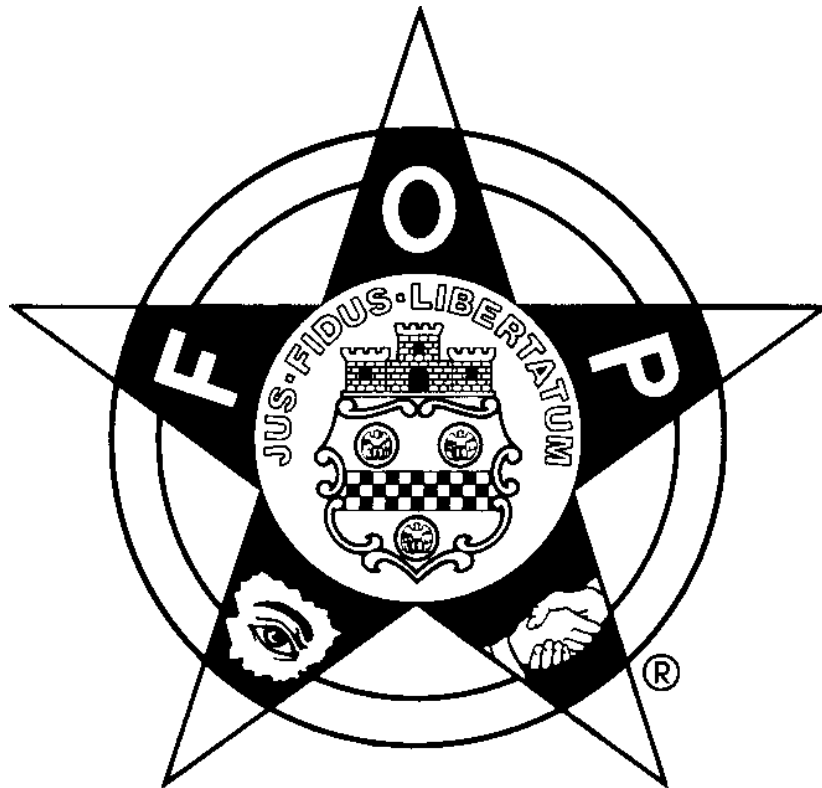
# CONSTITUTION AND BY-LAWS

OF THE

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# FRATERNAL ORDER OF POLICE

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OF THE

**Nebraska Protective Services/Fraternal Order of Police Lodge #88**

**MICHAEL CHIPMAN  
LODGE PRESIDENT**

**MARCIA DEMARY  
LODGE SECRETARY/TREASURER**

## CONSTITUTION and BY-LAWS

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## Preamble

We, the employees of the State of Nebraska, do hereby associate the Order we represent and the members thereof together for the purpose:

*To support and defend the Constitution of the United States and the Constitution of the State of Nebraska; to inculcate loyalty and allegiance to the United States of America; to promote and foster the enforcement of law and order; to improve the individual and collective proficiency of our members in the performance of their duties; to encourage fraternal, educational, charitable and social activities among law enforcement officers; to advocate and strive for uniform application of the civil service merit system for appointment and promotion; to support the improvement of the standard of living and working conditions of the law enforcement profession through every legal and ethical means available; to create and maintain tradition of esprit de corps insuring fidelity to duty under all conditions and circumstances; to cultivate a spirit of fraternalism and mutual helpfulness among our members and the people we serve; to increase the efficiency of the law enforcement profession and thus more firmly to establish the confidence of the public in the service dedicated to the protection of life and property.*

All terms used herein to denominate gender shall be generic and, whenever appropriate, the singular shall include the plural and the plural shall include the singular.

**ARTICLE 1**  
**Name and Insignia**

**Section 1.** This organization shall be known as the Nebraska Protective Services/Fraternal Order of Police Lodge #88 and shall consist of members as are admitted to membership, and to conform to the Order rules and regulations.

**Section 2.** The National Board of Trustees shall have the sole and exclusive right to authorize, control, license and restrict the use of the name, insignia or emblem and mark, trademark, or service mark of the Fraternal Order of Police. The National Secretary shall police the trademark of the Order and shall grant or refuse to grant permission to use the trademark of the Order as hereinafter set forth or as may be, from time to time, prescribed by the National Board of Trustees.

**Section 3.** The right to authorize control and restrict the use of the name and insignia of the Order shall lie exclusively with the Executive Board of the Lodge.

**ARTICLE 2**  
**Character**

**Section 1.** The Nebraska Protective Services/Fraternal Order of Police Lodge #88 is a not-for-profit incorporated labor organization of the State of Nebraska, consisting of employees of the State of Nebraska in the Protective Services Bargaining Unit.

**Section 2.** The Fraternal Order of Police is a fraternal organization composed of professional law enforcement personnel who have joined together for their common good. In no event shall the Fraternal Order of Police join or be controlled by any labor organization, provided, however, that this Section shall not prohibit cooperative efforts by the National, State, or Subordinate Lodges of the Fraternal Order of Police with labor organizations for their common good.

**Section 3.** The Fraternal Order of Police shall not strike or by concerted action cause a cessation of the performance of police duties or induce other members or lodges to do likewise. The Penalty for such action by any member, shall be immediate expulsion from the Fraternal Order of Police.

**Section 4.** This Constitution and By-Laws shall be the fundamental law of the Lodge and govern the day-to-day operations and administration of the Lodge. Together, with the Rituals adopted as voted upon by the membership body, they shall govern the conduct of the Lodge. The Constitution and By-Laws of the Lodge may only be promulgated, amended, or revised by a simple majority of the members voting during the designated period. The Constitution and By-Laws shall be in accordance and comply with the National, and State, Constitution and By-Laws which are adopted at the Biennial Conferences.

