

# **Sarnia Police Association**

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## **By-Laws**

Amended: 22 September 2016

# Sarnia Police Association

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Amended: 22 September 2016

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## **PREAMBLE**

Whereas judicious laws and regulations are necessary to the good of every institution, the members of the Sarnia Police Association enact the following by-laws.

### ***Article 1***

#### **Name**

- 1.1 The Association shall be known as the Sarnia Police Association, hereinafter called the Association.

### ***Article 2***

#### **Objectives**

- 2.1 To unite fraternally and to promote the mutual interests of its members; to uphold the honor of the police profession; to elevate the standards of the police service; to encourage a cordial and cooperative intercourse among its members.
- 2.2 To promote the good and welfare of its members individually and collectively; to consider, advise upon and make representations with respect to the welfare of its members including conditions of service, employment and wages.

### ***Article 3***

#### **Definitions**

- 3.1 Except where otherwise defined:
  - A. “Chief” means the current chief of the Sarnia Police Service;
  - B. “Police Services Board” means the Police Services Board for the City of Sarnia;
  - C. “Service” means the Sarnia Police Service;
  - D. “Member” means an active member unless otherwise stated;
  - E. “Member In Good Standing” means a member who is not under penalty imposed pursuant to Article 13.2;
  - F. Any expression of the male gender shall include the female in its application and vice versa.

**May 30, 2013**

## *Article 4*

### **Membership**

- 4.1.1 Active Member: Every member of the service, other than the chief or deputy chief shall be eligible to become a member of the Association and to remain so long as the member continues to be employed by the Police Services Board for service with the force.
- 4.1.2 Life Member: every member who retires on pension while he is a member in good standing shall be carried as a life member. A life member may attend social events and Annual Membership Meetings, but shall not hold office and has no voice at such meetings.

Any Chief or Deputy Chief of Police who retires on pension from the Sarnia Police Service may be granted the privilege of Life Membership by a two-thirds vote of those attending at any General Membership Meeting.

- 4.1.3 Honorary Members: a non-member of the Service may be granted the privilege of Honorary Membership by a two thirds vote of those attending at any General Membership Meeting. An Honorary Member may attend social events sponsored by the Association.
- 4.1.3 Associate Member: a member of another accredited Police Service who is in good standing with his own Association, where such an Association exists, may be granted Associate Membership status by the Board of Directors of the Association. An Associate member shall be entitled to social privileges and may attend social events but may not attend General Membership Meetings of the Association.

**September 1997**

The current Chief of Police or any current Deputy Chief may be granted the privilege of Associate Membership by the Board of Directors of the Association.

- 4.2 An Honorary or Associate member may be expelled by a two thirds majority of the votes cast at any General Membership Meeting of the Association.
- 4.3 A Life Member may only be expelled under the provisions as set out in Article 13.
- 4.4 All members of the Association shall be bound to abide by these by-laws and to abide by the current applicable collective agreement between the Police Services Board and the Association.
- 4.5 If a member resigns or is dismissed from the Service, the member shall forthwith cease to be a member of the Association.

*Article 5*

**May 31, 2012**

**Board of Directors**

- 5.1 The Board of Directors of the Association shall be comprised of the following offices:
- President
  - Vice President
  - Secretary
  - Treasurer
  - 2 Bargaining Members
  - 2 Civilian Directors
  - 3 Directors
- Each office shall be elected or appointed in accordance with the provisions of these by-laws.
- 5.2 The affairs of the Association shall be under the management and control of the Board of Directors which may exercise all such powers and do all such things as may be exercised or done by the Association and are not required by these by-laws to be exercised or done by the Association at General Membership Meetings.
- 5.3 Any decision of the Board of Directors may be subject to review and ratification at a subsequent General Membership Meeting.
- 5.4 The Board of Directors shall appoint standing and ad hoc committees as are required by these by-laws and as it deems necessary and advantageous.
- 5.5 Should a vacancy occur in the offices listed in Article 5.1 then:
- A. where the unexpired portion of the term of office exceeds six (6) months, a by-election shall be called as soon as possible to fill the unexpired portion of the term;
  - B. where the term actually to be filled will be six (6) months or less, the remaining members of the Board of Directors shall appoint a member from among them to fill the vacancy for the remainder of the term.
- 5.6 A member of the Board of Directors shall cease to hold office in the Association if the member accepts an extended leave of absence without pay, if the member absents himself from three consecutive meetings of the Association, including meetings of the Board of Directors without sufficient cause or excuse which the Board shall deem valid, or if the member attains a rank or position within the Service that is not bargained for in one of the collective agreements between the Association and the Police Services Board.

## **Article 6**

### **Officers**

#### **President**

- 6.1.1 The President shall, in consultation with the Board of Directors, act as the Chief Executive Officer of the Association, and be responsible for the management of its affairs and operations.
- 6.1.2 The President shall be a member of the Bargaining Committee representing the police and civilian members of the Association, and shall be an ex-officio member of all other committees excepting the nominating committee, which may be appointed.
- 6.1.3 The President shall, when present, preside over all Board of Director and General Membership meetings and shall make rulings subject to appeal to the meeting, on protocol, parliamentary procedure and in the interpretation of these by-laws, and shall participate in all matters coming before the meeting.
- 6.1.4 The president shall become and remain conversant with all activities of the Police Services Board and of Municipal, Provincial and Federal governments on matters of concern to the Association membership, or which affect any Association agreements with such bodies and respond to these bodies in an appropriate manner.

