



***OAKLAND COUNTY DEPUTY SHERIFF'S ASSOCIATION
CONSTITUTION AND BY-LAWS***

2003-2004

Gary McClure, President

Jon Peters, V.P. Protective services

Stacey Grandison, V.P. Corrections

Steve Grandetti, Secretary

Dave Curtis, Treasurer

Tim Rowbotham, Chief Steward

Dave Bach, Alt. Chief Steward

UNITED WE STAND

Issued March 14, 1984

Article V revised May 28, 2003

PREAMBLE

We hold these truths to be self-evident, expressive of the ideals and hopes of the Deputy Sheriffs who come under the jurisdiction of the Oakland County Deputy Sheriff's Association: That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are Life, Liberty and the Pursuit of Happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. Within the orderly processes of such government lies the hope of the worker.

We hold that the exigencies of the times, the complete subdivision of Labor in the development and operation of the public sector worker and system imposes conditions under which the worker is gradually but surely absorbed and controlled by the bureaucracy.

We hold these conditions to be utterly at variance with the spirit of justice and the needs of mankind. We believe the right of the worker to organize for mutual protection is the culminating growth of a greater sector, which is evidence not only of its increased power but also of an economic and social change in civilization.

As almost every improvement in the condition of working people has been accomplished by concerted efforts of workers and as the mutual aid and protection of such workers can best be protected and advanced by their united action as an association, we have organized the Oakland County Deputy Sheriff's Association (OCDSA), primarily to secure better wages, working conditions and to participate in decisions which affect our working conditions and also improve the performance, duties, responsibilities and quality of life.

INTRODUCTION

This Constitution and Bylaws is carefully designed to ensure each member his/her full benefit and right, both as an individual and through his/her elected representatives, to express him/herself freely and to participate in all levels of decisions governing this Association.

The democratic principles which govern OCDSA and its members are as follows:

1. Each member shall be entitled to a full share in association self government. Each member shall have full freedom of speech and the right to participate in the democratic decisions of the Association. Subject to reasonable rules and regulations, each member shall have the right to run for office, to nominate and to vote in free, fair and honest elections. In a democratic Association as in a democratic society, every member has certain rights; but he also must accept certain corresponding obligations. Each member shall have the right freely to criticize the policies and personalities of the Association officials; however, this does not include the right to undermine the Association as an institution; to vilify other members of the Association and its elected officials or to carry on activities with complete disregard of the rights of other members and the interests of the Association; to subvert the Association in collective bargaining, or to advocate or engage in dual unionism.
2. Membership meetings shall be held regularly with proper notice of time and place and shall be conducted in an atmosphere of fairness. Meetings shall be held so that members may attend and voice opinions in Association affairs.
3. All Association rules and laws must be fairly and uniformly applied.
4. Association funds are held in sacred trust for the benefit of the membership. The membership is entitled to assurance that Association funds are not dissipated and are spent for proper purposes. The membership is also entitled to be reasonably informed as to how Association funds are vested or used.
5. The Association shall not permit any of its funds to be invested in a manner which results in the personal profit or advantage of any officer or representative of the Association.
6. The Association shall not make loans to its officers, representatives, employees, members or members of their families for the purpose of financing the private business of such persons.
7. Any person who represents the Association and its members, whether elected or appointed, has a sacred trust to serve the best interests of the members and their families. Every officer and representative must avoid any outside transaction which even gives the appearance of a conflict of interest. The special fiduciary nature of Association office requires the highest loyalty to the duties of the office.
8. The mailing lists of the Association are valuable assets. In order to protect the interests of our entire membership, Association officers and representatives shall not, under any circumstances, turn over an Association mailing list to an outsider for use in the promotion or sale of any goods or services that benefit an individual or a private concern. Mailing lists are to be used only to promote the necessary legitimate functions of the Association and for no other purpose. It is improper for any official or representative of the Association to permit the use of any mailing list by a third party to promote the sale of furniture, appliances, automobiles, insurance, eyeglasses or any other item, or to enable professionals to solicit the membership.
9. No officer or representative shall have a personal financial interest which conflicts with the goals of the Association.
10. No officer or representative shall accept "kickbacks," under the table payments, valuable gifts, lavish entertainment or any personal payment of any kind from the employer with which the Association bargains.
11. The principles of this code, of course, apply to investments and activities of third parties, where they amount to subterfuge to conceal the financial interests of such officials or representatives.