**Section 5.** Except as provided in this Constitution and By-Laws, the latest edition of "Roberts' Rules of Order" shall govern the conduct and deliberations of the meetings of the Board of Trustees and committees of the Lodge.

**Section 6.** There shall be an official Ritual of the Order which shall be known as the Fraternal Order of Police Ritual.

**Section 7.** The Lodge shall take cognizance of all matters of State-wide and intrastate scope and concern affecting the welfare and interests of law enforcement officers and their dependents. The Board of Trustees or, in case of emergency, the Executive Board, shall take such immediate action as shall be necessary to safeguard their welfare or interests by providing aid and such other services as shall be required.

**Section 8.** In matters of purely local scope and concern, the Board of Trustees, or the Executive Board, may provide such legal or technical advisory services as may be appropriate.

### **ARTICLE 3 Definitions**

**Section 1.** As used herein, the following terms, phrases or words shall be defined as follows:

- A. **"Full-time employed"** shall mean law enforcement officers that are engaged in such employment as their full-time occupation, or those part time law enforcement officers working 30 or more hours per week.
- B. **"Good Cause"** shall mean nonfeasance, malfeasance, dishonesty, or refusal to carry out the will of the Lodge.
- C. **"Member in good standing,"** in respect to the Lodge, shall mean a member who fulfilled all requirements of membership in good standing in his respective lodge and for whom appropriate per capita tax has been paid to the Local, State, and Grand Lodge.
- D. **"Board of Trustees"** shall refer to the collective body consisting of the Lodge President, the Lodge Vice President, the Lodge Secretary/Treasurer, and the Institutional Trustees.
- E. **"Lodge Executive Board"** shall refer to the collective body consisting of the Lodge President, the Lodge Vice President, and the Lodge Secretary/Treasurer.
- F. **"Institutional Trustees"** shall mean the individuals elected by the members as their representative on the Board of Trustees who may meet from time to time as provided in these By-laws.
- G. **"Regularly appointed law enforcement officer"** shall mean, for purposes hereof, any law enforcement officer (Federal, State, County, City) who meets the minimum standards, has received the training and education required by the United States, the State of Nebraska, the political subdivision or agency by which they are appointed, and is granted arrest powers or in the case of a correctional facility the authority to supervise, maintain and discipline inmates.
- H. **"The Lodge"** shall mean, for the purposes hereof, Nebraska Protective Services/Fraternal Order of Police Lodge #88.

## **ARTICLE 4**

### **Membership**

**Section 1.** Any employee of the State of Nebraska Protective Services Bargaining Unit shall be eligible for membership in the Lodge, subject to the provisions of this Constitution and By-Laws of the Lodge. No person shall be denied membership on account of race, religion, color, creed, sex, age, or national origin.

**Section 2.** Subject only to the provisions of this Constitution and By-Laws, the Lodge shall be the judge of its membership. The Lodge shall establish requirements for membership in good standing of its respective membership, which requirements shall not be inconsistent herewith.

**Section 3.** Active membership shall be the only class of membership.

- A. Active membership shall include regularly appointed full-time law enforcement officers.
- B. Only active members, as herein defined, shall have voice and vote.
- C. The President and Vice President shall be considered active members of this Organization to include if they were elected and are no longer State of Nebraska Employees.

**Section 4.** No person shall be a member of more than one subordinate lodge at the same time nor shall any member who is delinquent, or who has been suspended by a subordinate lodge for any reason, be eligible for membership in any other subordinate lodge until such suspension has been lifted.

**Section 5.** The Lodge may deny membership to anyone who is, or has been, a member of the Communist party, or of any party regardless of what name known which advocates the abolition, destruction, or violent overthrow of the government of the United States or any state or political subdivision thereof.

**Section 6.** The Lodge may deny any membership, or continuation of membership, to anyone convicted of a felony crime in any court of the United States, or any state court once all appeals have been exhausted.

**Section 7.** The Lodge may deny membership to anyone who willfully chooses not to be a dues paying member in good standing of their bargaining unit.

**Section 8.** Application for membership is made by completing the prescribed application form. The application will then be turned into the State and National for approval. Membership is not transferrable or assignable. The application may only be denied for cause. To have an application denied it must be recommended by the President and then voted on by the Executive Board. Cause of denial must be explained to the applicant in writing within 10 days of the decision.

- A. Those applicants that are rejected may appeal in writing to the Nebraska State Board for review.

**Section 9.** The regular membership may suspend or remove a member for cause. This is decided by a two-thirds vote of all active members of the Lodge by closed ballot after a hearing. The member being removed will be given a minimum of forty-five days' notice. The hearing will be conducted at a regular meeting. The President will make certain that the member in question is aware of the agenda. The member in question shall be represented at that meeting if so desired. The closed ballots will be distributed by the Executive Board and balloting will continue for 72 hours after the meeting.

Members may be removed for the following reasons:

- A. Violating any provision of this Constitution and By-laws, or the Constitution and By-laws of the Grand, state, or local lodge.
- B. Failing to pay dues, fines, assessments, fees, and other financial obligations in a timely manner, Obtaining membership through fraudulent means or misrepresentation.
- C. Causing or attempting to cause withdrawal or secession from the local, State, or Grand Lodge.
- D. Working contrary to the interests of or accepting membership in any labor organization whose interests are contrary to those of the Fraternal Order of Police.
- E. Unreasonably, unlawfully, or improperly disturbing the peace or harmony of any meeting of the Grand, State, local lodge, or any of their offices.
- F. Embezzling, misappropriating, fraudulently receiving, wrongfully handling, or failing to account for the funds of the Lodge.
- G. Using the name and/or logo of the Lodge or the Fraternal Order of Police for soliciting funds or advertising or similar activities except as provided elsewhere in this Constitution and By-laws.
- H. Furnishing a complete or partial list of the members of the local, State, or the Grand Lodge to any person other than those whose governmental position or Grand, State or local lodge office entitles them to have a list, without specific written approval from the President of the organization whose membership is being disclosed.
- I. Deliberately interfering with any officer or representative of the Grand, State or local lodge in the discharge of their duties.
- J. Violating the membership obligation or performing any acts of insubordination against the authority of the Grand, State or local lodge; or causing or attempting to cause withdrawal from, decertification of or undermining the exclusive status of this organization.
- K. In the case of any officer or representative of the Lodge failing to faithfully perform the duties of their office, or position or accepting dual compensation or expenses for the performance of duties related to their office or position.