November 2001

#### **Vice President**

- 6.2.1 The Vice President shall assist the President in general work of the Association and, in the absence of the President, shall preside over all Board of Directors Meetings and General Membership Meetings.
- 6.2.2 The Vice President shall be a member of the Grievance Committee and, in the absence of the President, shall be an ex-officio member of all committees excepting the Nominating Committee, which may be appointed.
- 6.2.3 The vice-president shall bear ultimate responsibility for the conduct of all grievance proceedings, ensure the maintenance of complete and accurate files on each grievance and its ultimate disposition, report to the Board of Directors as required on the status of grievances and make recommendations concerning the resolution of any grievance.

#### **Secretary**

- 6.3.1 The Secretary shall maintain correspondence, have custody of the files, ensure that proceedings at the Board of Directors meetings and General Membership Meetings are correctly recorded and ensure that minutes of these meetings are available for inspection by all members at reasonable and convenient times.
- 6.3.2 Subject to the provisions of Article 7.3 and 9.5, the Secretary shall see that notices of General Membership Meetings are posted at least two (2) weeks prior to such meetings and that notices of Board of Directors Meetings are posted at least one (1) week prior to these meetings. Meeting notices shall include the agenda, including any special items required by these by-laws to be brought to the attention of the membership;

6.3.3 The Secretary shall keep in a file or book provided for that purpose, all findings and orders of the Police Services Board affecting the members of the Association, their interests or welfare. The Secretary shall also keep a book of the by-laws of the Association and its amendments as they occur from time to time.

#### **Treasurer**

6.4.1 The Treasurer shall:

- A. receive and collect all monies due the Association and shall be in charge of and preserve all monies and properties of the Association;
- B. deposit all monies and other valuable effects of the Association in such bank or other financial institution as may, from time to time be directed by the Board of Directors;
- C. under the direction of the Board of Directors pay all bills and current expenses, taking proper receipts therefore;
- D. with the approval of the Board of Directors invest funds of the Association in such securities as are permitted by law; and
- E. render to the Board of Directors and membership when required, an account of all transactions and of the financial position of the Association.

6.4.2 The Treasurer shall keep an accurate list of all members of the Association.

#### **Civilian Representatives**

6.5.1 The Civilian Representatives shall become and remain conversant with all matters of particular concern to the Civilian members of the Association including any complaints and grievances.

6.5.2 The Civilian Representatives shall maintain a record of all such matters as described in Article 6.5.1 and be responsible for bringing civilian grievances to the attention of the Grievance Committee promptly and for following them up.

6.5.3 The Civilian Representatives shall be member(s) of the bargaining committee.

6.5.4 The Civilian Representatives must be covered under the civilian's Collective Agreement.

**November 2001**

#### **Bargaining Committee**

6.6.1 The Bargaining Committee shall be comprised of the President and

- up to 2 members of the Board of Directors covered under the Uniform Collective Agreement, and

- up to 2 members of the Board of Directors covered under the Civilian Collective Agreement

### **Directors**

6.7.1 The Directors shall attend all the Board of Directors and General Membership meetings and carry out all duties and functions as may be assigned to them from time to time by the Board of Directors.

6.7.2 Each Director shall be appointed by the Board to be a member of at least one of the Committees sitting at the discretion of the Board of Directors, which may include the following Committees:

- Grievance Committee
- Social Committee
- Bursary Committee
- Pay Equity Maintenance Committee
- Honoraria Committee

**November 2001**

### **6.6 Remuneration**

**June 24, 2008**

6.8.1 Subject to the ability of the Association to pay, each member of the Board of Directors shall be paid an honorarium each year as follows:

- A. President: An amount equal to 8.0% of the salary of a First Class constable;
- B. Vice President: An amount equal to 5.0% of the salary of a First Class constable;
- C. Secretary: An amount equal to 3.5% of the salary of a First Class constable;
- D. Treasurer: An amount equal to 3.5% of the salary of a First Class constable;
- E. Civilian Representatives: An amount equal to 1.5% of the salary of a First Class constable;
- E (1.1) Civilian Representatives appointed to the Bargaining Committee will be paid an additional honorarium equal to .5% of the salary of a First Class Constable;
- F. Bargaining Members: An amount equal to 2.0% of the salary of a First Class constable;
- G. Directors: An amount equal to 1.5% of the salary of a First Class constable

6.8.2 The Board of Directors may bestow mementos and honoraria on any member recommended by the Honoraria Committee.

*Article 7*

**Meetings**

**7.1 General Membership Meetings**

- May 20, 2010**
- 7.1.1 General Membership Meetings shall be held two (2) times per year, including the Annual General Meeting held in September.
- 7.1.2 The order of business at General Membership Meetings shall be as follows:
- A. Call to order;
  - B. reading of the minutes of the previous meeting;
  - C. Secretary's report;
  - D. Treasurers report;
  - E. report of Committees;
  - F. Presidents report;
  - G. unfinished business;
  - H. new business, and;
  - I. adjournment.

**7.2 Annual General Meeting**

- June 30, 2005**
- 7.2.1 Commencing in 2006, the Annual General Meeting shall be held once a year in September and shall take the place of the September General Meeting. Notice of such meeting must be posted at least four (4) weeks in advance.
- 7.2.2 The Annual General Meeting shall be the forum for nominations and elections for the next year.
- 7.2.3 The Outgoing Board of Directors shall present its annual report and audit for the preceding fiscal year to the meeting and shall answer any questions that are pertinent.

**7.3 Special General Meeting**

- 7.3.1 The Board of Directors may, at any time on at least forty-eight (48) hours notice and shall upon written request signed by at least ten (10) members, convene a Special General Meeting.