ARTICLE I

Section 1. This Association shall be known as the Oakland County Deputy Sheriff's Association.

ARTICLE II HEADQUARTERS

Section 1. The headquarters or mailing addresses of this Association shall be designated by the President, but shall remain located in the County of Oakland, State of Michigan.

ARTICLE III PURPOSES

The purposes of this organization shall be:

1. To work for the establishment and maintenance of fair wages, hours, working conditions, adequate retirement and disability pensions, better training and social and economic advancement through collective bargaining and other means available to public employees.
2. To foster and promote a better understanding of the nature of law enforcement work among public employees, officials and the public to promote the professionalization of police service.
3. To create a Political Action Committee to foster and promote policies which will aid in the establishment of better wages, hours and conditions of employment as well as a better understanding of the nature of law enforcement work.
4. To establish conditions of membership in the OCDSA and provisions attendant thereto.
5. To unite in one Association, regardless of religion, race, creed, color, sex, political affiliation or nationality, all employees under the jurisdiction of the OCDSA.
6. To vote and work for the election of candidates and the passage of improved legislation in the interest of law enforcement. To enforce existing laws; to work for the repeal of those which are unjust to working people; to work for legislation on a national, state and local scale, having as its objective the establishment of real social reform.
7. To engage in legislative, political, educational, civic, welfare and other activities which further, directly, or indirectly, the joint interests of the membership of this Association in the improvement of general economic and social conditions.
8. To foster and promote a better understanding and application of our members' profession by public officials and the general public.
9. To organize all eligible employees into membership of this Association so they may contribute to and share in the benefits derived from the Association service and representative activities.

ARTICLE IV CONSTITUTION AND BY-LAWS

Section 1. This Constitution and By-laws as may hereafter be amended, shall be the supreme law of the OCDSA.

Section 2. The interpretation of this Constitution and By-Laws rests with the Executive Board, subject to applicable laws, rules or regulations which govern our existence.

Article V AMENDMENTS

Section 1. Any proposed amendment, revision, or elimination of this Constitution and By-laws shall be submitted in writing at a regularly scheduled membership meeting, and must be referred to the Constitution and By-laws Committee for consideration. The Constitution and By-laws Committee may initiate discussion and review of the Constitution and By-laws on their own initiative.

Section 2. The Constitution and By-laws Committee shall report their findings at the next regular meeting of the membership. The attending membership shall vote whether to present the findings to the full membership for a vote to approve or reject.

Section 3. Notice of any proposed amendment, revision, or elimination of this Constitution and By-laws, shall remain posted on the Association bulletin board at least fifteen (15) calendar days before any such time that an amendment, revision, or elimination of the Constitution and By-laws is voted upon.

Section 4. Voting for any amendment, revision, or elimination of the Constitution and By-laws shall be conducted on dates designated by the Executive Board, subject to the provisions herein above. Members shall cast their votes on ballots provided by the Association. Voting shall continue throughout the designated time period, to allow all members on every shift the opportunity to vote. The Board may decide to have a vote on a proposed amendment, revision or elimination of the Constitution and by-laws conducted through U.S. Mail, and the Constitution and By-laws Committee shall oversee the vote.

Section 5. Any amendment, revision, or elimination to the Constitution and By-laws shall be presented in the form of a question to approve or reject the proposed amendment, revision, or elimination. To be considered binding, the proposal to make an amendment, revision, or elimination to the Constitution and By-laws shall require a majority (50%+1) vote of the total membership, and 2/3 (67%) of the votes cast must be to approve the proposition.

ARTICLE VI MEMBERSHIP

Section 1. All full time sworn law enforcement officers of the Oakland County Sheriff's Department, excluding those above the rank of patrol officer, shall be entitled to active membership in this Association.

Section 2. All sheriff service agents, employed by the Oakland County Sheriff's Department, shall be entitled to active membership in this Association.

Section 3. All applicants for membership shall fill out an application provided by the Association.