**Section 10.** Any member being removed will have the option to appeal to the Executive Board in writing within ten days of the effective date of the removal. The Executive Board will review the matter and report to the membership at the next regular meeting. At that time, the President will cause a vote of the regular membership present to determine if the removal will stand. A vote will be determined by two-thirds of the entire membership. If the member is not reinstated, they may appeal to the Nebraska State Lodge.

**Section 11.** Employees may withdraw membership during the month of June each year by notifying an Executive Board member in writing of their withdrawal.

**Section 12.** In the event a member voluntarily rescinds their membership with the Lodge and later requests reinstatement into the Association, the member must complete the new member process.

**Section 13.** All Dues paying members are entitled to the FOP Legal Defense Plan.

## **ARTICLE 5 Grievances**

**Section 1.** Step 1 Grievances can be filed without the Union's approval.

**Section 2.** For Step 2 grievances, the grievant must have the Union's approval to have legal representation. The Executive Board will convene and vote on whether to allow the grievance to continue. The decision will be

made within five business days. If the union decides not to allow the grievance, the grievant will be informed in writing within five business days.

## **ARTICLE 6 Contract Ratification**

**Section 1.** All contracts will be voted on by the Bargaining Committee, and then must be ratified by a simple majority of the membership.

**Section 2.** The members will be given at least five days for notice to vote on the contract. This short notice will only be allowed if time is not allotted because of state statute bargaining requirements. Absentee ballots are approved for this. If time is allotted a minimum of ten days will be given in notice for the vote. The Secretary will give notice within one day to the membership about the results of the vote.

## **ARTICLE 7 Committees**

**Section 1.** The Board of Trustees can establish committees as need arises based on a simple majority vote at a regular meeting.

**Section 2.** All Committee candidates will be nominated by the President and must be approved by a vote of simple majority by the Board of Trustees.

**Section 3.** If there are no volunteers for nominations for a given committee the Executive Board shall conduct any business on behalf of said committee.

**Section 4.** Two-thirds of the appointed committee members may vote to remove or add a member of said committee. The displaced member may appeal against the decision to the Board of Trustees at the next regular meeting.

**Section 5.** The Bargaining Committee shall be comprised of a minimum of six members. A minimum of four members will be from corrections. A minimum of two of the members will be from DHHS Protective Services Bargaining Unit. No two committee members can be from the same institution.

**Section 6.** Any committee can be disbanded by a simple majority vote at any regular or special meeting.

## **ARTICLE 8 Lodge Officers**

**Section 1.** The Officers of the Lodge shall consist of the President, the Vice President, the Secretary/Treasurer, and Board of Trustees.

**Section 2.** The officer must continue in good standing as a member to maintain eligibility for the office or committee.

**Section 3.** Officers of the Lodge may resign by presenting a letter of resignation to the remaining Board members. The remaining Board members will present the letter to be accepted at the next regular meeting.



**Section 4.** An Officer of the Lodge who resigns from office during any elected term shall relinquish all right to and privilege of that office and shall revert to the status of "member."

**Section 5.** A recall election will be held if 150 members petition for an Officer, Board, or Institutional Trustee to be removed. These petitions must be submitted, reviewed, and approved by the Lodge Executive Board for a vote of recall. In the event of a recall, the election will be posted and held in 60 days but not more than 90 days of the petition being submitted. If removed the member may appeal the action to the State Lodge.

**Section 6.** Vacancies in office or committees, except in the office of President, are filled by an interim member in that position. The interim member will be appointed by the President and voted on by the Executive Board/Institutional Trustees. An election will be held within ninety days to fill the position for the remainder of the term for all Executive Board positions. Nominations will be taken within sixty to thirty days before the election. For Institutional Trustees, they will be appointed and voted on by the Executive Board and the Institutional Trustees for the remainder of their respective term. In the case of a vacancy in the office of President, the Vice-President shall assume that office, title, and benefits until an election can take place.

**Section 7.** The President position shall be as follows in the subsections below.

- A. The President may be a full-time salaried position.
- B. If the President is not full-time then they shall retain their 750 dollar per month stipend.
- C. The Executive Board shall oversee negotiating the terms of the total compensation for the President. The President shall abstain in these matters. The President will submit the agreed upon proposal to the Executive Board and Board of Institutional Trustees to be voted on. A simple majority vote is required for the board to pass the compensation package. If within 14 days of the election the Executive Board and Board of Institutional Trustees cannot come to an agreement with the President, the President shall submit a proposal to the membership to vote on.
- D. The insurance plan shall be comparable in cost to the State of Nebraska's health plan for a single individual. It shall not include a "Family" or "other dependent" plan.
- E. The retirement plan shall be the same as what is offered to state employees. It shall not include a pension.
- F. The President shall maintain membership status within the Lodge.