**7.4 Quorums**

- April 13, 2004**
- 7.4.1 The Quorum at any General Membership Meeting including the Annual and Special General Meetings, shall be at least twenty (20) members providing that fifty percent (50%) of the members of the Board of Directors is present.
- 7.4.2 A quorum at any Board of Directors Meeting shall be the President or Vice President and enough other members as to constitute a majority.
- 7.4.3 A Quorum of any Committee shall be a majority of the members of that Committee.

7.5 **Rules of Order**

- 7.5.1 The Chairman shall preserve order and decorum and decide questions of order and practice stating the rule applicable. His decision shall be subject to an appeal to the meeting.
- 7.5.2 The Chairman may only vote on a motion where there is an equal division, or an election of officers.
- 7.5.3 Every member shall, prior to speaking, rise, identify himself and address the Chair.
- 7.5.4 When two (2) or more members rise at the same time, the Chairman shall decide who is to speak first.
- 7.5.5 When the Chairman is putting a question, no member shall speak or move about the room.
- 7.5.6 No member shall be interrupted while speaking except as a point of order.
- 7.5.7 When a member is called to order, he shall resume his seat until the point of order is decided; he may however be permitted to make an explanation, but in no case to introduce new matters.
- 7.5.8 Any member may appeal the decision of the Chair by rising and stating “I appeal the decision of the Chair”
- 7.5.9 When the ruling of the Chair is appealed against, he shall have the right to state his reasons for the decision given, but otherwise there shall be no debate. He shall put the question in the following words: “Shall the decision of the Chair be sustained?”
- 7.5.10 No member shall use improper language or speak to any subject other than the question in debate.
- 7.5.11 No member shall speak more than once on the same question nor longer than five (5) minutes, without the permission of the Chairman, except that the mover shall have the right to, reply, after which the debate shall close. This rule shall not apply when in committee of the whole.
- 7.5.12 A motion to adjourn shall always be in order, except when it was the next preceding motion.
- 7.5.13 A member may require the motion under discussion to be read for information at any time during the debate, except when another member is speaking.
- 7.5.14 A motion may be withdrawn by the mover at any time before it has been stated by the Chair and may be withdrawn by the mover with the consent of the meeting at any time after it has been stated by the Chair.
- 7.5.15 When a question is being debated, no motion shall be received except to amend, to postpone to lay on the table, to put the previous question or to adjourn.

- 7.5.16 No motion to amend an amendment to an amendment shall be received.
- 7.5.17 Any member who has obtained the floor may move that the previous question be now put and if the motion is seconded, the Chairman, without further debate, shall put the motion in the following words: "Shall the vote on the main motion now be taken?". Such motion requires a two thirds vote and if it gains less than that, the debate shall continue as if the motion had not been made.
- 7.5.18 Every motion before being debated or voted upon, shall be read by the Chairman.
- 7.5.19 A vote shall be taken only after all the debate is exhausted or a motion "that the question now be put" has been carried by the requisite two-thirds majority.
- 7.5.20 Any member refusing to resume his seat when requested by the Chairman may be suspended by the Chairman from that meeting.
- 7.5.21 Where a motion or a resolution has been adopted by the membership meeting, and where, after investigation and due consideration, the Board of Directors is of the opinion either that the motion or resolution is impossible to implement or that its implementation would be harmful to the Association, the Board of Directors may hold such motion or resolution inactive until the next ensuing General Meeting and report to such meeting the reasons for holding such motion or resolution for reconsideration and if affirmed by such meeting, shall be acted upon.
- 7.5.22 In all unprovided cases, the Chairman shall decide, but his decision shall be subject to an appeal to the meeting and generally the rules defined in "Robert's Rules of Order" shall be followed.
- 7.5.23 The foregoing rules of order shall apply to meetings of the Board of Directors, mutais mutandis.

## ***Article 8***

### **Nominations and Elections – amended May 30, 2013**

- 8.1 Nominations
  - 8.1.1 Nominations for the offices of the Board of Directors shall be open to every member of the Association in good standing. Both civilian and sworn police officers can be nominated for the positions of President, vice President, Secretary and Treasurer.
  - 8.1.2 Nominations for the offices of Civilian Representatives – 2 Civilian Bargaining Members – shall be open to every civilian employee of the Service who is a member of the Association in good standing.
  - 8.1.3 Nominations for the office of Uniform Representatives - 2 Bargaining Members and 3 Uniform Directors – shall be open to every sworn police officer employee of the Service who is a member of the Association in good standing.

- 8.1.4 30 days prior to the Annual General Meeting or Special General Meeting, the Secretary will post a list on the bulletin board of the positions on the Board that are open for election. If a Special General Meeting is scheduled with less than a one month notice period the Secretary shall, forthwith, post on the bulletin board which positions are open for election. The announcement by the Secretary will also include the deadline date for nominations.
- 8.1.5 Any member who wishes to indicate their willingness to run for office in the Association must provide in writing, or through electronic mail, their intention to the Secretary of the Association. This intention must be received by the Secretary not less than fifteen (15) days in advance of the Annual General Meeting or Special General Meeting. Unless no members have indicated their willingness to run for the position, no nominations will be accepted after the deadline date.
- 8.1.6 A member can only indicate one (1) position on the Board that they wish to be nominated for.
- 8.1.7 If a currently serving Board member, whose position is not scheduled for re-election, wishes to be nominated for a vacant position on the Board, they must first vacate their current position on the Board before indicating their candidacy for the vacant position. This vacated position will also be published by the Secretary including the remaining term of office.
- 8.1.8 Fourteen (14) days prior to the Annual General Meeting or Special General Meeting, the Secretary will post a list of the members who have expressed their intention to be elected and for what position they are running for, as well as the term of the position on the Board. This announcement will also include the dates that the electronic voting will take place.
- 8.1.9 Any member who has nominated themselves for a position and chooses to no longer be considered for the position can remove themselves from the ballot prior to the electronic voting commencing; however, if they are a current serving Board member they cannot reclaim their vacated position nor can they nominate for any other posted position.
- 8.1.10 In the event that no member had notified the Secretary to fill a vacant position and the position is still vacant at the Annual General Meeting or Special General Meeting, nominations will be accepted at the meeting for the vacant position.