Section 4. Any individual may apply for associate member status in the Oakland County Deputy Sheriff's Association. The qualification for such a position shall be determined by the Executive Board of the Association. Any individual, who applies for such status, shall be reviewed a membership committee appointed by the Executive Board. The fees charged to associate memberships shall also be determined by the Executive Board. Associate members shall possess no voting rights in the Association.

ARTICLE VII DUES AND FINANCE

Section 1. The revenues of this Association shall be derived from initiation fees, monthly dues, fines, assessments and fund raising.

Section 2. Each new employee/member and such re-enrolled employee/member shall be assessed a ten (\$10.00) dollar initiation fee.

Section 3. As long as the OCDSA is affiliated with the Police Officers of Michigan (POAM), each member's dues shall be collected by the POAM through payroll deduction by the employer, with the POAM forwarding to the OCDSA, 1.25% of the top base pay for each member's classification per month .8% going to the POAM plus \$3.00 per member per month for insurance the remainder going to the OCDSA, on a monthly basis; said amount representing the dues of Association members, provided that should the OCDSA no longer be affiliated with the POAM, the Association dues shall be 1.25% of the top base pay for each member's classification, to be paid in advance on the first day of each calendar month.

Section 4. Any member failing to remit any dues or assessments shall stand automatically suspended from membership and from all rights and privileges of such membership. Any suspended member may be readmitted to membership after automatic suspension, but in no event shall readmission restore any privileges or other benefits. A suspended member who is readmitted to membership shall be considered reinstated and in good standing from the date of readmission.

Section 5. All members of this Association are under a positive duty to see that their dues are paid. The failure of any officer, steward or employee shall not in any manner excuse a member from the obligations set forth in this Article.

Section 6. Upon request, a member may be issued a withdrawal card provided all dues, assessments and fees shall have been paid up to the date of his/her application for such withdrawal card.

Section 7. A member taking out a withdrawal card from this Association shall be entitled to no benefits of any kind. A withdrawal card shall become null and void two (2) years after its issuance.

Section 8. A two hundred fifty dollars (\$250.00) initiation fee may be required from any employee who refuses to join the Association within thirty (30) days of being contacted by an Association representative.

Section 9. Any proposed amendment, revision or elimination of initiation fees, dues, fines or assessments shall be in accordance with Article V of this Constitution and By-Laws.

ARTICLE VIII OFFICERS

Section 1. The officers of this Association shall be elected from and by the membership of this Association by secret mail ballot in the month of December of each even numbered year commencing with the year 1984. They shall take office January 1 of the following year and shall serve for a term of two (2) years, or until their successors are duly elected and qualified.

The following elected officers shall exist:

- (a) President;
- (b) Two Vice Presidents; one Vice President shall be from the Protective Services Division, one Vice President shall be from the Corrective Services Division.
- (c) Secretary;
- (d) Treasurer;
- (e) Chief Steward; and
- (f) Sergeant at Arms/Alternate Chief Steward.

Section 4. Duties of Vice Presidents. The Vice Presidents shall assist the President in the discharge of his duties and in his absence. The President shall select which of the Vice Presidents shall assume the duties of President in the case of the President's absence.

Section 5. Duties of the Secretary. The Secretary shall keep a record of meetings of the general membership and of the local executive board meetings. He shall handle all correspondence in the name of the association and transact all other duties usual to the office of Secretary to include the preparation and distribution of a monthly newsletter.

Section 6. Duties of Treasurer. The Treasurer shall be responsible for all financial records, dues records, and shall make a financial report at every meeting of the membership. He shall sign all checks drawn on the treasury of this Association and deposit all dues and other funds received in the bank in the name of this Association; Provided, however, that all checks over \$300.00 shall be countersigned by one of the other three aforementioned Officers.

Section 7. Chief Steward. The Chief Steward shall be responsible for all grievances, the investigation of all grievances and the records pertaining to all grievances. The Chief Steward shall be assisted in the grievance procedure by all of the local stewards.

Section 8. Duties of Sergeant at Arms/Alternate Chief Steward. The Sergeant at Arms/Alternate Chief Steward shall be a member ex-officio of the Executive Board and when present, shall preserve the order and dignity of all meetings, and shall perform such other duties prescribed by the President and/or the Executive Board, including service as Alternate Chief Steward when necessary.