**Section 8.** The Vice President shall follow the subsections below.

- A. The Vice President may be a full-time salaried position.
- B. If the Vice President is not fulltime then they shall retain their 400 dollar per month stipend.
- C. The Executive Board shall oversee negotiating the terms of the Total Compensation for the Vice President. The Vice President shall abstain in these matters. The Vice President will submit the agreed upon proposal to the Executive Board and Board of Institutional Trustees to be voted on. A simple majority vote is required for the board to pass the compensation package. If within 14 days of the election the Executive Board and Board of Institutional Trustees cannot come to an agreement with the Vice President, the President shall submit a proposal to the Membership to vote on.
- D. The insurance plan shall be comparable in cost to the State of Nebraska's health plan for a single individual. It shall not include a "Family" or "other dependent" plan.
- E. The retirement plan shall be the same as what is offered to state employees. It shall not be a pension.
- F. The Vice President shall maintain membership status within the Lodge.

**Section 10.** The Secretary/Treasurer shall be paid 700 dollars per month for their stipend.

**Section 11.** All Board of Trustees/Executive Board members will be paid federal mileage for attending meetings and all other official union business which requires travel. All Institutional Trustees/Executive Board members residing in the town of the meeting will not be paid mileage. Executive Board members and Institutional Trustees can be reimbursed for lost work hours. Lost work hours will be calculated as only actual meeting times not by whole shifts unless management will not allow for a partial shift. Trustees/Board members will have the choice of either being reimbursed for mileage or for lost work hours if their home facility is more than 30 miles from the meeting. If the Trustee/Board member's home facility is more than 200 miles from the meeting, then a hotel room may be provided. The Secretary/Treasurer will oversee mailing checks to the respective members who are owed mileage. The Secretary/Treasurer will use the facility that the Institutional Trustees/Executive Board member works at as the starting point for the mileage calculation. The Secretary/Treasurer will also bring up to the Executive Board/Institutional Trustees any travel expenses they deem to be questionable. The Executive Board/Institutional Trustees may vote not to pay the expense if they deem the expense was not warranted.

## **ARTICLE 9**

### **Nominations and Election of Officers of the Lodge**

**Section 1.** The President, Vice President, and Secretary/Treasurer are elected for 4-year terms. The first term for the President and shall end in June 30<sup>th</sup> of 2025. The Vice President's and Secretary's term shall end June 30<sup>th</sup> of 2024. All elected officials shall be voted on in April of the year their term is to expire. The persons elected shall take office on July 1<sup>st</sup> of that year. The Board of Institutional Trustees shall be voted for in April of every odd numbered year.

**Section 2.** Volunteers for each office are made thirty days before the election. Elections start ten business days before the April meeting which is held on the second Monday of the month unless it falls on a holiday which will move the meeting to the third Monday of the month. The election ballots will be distributed to all members. The election will not be held at a single meeting. Volunteers for candidacy will be required to submit their request electronically to the Election Committee or designee. If there are more than two volunteers to any office, then a primary election will be held for those offices. Officers are elected on a majority vote of those regular members casting ballots. You may only be a candidate for one position. Electronic/mail ballots may be used if approved by the Election Committee or designee. If the position is vacant, the Executive Board will pick an interim member to fill the position until an election is held. The ballot for all Executive Board members and Institutional Board Trustee elections will be counted by the committee or designee.

**Section 3.** Elected officers will take the Oath of Office at the next regular meeting. The Oath of Office may be administered by any local, national, or state officer of the Fraternal Order of Police.

## **ARTICLE 10**

### **Executive Board**

**Section 1.** The Lodge Executive Board shall be comprised of the President, Vice President, and Secretary/Treasurer.

**Section 2.** The Lodge Executive Board shall meet from time to time, as called by the President, for the purpose of advising the President in carrying out the administrative business and other affairs of the Lodge in

accordance with this Constitution and By-Laws. The President shall preside over the Executive Board.

**Section 3.** The Executive Board shall maintain administrative control of the Lodge by maintaining control over the financial interests of the Lodge. This is done by recommendations on collecting, investing, and spending of funds belonging to and generated by the Lodge.

**Section 4.** The Executive Board shall see that all necessary research on all items presented to them for the regular meetings is done. After proper research the Board Members and Institutional Trustees present will vote on the issue.

## **ARTICLE 11**

### **Board of Trustees**

**Section 1.** All facilities shall elect one Institutional Trustee per 150 bargaining unit employees. A minimum of one will be elected per institution.

**Section 2.** The Board of Institutional Trustees shall be allocated as follows, Nebraska State Penitentiary- 2 Trustees, Central Office- 1 Trustee, Work Ethic Camp- 1 Trustee, Residential Treatment Center- 2 Trustees, Omaha Correctional Center- 1 Trustee, Nebraska Correctional Youth Facility- 1 Trustee, Tecumseh State Correctional Institution- 2 Trustees, Community Corrections Center of Lincoln- 1 Trustee, Community Corrections Center of Omaha- 1 Trustee, Lincoln Regional Center- 2 Trustee, Norfolk Regional Center- 1 Trustee, Youth Rehabilitation and Treatment Center of Hasting- 1 Trustee, Youth Rehabilitation and Treatment Center of Kearney- 1 Trustee, Youth Rehabilitation and Treatment Center of Lincoln- 1 Trustee, Capitol Security- 1 Trustee, Military Security- 1 Trustee, Nebraska Correctional Center for Women- 1 Trustee, and Special Detail Crew: TSCI- 1 Trustee.

**Section 3.** The job duty of an Institutional Trustee is to attend regular, special and other committee meetings as assigned. They shall schedule and attend labor-management meetings frequently in their respective facilities. They shall communicate facility specific issues and representation needs to the Executive Board.

**Section 4.** The Institutional Trustee shall appoint one Steward per fifty bargaining unit employees. The Institutional Trustee will select Stewards evenly through each of the scheduled work shifts. Said Stewards support efforts of the Institutional Trustees to carry out the business of the Lodge.