## 8.2 **Elections**

- 8.2.1 At the Board of Directors Meeting that precedes the Annual General Meeting, the President will appoint two (2) Board members who are not running for re-election to liaise with the IT Department for SPA Website developers regarding electronic voting and announcement of the results.
- 8.2.2 Elections to the Board will take place electronically via a secure web-link.
- 8.2.3 Electronic voting will be available to all members commencing seven (7) days prior to the Annual General Meeting or Special General Meeting. Voting will be concluded the day preceding the Annual General Meeting or Special General Meeting.

- 8.2.4 Should there be only one candidate nominated for an office, the candidate so nominated shall be declared elected by acclamation.
- 8.2.5 In the event that there is more than one position of the same description on the Board being voted on, the member with the most votes will be deemed elected and the member with the second most votes will be elected and so on.
- 8.2.6 If there are two of the same positions being voted on with different terms of office, the member who receives the most votes will be elected to the position with the longest term of office.
- 8.2.7 After the voting has been completed, any ties in the calculation of the votes will be settled through a secret ballot election at the Annual General Meeting or Special General Meeting.
- 8.2.8 Results of the voting will be announced at the Annual General Meeting or Special General Meeting.

8.3 **Terms of Office**

- 8.3.1 The offices of President and Secretary shall be for two (2) years and shall be elected in the odd numbered years.
- 8.3.2 The Offices of Vice President and Treasurer shall be for two (2) years and shall be elected on the even numbered years.
- 8.3.3 The offices of the Bargaining Committee member shall be for two (2) years and one person from each office shall be elected on alternating years.
- 8.3.4 The offices of Director and Civilian Representative shall be for two years with two Uniform Directors and 1 Civilian Director being elected on alternate years.
- 8.3.5 The Officers will commence their terms on the first day following the Annual General Meeting.

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***Article 9***

**Bargaining**

- 9.1 The Bargaining Committee shall consist of the President and the Bargaining members. It shall be the exclusive agent for the Association in all negotiations with the Police Services Board and or its agents, for amendments to the collective agreements concerning all members of the Service represented by the Association.
- 9.2 No other member or group of members shall bargain or attempt to bargain with the Police Services Board or its agents.
- 9.3 Prior to formulating its final proposals for revision to the collective agreements, the Bargaining Committee shall meet with all members of the Service and give them full opportunity to express their opinions with respect to proposals for amendments to the collective agreements. Both police and civilian members may attend such

meetings and shall be given full opportunity to express any concerns they may have about any proposal which may affect them.

- 9.4 The Bargaining Committee shall consider the proposals brought forward at the meetings called for in section 9.3 and shall formulate packages of proposals for amendments to the collective agreements. The packages shall be brought back before the membership for formal recommendations. Nothing in this section shall limit the right of the Bargaining Committee to decide which proposals will be finally presented to the Police Services Board.
- 9.5 The Chairman of the Bargaining Committee shall arrange to have notices of the meetings called for in section 9.3 posted at least one week in advance of the meetings.
- 9.6 The Bargaining Committee shall not have the authority to accept any Police Services Board offer of settlement without seeking approval from the General Membership Meeting of the officers or civilians as the case may be. The committee shall, however, have full authority to reject any Police Services Board proposal that they consider to be unacceptable.
- 9.7 Notwithstanding any other provision of these by-laws, the President shall at the request of the Bargaining Committee, call a Special General Membership Meeting of the officers and civilians as the case may be, to consider the terms of any proposal made on behalf of the Police Services Board for a collective agreement or for amendments to any such Agreement, which the Committee wishes to place before the members.  
The Committee may recommend acceptance or rejection of any such offer before such meeting without any recommendation. Such meeting shall decide by motion or vote of the members present and voting; whether to accept or reject the proposal.

## ***Article 10***

### **Grievances and Legal Assistance**

- 10.1 Grievances
- 10.1.1 The Grievance Committee shall be comprised of the Vice President and two other members elected by the Board of Directors from among its members.
- 10.1.2 A member or group of members that feel they have a grievance shall take it up promptly with the Grievance Committee or one of the members thereof. The Committee, if it feels the grievance has merit, shall, offer any investigation it feels may be required, take the matter up promptly in accordance with the provisions of the Collective Agreement concerned.
- 10.1.3 If the Grievance Committee feels that the grievance does not have merit, it shall so inform the member, explaining the reasons for that conclusion. In such case, the member concerned shall have the right to appeal such decision to the Board of Directors and shall be informed of that right by the Committee. The Board, after hearing from the member concerned and from a Committee member, shall make a decision in the matter.

Nothing in these by-laws shall prevent a member from pursuing a grievance on their own as provided for in the Uniform and Civilian Collective Agreements.