Section 9. Impeachment of Officers. Any officer of this Association charged with breach of trust, incompetency, or other cause detrimental to the best interest of the Association shall have thirty (30) days to answer said charges. Impeachment to be decided by a majority vote of the membership, held through the mail.

Section 10. In the event of an Association officer being unable to perform his duties of office, for any reason, a substitute will be appointed by the Executive Board.

ARTICLE IX EXPENSES AND REIMBURSEMENT

Section 1. Officers may be paid or reimbursed expenses incurred while performing Association business. Such payment or reimbursement will be determined by the OCDSA Executive Board. The procedure outlining reimbursable expenses will be reviewed and/or adjusted periodically by the OCDSA Executive Board and contained in minutes pertaining to that body in accordance with these By-Laws.

ARTICLE X ANNUAL AUDITS

Section 1. The fiscal year of this Association will begin on January 1, and continue through December 31, and it shall be the duty of the Treasurer to cause an annual audit of the books and financial affairs of this Association by a Certified Public Accountant.

ARTICLE XI EXECUTIVE BOARD

Section 1. The Executive Board of this Association shall consist of the President, Vice President, Secretary, Treasurer and Chief Steward.

Section 2. The Executive Board shall be responsible for the affairs of the Association between the meetings of the general membership. It shall execute the orders of the membership and recommend action to the membership. It shall meet regularly once a month at a time and place to be called by the President.

Section 3. In the event of a vacancy in any office, including the Executive Board, the Executive Board shall have the right to appoint a person from the membership to fill said vacancy until the next scheduled election is held for the position.

Section 4. The Executive Board shall designate the number of stewards as may be necessary to assist in the performance of its duties and the stewards shall be elected by the members they represent for one year terms.

Section 5. The Executive Board shall further set up procedures for the processing of grievances and the formulation of bargaining demands. Any member who feels aggrieved because his grievance was not presented to the employer or appealed to the highest level shall have the right to appeal first to the Executive Board and then to the membership.

Section 5. All decisions of the Executive Board shall be carried by majority vote of the total board.

ARTICLE XII ELECTION OF OFFICERS

Section 1. All Association officers shall be elected by a majority vote of the members. The balloting is to be secret and conducted through the mail by the election committee.

Section 2. Candidates for the election to an office in the Association must be nominated at a membership meeting to be held in October or November preceding the even numbered year election of officers in December. All persons nominated for an office must be members in good standing in this Association.

Section 3. All nominees shall, within ten (10) days of the nomination meeting, notify the Secretary, in writing, whether they accept or decline the nomination. Provided, however, oral declinations and acceptances may be made during the nomination meeting.

Section 4. The membership shall elect three (3) tellers to conduct elections in an honest and secret manner at its nomination meeting and any nomination meeting and any nominee or candidate for office is ineligible to act as a teller. The tellers shall be in full and complete charge or the election.

ARTICLE XIII GRIEVANCE AND CONTACT RATIFICATION

Section 1. Grievances shall be processed in accordance with the applicable contract or regulations between the employer and this Association.

Section 2. Ratification of Contracts. Contracts negotiated by the bargaining committee must be authorized by the membership at a meeting called for the purpose of considering ratification or rejection of a proposed contract. Ratification must be by a majority vote of the membership present at the meeting. Said meetings to be posted five (5) calendar days prior to the meeting being held.

ARTICLE XIV LOSS OF MEMBERSHIP

Section 1. Any member who shall be more than sixty (60) days in arrears in the payment of dues, assessments, fines or other payments required to be made by this Association as determined by its membership, except in the case where a member requests to halt dues deductions or resigns from the Association, in this case his benefits shall cease immediately.

Section 2. Any member suspended or expelled from membership in accordance with the provisions of Article XIV hereof, shall forfeit all rights and privileges of membership.

Section 3. This Association shall have the power to remove from office, by a majority vote of its members, any officer of this Association found guilty of a breach of trust, incompetency, or other cause detrimental to the best interest of this Association, if found guilty by a trial committee. Any officer so charged shall be suspended from his duties in the Association.