**Section 5.** Except as otherwise provided, the Trustees shall have charge of and be responsible for all property of the Lodge. The Trustees, by the body as a whole or by delegation, shall have ultimate responsibility for the physical property of the Lodge, make a complete and itemized inventory and reconcile the same to the books and records of the Order, prescribe the amount and form of bond to be required of officers from whom such bond may be required for the faithful performance of their duties, conduct an annual audit of the financial books and records of the Lodge and report thereon to the Board of Trustees, ascertain that all monies received have been allocated to and deposited in the proper accounts of and in the name and to the credit of the Lodge, and order the Secretary/Treasurer to invest the surplus funds of the Lodge in such securities or other financial instruments as shall be secure and earn the highest interest practicable.

**ARTICLE 12**  
**President**

**Section 1.** The President shall always act in a manner that will enhance the Lodge and benefit its membership.

**Section 2.** They shall direct and be responsible for the day-to-day implementation of the Lodge's legislative effort. They will be prepared to appear on the Lodge's behalf before the State Legislature, the City Council, the Civil Service Commission, or any other body which may influence the welfare and goals of the Lodge.

**Section 3.** They will represent the Lodge in the media.

**Section 4.** They, or their designee, shall oversee all grievance mini hearings.

**Section 5.** They shall forward all financial correspondence for the Lodge to the Secretary/Treasurer.

**Section 6.** They shall act as an administrator for the Lodge's social media accounts and website.

**Section 7.** Within thirty days after the expiration of their term of office, they shall convey to their successor all unfinished business and books and records and physical property belonging to the Lodge.

**ARTICLE 13**  
**Vice President**

**Section 1.** The Vice President shall, in the absence of the President, perform the duties of President. The Vice President shall perform such other duties as shall be ordered by the Board of Trustees.

**Section 2.** Within thirty days after the expiration of their term of office, they shall convey to their successor all unfinished business and books and records and physical property belonging to the Lodge.

**Section 3.** They, or their designee, shall preside over all committees and shall report on all committees.

**ARTICLE 14**  
**Secretary/Treasurer**

**Section 1.** The Secretary/Treasurer shall have custody of the books, records, documents, Seal, office, and equipment of the Lodge under the general authority and orders of the President and the Board of Trustees.

**Section 2.** They shall make a record and transcribe the minutes of regular and special meetings.

**Section 3.** They shall conduct the general correspondence of the Lodge.

**Section 4.** They shall attest, under the Seal of the Order, to all duly authorized contracts of the Lodge.

**Section 5.** They shall be the official custodian of this Constitution and By-Laws and amendments thereto, each of which shall be authenticated by the Seal of the Order and the signatures of the President and the Secretary/Treasurer.

A. They shall maintain a book of amendments to this Constitution and By-Laws.

- B. They shall be responsible for preparation of amendments to this Constitution and By-laws prior to presentation to the Board of Trustees and shall ensure that each said amendment conforms to the document it seeks to amend in respect to form, placement, and syntax.
- C. They shall be responsible for the publication of this Constitution and By-laws of, as amended, and shall include therein notations or history denoting the date of each amendment and the content thereof.

**Section 6.** They shall police the use of the name, insignia or emblem and mark, trademark, or service mark of the Fraternal Order of Police to protect the same.

**Section 7.** They shall maintain the official list of membership of the Lodge and shall not release the same unless specifically authorized or directed to do so by the Board of Trustees. Such direction or authorization shall be entered in the minutes of the meeting wherein such authorization is granted and notice thereof shall be given to the members by publication of same in the official publication of the Lodge.

**Section 8.** They shall post on the Lodge bulletin board the minutes of each regular or special meeting not later than ten days following such meeting.

**Section 9.** They shall also post within at least 60 days of an election where the election will be held.

**Section 10.** They shall post notice of all regular and special meetings showing the date, location, time, and agenda.

**Section 11.** They oversee entering all per capita entries for membership.

**Section 12.** They shall be the custodian of the funds of the Lodge. They shall furnish a bond in an amount and form approved by the Board of Trustees which shall be paid for by the Lodge.

**Section 13.** They shall keep an itemized accounting of all receipts and disbursements.

**Section 14.** They shall record deposit records of the funds of the Lodge in a financial institution approved by the Board of Trustees in such instruments of deposit as shall ensure their safety and shall retain in his office, for the purpose of paying emergency current expenses, a contingency fund established by the By-laws.

**Section 15.** They shall establish such special accounts as shall become necessary and allocate to each the amounts collected or appropriated.

**Section 16.** They shall make monthly reports to the Board of Trustees on the financial condition of the Lodge.

**Section 17.** They shall perform duties that are usual and incident to the office of the Secretary/Treasurer, or as assigned by the President or Board of Trustees.

**Section 18.** Within thirty days after the expiration of his term of office, the Secretary/Treasurer shall deliver to his successor, the Seal of the Order all monies, record books, books of accounts, documents, records, paraphernalia, and equipment in their possession and shall require and receive a receipt therefor.

**Section 19.** They shall maintain payment upon a bill within twenty-one days of receipt.

**Section 20:** The Vice President shall oversee the above-mentioned duties in the Secretary/Treasurer's absence.

#### **ARTICLE 15**

##### **Chaplain**

**Section 1.** The Chaplain shall assist the Lodge Officers in maintaining the welfare of the Lodge. The Chaplain may be assigned other duties by the Executive Board and Board of Trustees.

**Section 2.** They shall be nominated by the President and appointed by a vote of simple majority by the Board of Trustees.