- 10.1.4 No grievance shall be taken to arbitration without the approval of the Board of Directors. The member concerned shall be individually notified of the meeting of the Board at which the matter is to be considered and of his right to attend and to make such representations as the member wishes to the Board before the decision is made. If, after due notification, the member fails to attend the meeting, the decision may be made in his absence.
- 10.1.5 The Grievance Committee shall maintain a record of all cases of complaints or grievances brought forward by members covered under the Collective Agreement.
- 10.1.6 The Grievance Committee shall have the right not to proceed with any complaint or grievance the outcome of which it feels may be injurious to the Association.
- 10.1.7 Any such decision of the Grievance Committee under this part or under paragraph 10.1.3 may be appealed to the Board of Directors and subsequently to the Membership by notifying the President within seven (7) days of the decision. The President shall then call a meeting of the Board of Directors or a Special General Meeting, as the case may be, to deal with the appeal. Such meeting shall be held within fourteen (14) days of notice to appeal.
- 10.1.8 Any vote to overrule a decision of the Board of Directors shall require a two-thirds majority of the members present at a Special General Meeting. The decision of a General Meeting shall be final.

## 10.2 Legal Assistance

- 10.2.1 Any member charged under any Provincial or Federal Statute shall first apply to the Police Services Board for legal assistance as per the applicable Collective Agreement.
- 10.2.2 The Association shall enroll all permanent employees in the "POLICE ASSOCIATION COOPERATIVE ASSISTANCE PLAN". A copy of the plan shall be affixed hereto as appendix "A". This shall be the only fashion in which the Association will financially assist a member in Criminal matters.
- 10.2.3 Any member who becomes involved in a situation, as a result of his duties as a member of the Sarnia Police Service in which employment with the Service is in jeopardy, and who wants the Association to provide legal assistance for him, shall inform the President as soon as practicable, and the President shall convene a meeting of the Directors within five (5) days of the request to deal with the matter.
- 10.2.4 The member making the request shall be notified of the time and place of the meeting and shall be requested to attend either personally or by agent to make the request of the Board.
- 10.2.5 The Board of Directors shall, having regards to the rights, privileges and interests of the Association and its members, decide by majority vote whether or not to approve financial assistance to the requesting member.

- 10.2.6 In approving any requests for financial assistance, the Board of Directors may attach any conditions and terms it deems necessary having regards to the rights, privileges and interests of the Association and its members.
- 10.2.7 Financial assistance shall not be granted for grievances that have not progressed past the stage of being heard by the Chief, nor for any Provincial offences unless there are extenuating circumstances.
- 10.2.8 Any decision reached by the Board regarding assistance may be appealed to a General Membership Meeting. Notice of desire to appeal shall be made to the President within seven (7) days of the decision of the Board. The President shall call a Special General Meeting to deal with the appeal. Such meeting shall be held within fourteen (14) days of notice of appeal. The decision reached by the Meeting shall be final.
- 10.2.9 Legal assistance for any member will not be the subject of a motion to the General Body of the Sarnia Police Association unless the following criteria have been met:
- a) The member requesting legal assistance has made application to the board of directors in writing for the legal assistance;
  - b) The member requesting legal assistance has appeared before the board of directors in support of his or her request at the request of any board member;
  - c) The member requesting legal assistance, if appearing before the board of directors has been fully cooperative in assisting the board of directors in becoming fully informed of all information needed to make a decision; and
  - d) The board of directors by way of motion or resolution has refused the request for legal assistance.
  - e) The request for legal assistance includes provisions for a special assessment of the membership to cover all costs of said assistance.
- 10.2.10 Any motion in regards to legal assistance will be out of order unless the above criteria have been met, except for the following provisions:
- a) Section 1 in no way restricts the right of any member who is not requesting the legal assistance in issue to put a motion before the General Body of the Sarnia Police Association in order to appeal a decision of the board of directors where any legal assistance has been approved by the board of directors.
  - b) A motion regarding the legal assistance will be in order if it has been determined the board of directors or General Body have been misinformed in any way throughout any proceedings where legal assistance was requested.
- 10.2.11 Any member may seek out legal counsel for any work related issue without consulting with the board of directors only in the following circumstances:
- a) If a member needs legal advice regarding being questioned in any criminal investigation about any work related incident, or any incident where any

**13 April 2004**

member's employment is in jeopardy, and is not able to contact the board of directors prior to being questioned.

- b) If a member has been arrested for any conduct that relates to his or her employment with the Sarnia Police Service.

If legal counsel is contacted by any member under the authority of this section without any prior approval, the Association is bound to only pay a maximum equivalent to three hours time the legal counsel would ordinarily charge. If any further legal assistance is required, all members must abide by sections 10.2.9 and 10.2.10 above in order to receive any further legal assistance from the Sarnia Police Association

- 10.2.12 For the purposes of legal assistance a member's employment will be considered to be in jeopardy if he or she is facing dismissal or demotion as a result of any action taken against him or her.

## *Article 11*

### Membership Fees

- June 13, 2007** 11.1 All active members shall pay Membership Fees annually, which shall be equal to 2.0 percent (2.0 %) of a First Class Constable's salary for Uniform members and 1.5 percent (1.5%) of a 4<sup>th</sup> year Communications Operator's salary for Civilian members, through payroll deduction.
- May 20, 2010** 11.1.1 Effective January 1, 2010, the above percentages will be based on the January 2010 Uniform and Civilian salaries and shall be reviewed on an annual basis by the Board of Directors
- 11.2 All Associate Members shall pay Membership Fees in the amount of twenty-five (\$25.00) dollars per year payable to the Treasurer. There shall be no prorating of this amount for lesser portions of one year.