ARTICLE XV TRIAL OF MEMBERS

Section 1. Any member shall be subject to discipline for a violation of the Constitution and By-Laws of this Association or engaging in conduct inimical to the best interest of this Association: Provided, however, charges are first filed against said member. Charges against any member of the Association shall be submitted to the Association Executive Board in writing and signed by the member making such charges. The charges are to be presented in person by the member making the charges at the monthly Executive Board meeting. The Executive Board shall have the power to determine whether or not the charges are worthy of trial. In the event the Executive Board determines that the charges are worthy of trial, the Secretary shall furnish, by certified mail, to the accused member at his last known address, a copy of such charges together with a notice of the time and place of the trial.

Section 2. Such trial shall take place not more than thirty (30) days after the mailing of such notice, nor less than fifteen (15) days.

Section 3. The Executive Board shall elect a trial committee of five (5) members, subject to membership approval, and designate the chairman thereof. The trial committee shall hear the accused and accuser and their witnesses, and shall report its findings to the membership at a regular or special membership meeting with its recommendation for penalties, if any. The membership shall have the right to accept, reject, or amend the penalties of the trial committee. The membership shall have the right to set the penalty of expulsion, suspension of any lesser punishment including a fine not to exceed two hundred fifty dollars (\$250.00).

ARTICLE XVI ASSOCIATION MEETINGS

Section 1. Regular meetings of the membership shall be held at least monthly at a time and place to be set by the Executive Board, however, there shall be no meeting held, except for special meetings, during June, July and August of any year.

Section 2. Special membership meetings shall be called when deemed necessary by the Executive Board and the President may call a meeting upon the written request of any one (1) member in good standing.

Section 3. Ten percent (10%) of the membership at any regular or special meeting shall constitute a quorum for the transaction of business. No member may vote by proxy, except where it can be established that a member is working his/her normally assigned shift at the time of the Association meeting. In this instance a member may vote by proxy by submitting in writing, to the Secretary no later than prior to that meeting at 5:00 p.m., his/her intention to allow a named member to vote for him/her by proxy.

ARTICLE XVII BARGAINING COMMITTEE

Section 1. The Executive board shall act as the Association's bargaining committee, to be assisted by resource representatives selected by the bargaining committee.

Section 2. The duties of the Association bargaining committee shall be as follows;

- (a) To conduct negotiations on behalf of this organization with the employer and to report the results of those negotiations to the membership for final approval; and
- (b) To make recommendations to the membership for the improvement of the economic position of the membership.

ARTICLE XVIII ORDER OF BUSINESS

Section 1. The order of business at all regular or special meetings or the membership shall be conducted according to Robert's Rules of Order, and shall be in the following order, except the Chairman may deviate from the order of business in the absence of any objection from a majority of the membership in attendance.

- (a) Roll call of officers;
- (b) Reading of the minutes;
- (c) Financial Report;
- (d) Communications;
- (e) Report of the Officers and Committees;
- (f) Unfinished business; and
- (g) New Business
 - (1) Agenda
 - (2) Business from the floor.

Section 2. The agenda for the monthly meeting will be posted by the Secretary seven (7) calendar days prior to the date of the scheduled monthly meeting. If a member wishes to have a subject placed on the agenda, they must contact the Secretary, in writing or by telephone, seven (7) calendar days prior to the posting of the agenda.

ARTICLE XIX FINANCES

Section 1. The Treasurer, in conjunction with any one of the other three (3) officers, shall be authorized to expend on behalf of this Association, funds in an amount not to exceed the sum of Three Hundred Dollars (\$300.00); Provided, however, that where a specific act has been approved by the membership, and such necessitates the payment of fees or expenses, specific authorization by the Executive Board or Membership shall not be required.

ARTICLE XX AFFILIATION WITH OR MEMBERSHIP IN OTHER POLICE ORGANIZATIONS

Section 1. This Association may affiliate with or become a member of any state or national organization of police officers.

Section 2. A resolution to affiliate or to become a member of such an organization of police officers shall require a majority vote of the members present and voting at any regular or special meeting; Provided, however, that notice of such resolution and meeting be posted on the Association bulletin board at least seven (7) calendar days prior to any such meeting, provided that any current affiliation at the time of passage of this Constitution and By-laws shall not be subject to further approval hereunder.

ARTICLE XXI STANDING COMMITTEES

Section 1. The Executive Board shall appoint the Chairman or Co-Chairmen and the members of all standing committees immediately after taking his office, but only in accordance with this Constitution and By-laws.