**Section 3.** They shall not have a vote at meetings.

#### **ARTICLE 16**

##### **State and National Conference Delegates**

**Section 1.** State and National Conference Delegates will be nominated and elected at a regular meeting.

**Section 2.** If approved by the Board of Trustees, monies may be paid for these conferences.

#### **ARTICLE 17**

##### **General Counsel**

**Section 1.** There shall be a General Counsel and, when necessary, Associate Counsel, designated by the President. The General Counsel and such Associate Counsel shall serve as legal representatives to the Lodge in all legal matters.

**Section 2.** The General Counsel shall report to the Board of Trustees at each meeting thereof upon any legal matter of significance to the Lodge. They shall submit a report in writing to the Secretary/Treasurer monthly.

#### **ARTICLE 18**

##### **Discipline & Hearings**

**Section 1.** Discipline may be imposed upon a member for any violation of the good of the Order, including, but not limited to, the following:

- A. Violation of the Constitution, these By-laws, the Ritual, Oath, or obligations of the Order.
- B. Acts of disloyalty to the Fraternal Order of Police, including, but not limited to, overt attempts to decertify the Fraternal Order of Police where such lodge is the certified bargaining representative of its members, holding office in an organization which encourages members of the Fraternal Order of Police to leave the Order or, where applicable, which attempts to decertify the Order or such other acts as bring disrepute, disgrace or dishonor upon the Fraternal Order of Police;
- C. Distribution or use of the membership list for any reason without the express permission of the Board of Trustees or the Secretary/Treasurer; and,
- D. The unauthorized use or the abuse of the name or insignia of the Fraternal Order of Police or the infringement of a trademark thereof.

**Section 2.** Lodge officers shall be subject to discipline, including censure, reprimand, removal from office or expulsion from the Order only upon proof of good cause.

- A. Allegation(s) of misconduct against an officer in respect to his duties as an officer shall only be brought by a member of the Board of Trustees. Said allegation(s) shall be in writing and notice thereof shall be served upon the officer against whom the allegation(s) are made and the Lodge Secretary/Treasurer, provided, however, that if such allegation(s) are made against the Lodge Secretary/Treasurer, said allegation(s) shall be served upon the President. Said allegation(s) shall specifically describe the nature of the alleged misconduct in sufficient detail for a determination by the Board of Trustees as to whether there exists good cause to proceed with the inquiry.
- B. Require the complaint(s), charge(s) or allegation(s) be made under oath and in writing and provide such facts as may enable the charged party to be fairly apprised of the nature of the charge;
- C. Upon service of the allegation(s) on the affected officer and the Secretary/Treasurer (or President, as the case may be), copies of the allegation(s) shall be distributed to each member of the Board of Trustees. The officer against whom the allegation(s) are made shall, within thirty (30) days of receipt of the allegation(s), prepare a response thereto and serve said response upon the Secretary/Treasurer (or President, as the case may be), which response shall be distributed to each member of the Board of Trustees. The Secretary/Treasurer or President, in the event that the allegation(s) pertain to the Lodge Secretary/Treasurer, shall forward to each Trustee an anonymous ballot upon which each Trustee shall indicate, after reviewing the allegation(s) and the response thereto, whether he believes that there exists good cause to proceed with the inquiry. Said ballots shall be returned to the officer from whom they are received and shall be counted, and the results thereof certified to the Lodge President. The ballots shall be retained until the resolution of the matter.
- D. Upon receipt by the President, as the case may be, of the certified results of the ballot, said officer shall determine whether good cause to proceed further with the inquiry was found by the Board of Trustees. A majority vote of all the members of the Board of Trustees shall be necessary for a finding of good cause to proceed further with the inquiry. The Lodge President shall either (i) immediately cause the Secretary/Treasurer to (or shall himself) distribute to each member of the Board of Trustees notice that good cause was not found to proceed with an inquiry, or (ii) certify to the President (or to the Vice President in the event that the allegations are made against the President) that good cause has been found to proceed with further inquiry. The President (or Vice President) shall declare an emergency, call a meeting of the Board of Trustees, and ensure that notice thereof is given in accordance this Constitution within forty-five (45) days of said notice.
- E. Conduct a hearing upon the matter during which the trier of fact shall limit the scope of the inquiry to the specific complaint(s), charge(s) or allegation(s) set forth in the written notice thereof;
- F. Permit the parties thereto to introduce documents and exhibits and the testimony of witnesses in accordance with such rules of evidence as may be determined and applied uniformly by such body.
- G. The special meeting of the Board of Trustees shall be held for the purpose of resolving the charges against the officer and there shall occur a disciplinary hearing thereon before the Board of Trustees at which the charged officer shall be entitled to counsel and shall be afforded due process to the same extent afforded members and lodges herein. The President shall preside over such disciplinary hearing and shall resolve all questions of procedure and evidence.
- H. Adhere to an order of procedure which places the burden of proof upon the party charging the member or officer;
- I. No disciplinary action shall be taken upon an officer except upon three-fourths (3/4) vote of the Board of Trustees entitled to vote.

**Section 3.** An appeal to the State Lodge may be brought by the filing of a written notice of appeal with the state president not more than thirty (30) days after the member's receipt of official notification of his suspension, expulsion, or removal from office. Unless continued or delayed for good cause, such appeal shall be heard by the State Lodge at the next board meeting following the State Lodge president's receipt of such notice of appeal and, unless waived in writing by both the appealing member and responding lodge, a written decision shall be rendered by the board within ten (10) days after such meeting. Both the appealing member and the lodge from whose action the appeal is brought shall have the right to a hearing at which both parties may be heard and may present witnesses and documents. Such hearing shall be conducted in conformity with the By-Laws. The parties to the appeal shall receive notice of the date of the hearing by certified mail not less than ten (10) days before such hearing.