## *Article 12*

### Business Practices

- June 30, 2005** 12.1 The Board of Directors shall not make or authorize any expenditure in excess of 7% of the gross annual dues collected from the membership, not including any special assessment, without the approval of a majority vote of those present and voting at a General Membership Meeting.
- 12.2 All payment of monies shall be made by cheque. The Treasurer and the President or Vice President shall sign such cheques. No cheque shall be signed in blank.
- May 31, 2012** 12.3 The Association shall have two (2) corporate credit cards issue from the bank the Association deals with. These credit cards will be in the name of the President and the Treasurer and have a credit limit not to exceed \$2,500.00 per card.
- 12.4 The Board of Directors shall not authorize the expenditure of any funds, which are not in accordance with the aims and objectives of the Association notwithstanding any other provision made in these by-laws.

- 12.5 No donation for more than five hundred dollars (\$500.00) for a charitable or public purpose shall be made that had not been first recommended by the Board of Directors and then approved by a General Membership Meeting.
- March 1, 2007**
- 12.6 The fiscal year of the Association shall be from September 1<sup>st</sup> to August 31<sup>st</sup> of the following year.
- 12.7 At the end of the fiscal year the Treasurer shall prepare a financial statement which may be referred to an Auditing Committee or two (2) or more members, appointed by a General Membership Meeting, who shall audit the statement and report at the Annual General Meeting. This shall be done upon the election of a new Treasurer.
- 12.8 Contracts and agreements on behalf of the Association shall be signed by the President or Vice President and one other member of the Board of Directors.
- 12.9 On the election or appointment of any member to the Board of Directors, the member's predecessor shall promptly turnover all Association files, minutes, books of account and other property pertaining to the office.
- 12.10 Any member in good standing shall have the right to inspect any minutes, documents record, book or account of the Association, after reasonable notice to the Board of Directors officer concerned and at a time or times mutually convenient.
- May 31, 2012**
- 12.11 The Association shall sponsor five (5) youth teams in the local Minor Athletic Associations or clubs in the house league division or equivalent: Three (3) teams from the S.M.A.A., preferably one (1) baseball team, one (1) football team and one (1) lacrosse team as long as they exist; one (1) team from the Sarnia Girls Soccer Club and one (1) team from the Sarnia Hockey Association.
- 12.12 The Association shall sponsor a Christmas party for the Children who are ten (10) years of age and under of all Active Members. Financial provisions shall be made by the Board of Directors not less than two (2) months prior to the event.
- 12.13 The Association shall host a suitable tribute during each year for all members. The Board of Directors shall make financial provisions not less than two (2) months prior to the event.
- 12.13.1 Such tribute shall be organized by the Board of Director's Social Committee and arrangements shall for the venue and associated activities shall be at the discretion of the social committee.
- 12.14 The Association shall, on retirement from the Service of an Active Member to pension or any resignation from the Force of an Active Member who has been a member for not less than seven (7) years, have suitable arrangements made for a fitting tribute. These arrangements are to be made by the Board of Directors.
- Sept. 22, 2016**
- 12.14.1 A fitting tribute for a member retiring to pension shall include a consecutively numbered Association Ring, or an alternate piece of jewelry chosen by the retiree at a cost no more than \$500.00, or a gift certificate to any business chosen by the retiree at a cost of \$500.00
- May 31, 2012**
- 12.15 The Association shall contribute one thousand dollars (\$1,000.00) per year to the Sarnia Police Pensioners Association to assist in offsetting expenses. This contribution shall be made at the Annual General Meeting and is subject to the availability of funds.

- May 31, 2012** 12.16 Deleted
- 12.17.1 Comfort of Members and Family
- 12.17.1 The Association shall send flowers or fruit-basket to any member or his/her spouse in the event of hospitalization. The Association shall send flowers in the case of death in a member's family.
- 12.17.2 In this section, member shall mean Active or Life members, and family shall include spouse, parent or child.
- 12.17.3 On November 11<sup>th</sup> each year, a wreath shall be placed at the Cenotaph in memory of deceased members who were members of the Armed Forces of the British Commonwealth.
- February 23, 2006** 12.17.4 On the last Sunday of September, the Association shall host a luncheon following the Sarnia Police Memorial Service. The Secretary shall contact the Service Pastor and make provisions not less than one (1) month prior to the event.
- February 23, 2006** 12.17.5 On the last Sunday in May in conjunction with the provincial police memorial service, the Association Treasurer shall arrange for a wreath to be placed at the gravesite of any/all Sarnia Police Association member(s) killed in the line of duty.
- 12.17.2 Bursary Fund
- 12.18.1 The Association shall maintain a fund known as the Bursary Fund.
- 12.18.2 Contributions to the Bursary Fund shall be derived from the monthly dues of each member in the amount of **ten dollars (\$10.00)** per month as well as from the proceeds of vending machines owned by the Association.  
Notwithstanding the foregoing, members may also direct that the proceeds from any fund raising event be deposited directly into the Bursary Fund.
- 12.18.3 A Committee composed of at least three (3) members, one of whom is a member of the Board of Directors, shall be appointed each year by the President.
- 12.18.4 The Treasurer shall have charge of the Bursary Fund Accounts and will handle investment of the available funds in accordance with Subsection 6.4.1, paragraph "B", of these by-laws.
- 12.18.5 The Treasurer shall deliver to the Board of Directors an itemized financial statement for the Bursary Fund in December of each year or at any other time on request of the Board. The Treasurer shall also present an itemized financial statement to the General Membership as part of his regular report at the Annual General Meeting.
- 12.18.6 The Bursary Fund Committee shall receive all applications for bursaries and the Committee shall direct the Treasurer to disperse bursaries to all eligible applicants in amounts hereinafter prescribed subject to the availability of funds. In the event of a shortfall the funds shall be dispersed proportionately. The Bursary Committee shall advise the Board of Directors of the number, the amount and the recipients of bursaries each year.
- 12.18.7 Each bursary shall be in the amount of fifty percent (50%) of the annual tuition charged to the student by the institution he/she is attending to a maximum amount

of one-thousand dollars (\$1,000.00) per year for a maximum of four years per dependent child.