Section 2. Each standing committee shall consist of a Chairman and/or Co-Chairman, one of whom shall be a member of the Executive Board plus not less than two active members of this Association.

Section 3. Standing committees shall have the power to carry out all functions relating to their respective fields in accordance with policy established either by positive directives of the Executive Board or by established precedent, but shall be subject to specific order whether affirmative or negative, of the Executive Board.

Section 4. All standing committees and the Executive Board, when acting as the election committee, shall have the authority, by concurrence of a two thirds majority of those present, to construct such standing rules as are reasonable and necessary in the efficient dispatch of their functions and duties, and not contrary to these By-laws.

Section 5. The standing committee shall be set forth in the By-laws, together with their functions and duties, and may be changed, increased or diminished in any respect not contrary to these By-laws, as need may arise.

Section 6. The standing committees shall be: (a) Political Action, to keep the membership informed on Bills that would affect this Association and to investigate and recommend possible endorsements of political candidates. To oversee the Association Political Action Committee activities; (b) Retirement; (c) Constitution and By-laws, to update and make recommendations on changes of this Constitution and By-laws; (d) Newsletter, to assist the Secretary with the Association monthly newsletter; (e) Safety Committee, to notify the Executive Board, the Sheriff's Department, and Oakland County of existing safety hazards within the Department and make recommendations to correct those unsafe conditions.

ARTICLE XXII POLITICAL ACTION COMMITTEE

Section 1. The Association shall be authorized to establish a Political Action Committee.

Section 2. The Political Action Committee shall be conducted in accordance with state law.

Section 3. The Association shall be authorized to conduct fund-raisers to support the Political Action Committee activities.

Section 4. The Political Action Committee activities shall be in accordance with the purposes of the Association as set forth in this Constitution and By-laws.

ARTICLE XXIII
DEFENSE FUND

Section 1. There shall exist a Defense Fund, established for the purpose of providing up to a maximum of \$2,500.00 to a dues paying Association member for legal expenses in defense of criminal charges brought against said member for activities having occurred when said member was in performance of duties as a sworn law enforcement officer, whether on or off duty at the time.

Section 2. Upon request of the member, the funds shall be provided; however, the member shall execute a promissory note to the Association for repayment of the funds obtained, said promissory note to be repaid within ____ years of its execution.

Section 3. Funds shall only be provided to members to the extent that such funds exist, provided further that at no time shall general Association finances comprised of dues, initiation fees, fines and assessments be transferred to the defense fund or be used directly for defense fund purposes.

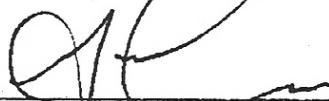
Section 4. Application for defense funding shall be made to the Executive Board and said Board shall be empowered hereby to decide, in its discretion, by majority vote of the total board as to whether the request should be granted.

THESE CONSTITUTION AND BY-LAWS WERE APPROVED AND ADOPTED BY A MAJORITY VOTE OF THE TOTAL MEMBERSHIP HELD ON THE 14th DAY OF March, 1984. VOTE ____ FOR AND ____ AGAINST.

PRESIDENT

SECRETARY

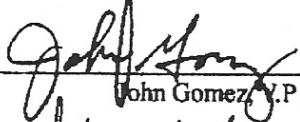
ARTICLE V REVISED MAY 28, 2003 BY A MAJORITY VOTE OF THE TOTAL MEMBERSHIP HELD ON THE 28th DAY OF MAY, 2003. VOTE 394 FOR AND 28 AGAINST.



Gary McClure, President



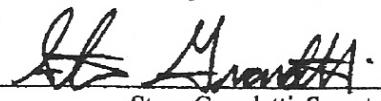
Dave Curtis, Treasurer



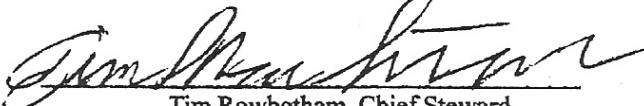
John Gomez, V.P Protective Services



Stacey Grandison, V.P Corrections



Steve Grandetti, Secretary



Tim Rowbotham, Chief Steward



Dave Bach, Alt. Chief Steward