- a. The State Lodge may sustain, modify, or reverse the disciplinary action against the member.
  - b. In states having no state lodge, an appeal may be brought directly to the National Board of Trustees in the same manner as is prescribed for appeal to the state lodge officers.
- A. In any case of discipline involving suspension, expulsion, or removal from office of an individual member initiated by the Lodge, or upon the decision of the State Lodge in respect to an appeal from the action of a subordinate lodge, an appeal may be taken to the National Board of Trustees and, ultimately, to the Biennial Conference.
  - B. A party seeking to appeal from the decision of the State Lodge shall give notice of appeal to the National Board of Trustees by submitting by certified mail within thirty (30) days of the party's receipt of notice thereof, a written submission consisting of the decision from which the appeal is taken and such other written materials as the appellant deems relevant to a fair consideration of the appeal by the National Board of Trustees. The appellant shall serve one (1) copy of the notice of appeal (including all written submissions) upon the opposing party (which shall be the state or subordinate lodge secretary where such opposing party is a lodge). Where the appealing party is a subordinate lodge, it shall submit fifty (50) copies thereof upon the National Secretary not less than sixty (60) days prior to the National Board of Trustees meeting at which the appellant seeks to have his appeal heard. The party opposing the appeal shall, within thirty (30) days of his receipt of the notice of appeal, submit a responsive written submission to the National Secretary and the opposing party, which responsive submission shall contain such materials as it deems appropriate and relevant to a fair consideration of the appeal by the National Board of Trustees. In cases in which the responding party is a state or subordinate lodge, such lodge shall submit fifty (50) copies of its responsive submission to the National Secretary. In cases in which the party opposing the appeal is an individual member, he shall submit one (1) copy of his responsive submission to the National Secretary.
  - C. Except in the case of discipline initiated thereby, the National Board of Trustees shall review appeals of disciplinary matters solely to ensure that the parties were afforded due process, and that the decision was consistent with this Constitution, the By-Laws, and Ritual of the Grand Lodge.
    - a. Those appeals received by the National Secretary after the Biennial Conference but before the next National Board of Trustees meeting shall be considered by the National Board of Trustees. The National President may appoint a special committee which shall meet, gather, and review facts and arguments of the parties, consult with all interested parties in attendance and make a full report, including its recommendation, to the Board prior to its adjournment.
    - b. Following the report of the special committee, interested parties, if any, may appear before the entire Board which shall decide the matter by majority vote.
  - D. An appeal to the Biennial Conference may be taken by either party from the decision of the National Board of Trustees respecting any appeal of disciplinary action imposed upon an individual member by



a subordinate lodge, a state lodge or discipline imposed by the National Board of Trustees.

- a. A party seeking to appeal a decision of the National Board of Trustees to the Biennial Conference shall serve notice thereof upon the National Secretary and the opposing party. Such notice of appeal shall consist of a concise statement describing the act or failure to act upon which the appeal is based, the basis for such appeal, the decision appealed from, and those written materials the appellant deems appropriate and relevant to a fair consideration of the appeal by the National Board of Trustees. The opposing party may respond in writing to such notice of appeal with such materials as it deems necessary and shall submit a copy of such response to the National Secretary and the appealing party. Said notice of appeal and any responsive submissions shall be forwarded by the National Secretary to the National President who shall deliver said materials to a committee of the Conference which shall consider the matter and report thereon to the Conference prior to a vote thereon by the delegates. By their taking of the oath or their acceptance of the charter of the Fraternal Order of Police, each member and each lodge specifically acknowledges and agrees that the decision of the Conference shall be final.
  - b. Not more than thirty (30) days after receipt of the subordinate lodge's notice of appeal, the state secretary shall serve fifty (50) copies upon the National Secretary and one (1) copy upon the opposing party, of its statement of position and/or response to the appeal of the subordinate lodge which submission shall, in any case, include a copy of the minutes reflecting the action from which the appeal is taken and such other materials as the state lodge deems appropriate.
  - c. Those appeals received by the National Secretary after the Biennial Conference shall be considered by the National Board of Trustees at its next meeting. The National President may appoint a special committee which shall meet, gather, and review facts and arguments of the parties, consult with all interested parties in attendance and make a full report, including its recommendation, to the Board prior to its adjournment.
  - d. Following the report of the special committee, interested parties may appear before the entire Board which shall consider the matter and render its decision, provided, however, that a charter of a state or subordinate lodge shall not be revoked or suspended except upon a vote of three-fourths (3/4) of the National Board of Trustees. The decision of the National Board of Trustees shall be final unless, by a majority vote of those members of the Board present, further investigation is deemed necessary, in which event the National President shall direct the special committee to investigate the matter further and make a final report at the next Biennial Conference or upon the appeal of the non-prevailing party to the Biennial Conference. By their acceptance of the charter of the Fraternal Order of Police, each lodge specifically acknowledges and agrees that the decision of the Conference shall be final.
  - e. Except in the case of discipline initiated thereby, the National Board of Trustees shall review appeals of disciplinary matters solely to ensure that the parties thereto were afforded due process and that the decision appealed from was consistent with this Constitution and the By-Laws and Ritual.
- E. In the event that the charter of a state lodge or a subordinate lodge in a state that has no state lodge is suspended, the National Board of Trustees is authorized and empowered to take such steps as are necessary to take possession, control and custody of all books, records, and assets and to provide for the supervision, government and administration of such lodge.

Upon final resolution of the matter, the National Board of Trustees shall either return all properties previously impounded to said lodge, or, if said matter results in the revocation or cancellation of the charter of said lodge, dispose of the books, records, and assets of said lodge in accordance with both the law of the state wherein said lodge is located and the Constitution of that state lodge, provided, however, that should the charter of a state lodge be canceled or revoked, disposition of the books, records and assets of said lodge shall be in accordance with state law and the direction of the National Board of Trustees.