- 12.18.8 In the event an applicant has the full university or college tuition paid through a scholarship or grant, he/she may apply for reimbursement towards the cost of textbooks. The entitlement shall be equal to fifty percent (50%) of the total cost to a maximum allowance of five hundred dollars. (\$500.00).
- 12.18.9 Applications shall be made in writing to the Bursary Fund Committee by August 31<sup>st</sup> of the appropriate year.
- 12.18.10 Bursaries shall be awarded when proof of registration or cost of textbooks is furnished by the successful applicant. Such proof shall include a statement as to the full amount required as tuition or a receipt showing the actual costs of textbooks needed by the institution.
- 12.18.11 Dependent children of all Active, Life or deceased members, who have been dues paying members of the Sarnia Police Association for a minimum of 2 years, are eligible to apply for bursaries when these children are enrolling in any year of a degree granting course in an accredited University or College as set out by the Association of Universities and Colleges of Canada or its equivalent.
- 12.18.12 All payments of bursaries shall be made to the qualified dependant of the member.
- 12.18.13 The total value of Bursaries awarded to a member's dependent children shall not exceed ten-thousand dollars (\$10,000.00).
- 12.19 The President or an appointee shall make all press releases, and no other member has the authorization to make releases about the Association.

Sept. 22, 2016

## *Article 13*

### Membership Discipline

- 13.1 Violations
- 13.1.1 A member maybe penalized for committing any one or more of the following violations;
- A. violations of any of the provisions of these by-laws or of the Collective Agreement;
  - B. advocating or attempting to bring about the withdrawal from the Association of any member or group of members;
  - C. instituting or urging or advocating that another member institute action outside the Association against the Association or any of its officers without first exhausting all remedies through the Association;
  - D. publishing or circulating false reports or misrepresentations among the membership;
  - E. furnishing a partial or complete list of the membership of the Association to any person not authorized to have such a list;

- F. using abusive language or behaving in a disorderly manner at any Association function;
- G. fraudulently receiving any monies due the Association or misappropriating any monies of the Association;
- H. entering or attempting to enter into any contract or purchase to attempt to purchase any property real or otherwise or obtaining or attempting to obtain any discount, gift of goods or services, or any other consideration from any person in the name of the Association, unless such activity is a function of his office or unless he has been duly authorized by the Board of Directors or a Membership Meeting to do so;
- I. willfully hindering any officer of the Association in the discharge of that officer's duties;
- J. willfully impeding the performance of the Association's legal or contractual obligations.

### 13.2 Penalties

- 13.2.1 A member found to be at fault in one or more violations may be cautioned or reprimanded, or may, for a specified period, be deprived of the right to attend any social functions arranged for the members, or be suspended from any social privileges which may be provided for in these by-laws or from the right to speak or vote at meetings of the Association, except in respect to any personal grievance he may have or charge he may face as provided for in Article 10.
- 13.2.2 Any Officer of the Association found at fault in one or more violations may be penalized as prescribed in subsection 13.2.1 and in addition or alternatively, may be removed from office.

### 13.3 Procedure

- 13.3.1 Any allegation against a member for any of the violations specified in section 13.1 must be submitted in writing to the Board of Directors and shall set out the particulars.
- 13.3.2 Where the allegation appears to warrant a trial, the Board of Directors may appoint a Trial Committee. The Trial Committee shall be comprised of three (3) members of the Board of Directors excluding any members directly or indirectly involved with the allegation.
- 13.3.3 The Trial Committee shall forthwith, after its appointment, cause a copy of the allegations together with full particulars thereof to be served by personal service on the member named in the allegation and on the member making the allegation, together with written notice of the time and place when a hearing will be held before the Trial Committee.
- 13.3.4 The hearing before the Trial Committee shall take place as soon as practicable after service of the notice of hearing, allowing interested parties reasonable opportunity for preparation.
- 13.3.5 The Chairman of the Trial Committee shall call and examine such witnesses as the Trial Committee deems fit. The member making the allegation and the member

named therein may each attend the hearing and may give such evidence and may call such witnesses and make such representations as each deems fit.

- 13.3.6 If a member who has been named in an allegation and who has been served notice fails to attend the hearing, the hearing may proceed in his absence.
- 13.3.7 The Trial Committee shall within ten (10) days after the Trial, prepare and submit to the Board of Directors, a written report of the Trial which shall contain;
  - A. a statement of the time and date of the hearing;
  - B. the text of the allegation or allegations;
  - C. a summary of the evidence of each witness;
  - D. a statement of the Committee's finding of fact and of fault or otherwise;
  - E. the Committee's recommendations for penalty, if any;
  - F. any statement deemed to be prudent and relevant to the facts as presented to the Committee.
- 13.3.8 On receipt of the Trial Committee's report, the Board of Directors shall cause a copy of it to be served on the member named in the allegation and on the member making the allegation, together in each case with a notice of the time and the place of the Board of Directors Meeting at which the report will be considered.
- 13.3.9 Consideration of the Trial Committee's report shall take place before the Board of Directors as soon after the Board of Directors has received the report as is practicable, taking into consideration the convenience of all concerned.
- 13.3.10 The member named in the allegation and the member making the allegation may each attend the Board of Directors Meeting at which the Trial Committee's report is considered.
- 13.3.11 The Board of Directors, after considering the report and any additional representations the member named in the allegation and the member making the allegation may make, shall take such action on the report as it deems may be proper and in the event the member named in the allegation is found at fault in the report, to any of the allegations made, shall impose such penalties as it may deem appropriate provided that such penalties are not greater than those recommended by the Trial Committee.

#### 13.4 Appeals

- 13.4.1 A member who has been found by the Board of Directors to be at fault in a violation may appeal the finding or any penalty imposed, or both, to a General Membership Meeting by filing a notice of appeal with the Secretary no later than fourteen (14) days after he receives a copy of the Board of Directors decision.
- 13.4.2 The hearing of an appeal shall take place at the next General Membership Meeting wherever possible, provided that the meeting is scheduled for a time at least fourteen (14) days after the notice of appeal is filed with the Secretary.
- 13.4.3 At the General Membership Meeting, the accused member may make such representations as he chooses in support of his appeal and a member of the Board may reply.

- 13.4.5 The General Membership Meeting may, by a simple majority of the votes cast, confirm or quash the decision and/or penalty but may not increase any penalty imposed.
- 13.4.6 The Association will not provide funding for any legal assistance in any matters relating to Article 13.

## ***Article 14***

### **Police Association of Ontario**

- 14.1 The Association shall become and remain a member association of the Police Association of Ontario. (Hereinafter called the P.A.O.)
- 14.2 The Association shall pay the P.A.O. the appropriate per capita tax of all its members.
- 14.3 The President , or in his unavoidable absence, the Vice President or designate, shall attend every meeting of the Executive Board of the P.A.O. Other Board members will be afforded the opportunity to attend on a rotating basis.
- 14.4 Delegates to the Annual General Meeting of the P.A.O. shall include the President and the Vice President and such other members as determined by the Board of Directors. The expenses allowed for each delegate for attendance at both the P.A.O. Executive Board Meeting and the Annual General Meeting of the P.A.O. shall be decided at a Board of Directors Meeting.
- 14.5 Board of Directors and P.A.O. delegates expenditures shall be governed by the distance of travel, and the ability of the Association to finance a delegation.

## ***Article 15***

### **Miscellaneous**

- 15.1 Any member wishing to use the Sarnia Police Association name, logo, or any other identifying mark indicating involvement of the Association with regard to any event or function shall first present the request to the Board for sanction and upon approval, a Board member will be assigned to assist in its execution.

## ***Article 16***

### **Award of Merit**

- 16.1 In accordance with the objectives of the Sarnia Police Association and in recognition of dedication and commitment to the people of Sarnia that far exceeds the everyday call to duty, the Sarnia Police Association shall award on an annual basis the Award of Merit and Certificate of Merit.
- 16.2 This award is intended to recognize conduct including, but not limited to bravery, community service, and outstanding work.
- 16.3 The “Award of Merit” shall be awarded to the member(s) who most demonstrates the qualities as described in 16.1.

- 16.4 “Certificate(s) of Merit” shall be awarded to members who demonstrate the qualities described in 16.1
- 16.5 An Awards committee shall be appointed by the President and shall be comprised of members of the Sarnia Police Association at least one of who shall be a member of the Sarnia Police Association Board of Directors.
- June 24, 2008** 16.6 The Award and Certificates shall be presented annually at the “Members Appreciation Night”.
- 16.7 Any person may nominate a member for the award.  
An Award of Merit Nomination Form shall be available to all members. Completed forms shall be forwarded to any member of the Board of Directors of the Association who shall in turn forward the form to a member of the Awards committee.
- 16.8 The committee shall consider the nomination and may conduct any investigation it deems necessary.
- 16.9 The committee shall present the nomination along with their recommendations to the Board of Directors who shall make a final determination.
- 16.10 The decision of the Board shall be final and may not be appealed to the body.

## ***Article 17***

### **Amendments**

- 17.1 Any General Membership Meeting may amend, repeal or re-enact the by-laws by a two-thirds (2/3) majority of the votes cast, subject to the required notice having been given as provided for in Section 17.2.
- 17.2 Notice of any proposed change or amendment to the by-laws shall be given to the Secretary in writing at least thirty (30) days before the meeting at which such change is to be voted on. The Secretary shall include such notice of proposed change in the notice calling the meeting.
- 17.3 Any amendment to these by-laws shall become effective on the date named in the amendment or if no date is specified, on the date it receives approval.

## ***Article 18***

### **Life Time Benefits**

- Sept. 22, 2016** 18.1 That the Sarnia Police Association Membership adopt a life time benefit program commencing at the age of 70 until the member is deceased, and that this program becomes in effect for all active full time employees of the Sarnia Police Service as of the 1<sup>st</sup> of January 2017 and thereafter.
- 18.2 That the lifetime benefit program will only be eligible for full time members who have attained a full unreduced pension.

- 18.3 That retired members and their spouse, as defined by the collective agreement in effect, are eligible to draw from the said dollar amount, which will be determined by the current collective agreement in effect.
- 18.4 That coverage shall include all eligible medical supplies, drugs, appliances and or devices as prescribed by the collective agreement in fore and by the benefit provider's information booklet.
- 18.5 That the coverage shall also include the purchase of Health Traveler's Insurance coverage and or any extended Health care policy.
- 18.6 That the Treasurer of the Sarnia Police Association shall be responsible for reimbursing all claims.
- 18.7 That the retiree and or spouse of the retiree will be responsible for purchasing their supplies upfront, and thus submitting the approved receipts to the Treasurer of the Sarnia Police Association.
- 18.8 That should any unforeseen crisis occur, where feasibility is no longer possible, the Sarnia Police Association would have the right to dismantle the program by way of a General Membership meeting.