## **ARTICLE 19**

### **Official Order of Business**

The Order of Business shall be:

1. Call to Order
2. Roll Call of Officers and Institutional Trustees.
3. Reading of rough minutes of previous meeting.
4. Treasurer Report
5. Report of Memberships.
6. Correspondence
7. Reports of Committees.
8. Unfinished Business.
9. New Business.
10. Adjournment

## **ARTICLE 20**

### **Annual Budget**

**Section 1.** The annual budget of the Lodge shall include an estimate of anticipated revenue, anticipated expenditures, and line-item estimates of the needs of the administrative and operational functions of the Lodge.

**Section 2.** Unappropriated funds, plus any surplus funds collected above appropriated revenues shall be placed by the Secretary/Treasurer into the Contingency Fund and shall be subject to appropriation to deficit accounts only upon the declaration and notification to the Board of Trustees by the President that an emergency exists in respect to a particular account. No funds may be placed in an aggressive account.

**Section 3.** Any other provision of these By-laws notwithstanding, the President shall not approve any warrant or voucher more than the budgeted amount for any particular line item, or sub-line-item account. Each national officer, committee chairman, advisor, sub-contractor, and employee will cooperate in the institution of and compliance with the annual budget of the Lodge and will, upon request therefor, submit an itemized budget with respect to anticipated revenues and expenses in their area of control or interest for the next fiscal year.

## **ARTICLE 21**

### **Association Expenses**

**Section 1.** The Executive Board will authorize all expenses that pertain to the normal operation of the Lodge unless otherwise specified. Single expenses of more than five hundred dollars that are not regular will require a majority vote of the Executive Board/Institutional Trustees.

**ARTICLE 22**  
**Meetings**

**Section 1.** Regular Meetings may occur monthly. The Secretary/Treasurer, or their designee(s), will post notice of the meeting, giving at least five days' notice of the meeting. The posting shall include the date, location, time, and agenda. Postings may occur on facility union boards, the Lodge website, and/or Facebook page.

**Section 2.** Special meetings of the membership can be held at the call of the President or by petition of at least 5% of the general membership. The petition must be filed with the President and shall include the date, location, time, and agenda. The Secretary/Treasurer, or their designee(s), will post notice of the meeting giving at least five days' notice of the special meeting. Postings may occur on facility union boards, the Lodge website, and/or Facebook page.

**Section 3.** Informal meetings may be called by the President. Due to privacy and confidential information these may be closed meetings. If a vote must be taken due to time constrictions it shall be presented at the next regular meeting.

**Section 4.** All meetings may be held virtually.

**Section 5.** Only members of the Executive Board and Board of Trustees may have a vote.

**Section 6.** Quorum shall be defined as two-thirds of the voting members present at roll call. Quorum must be met to conduct business at any meeting.

**Section 7.** No proxies are allowed for any reason.

**Section 8.** To have an issue added to the agenda for vote, it must be submitted in writing to the Secretary/Treasurer at least five business days before the meeting.

**Section 9.** Filibusters are not allowed. If at any time during a meeting a voting member believes a filibuster is occurring, they can motion for cloture. Upon a two-thirds vote the person conducting the filibuster must cease. If they refuse, they will be expelled from the meeting.

**ARTICLE 23**  
**Constitution and By-Law Amendments**

**Section 1.** Any member may propose an amendment to this Constitution and By-Laws, which proposed amendment shall be submitted for consideration and vote. No proposed amendment shall become a part of this Constitution and By-Laws except upon a simple majority of voting members.

**Section 2.** A proposed amendment to this Constitution and By-Laws shall be submitted in writing to the Vice President prior to the annual review. A proposed amendment shall contain the precise language to be added, deleted and/or revised. The proposal must identify all articles and sections of this Constitution and By-Laws affected. Such proposed amendment shall be attested to by the Secretary/Treasurer.

**Section 3.** Each proposed amendment must be voted on by the By-Law Committee. If passed it will be circulated to the general membership for at least thirty days, after which time the amendment will be voted

on electronically.

**ARTICLE 24**  
**Dues, Assessments, and Administrative Fees**

**Section 1.** Dues shall be 1.25 percent of base pay per pay period or Step 1 of the State of Nebraska Corrections Corporal Pay Line (Total Hourly Pay), per pay period, whichever is less. Dues will not be withdrawn on the two “free” pay periods per year. The dues shall apply to regular members. Changes will be made by simple majority vote of membership. There shall be at least thirty days’ notice of any changes in dues.

**Section 2. Political Action Committee (PAC) Fund**

- A. 3.5 percent of all dues collected from each member shall be placed into the PAC Fund of the Lodge.
- B. A member shall be able to abstain from contributing to the PAC Fund, however this will not reduce the dues paid to the Lodge. The deferment of PAC funding of dues shall stay in the general fund of the Lodge.
- C. If a member chooses to abstain from having the PAC Fund deduction from that members’ dues, they shall make a request in writing to the Secretary/Treasurer.

**ARTICLE 25**  
**Dissolution of Corporation**

**Section 1.** Upon the dissolution of the Corporation, the Executive Board shall after paying or making provisions for the payment of all liabilities of the corporation, dispose of all the assets of the corporation exclusively for the purpose of the corporation in such manner, or to such organization organized and operated exclusively for charitable, educational, religious or scientific purposes as shall at the time qualify as an exempted organization or organizations under a 501c (8) of the IRS Code 1954, as the Executive Board shall determine. Any such assets not to be disposed of shall be disposed of by the District Court of the County in which the principle office of the corporation is located, exclusively for such purposes or to such organization or organizations as said court shall determine who are organized and operated exclusively for such purposes.

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Michael Chipman  
PRESIDENT  
Date:

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Marcia DeMary  
SECRETARY/TREASURER  
Date: