

# **OAKLAND POLICE OFFICERS ASSOCIATION**

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## **BY-LAWS**

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## ARTICLE II- OBJECTS, PURPOSES AND OBJECTIVES

The purpose and objectives for which this Association is formed are to represent and act for its members in matters affecting or arising out of their employment relationships; to provide financial assistance to members in matters of common interest; to promote the collective welfare and protect the interests of all its members and their families; to relieve each of its individual members from the demands of charitable organizations seeking financial contributions; to improve the economic, social, civic status and well being of the members and their families; to achieve the purposes and objectives of this Association through legislation, legal and other appropriate means; to include any other purpose which would be beneficial to the collective membership of this Association.

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## ARTICLE III- MEMBERSHIP

**Section A)** Active membership to this Association is open to any person appointed to the Oakland Police Department as a full time, regularly salaried police officer, or police trainee, who after completion of the necessary application to the Association pays his dues and continues in good standing, and abides by all the by-laws of the Association. Membership shall be open and granted to all qualified persons regardless of race, color, creed, sex or national origin. Any such active member, who retires from the Oakland Police Department, may retain his member as a retired paying minimum dues as required by the laws of the State of California or other charges the Association as may be determined by the Board of Directors and may continue his insurance policies under the group life insurance program so long as the premiums for such insurance are collected, deducted, or paid to the Association.

**Section B)** A member in good standing is one whose dues are paid and who complies with the provisions of the By-Laws and the established policies of the Association.

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## ARTICLE IV- BOARD OF DIRECTORS

Powers, Duties, Membership, Responsibilities, and Compensation

### Section A) Powers and Duties

1. Subject to the limitations of the By-Laws and of the laws of the State of California, all powers and affairs of this Association shall be exercised by, be vested in, and performed under the authority and direction of the Board of Directors, which shall consist of fifteen (15) members. The fifteen members of the Board of Directors shall be elected and qualified as herein provided.
2. The Board of Directors shall be charged with the management of all business and affairs of the Association and the enforcement of the Association By-laws and its policies, the administration, and preservation of all its assets, funds, and properties whatsoever.
3. The Board of Directors is empowered to receive and collect all monies due to the Association from any source and to pay all lawful claims filed against the treasury, accounting for such receipts and disbursements through the proper offices subject to the provision of these By-laws herein provided; to manage all properties belonging to the Association; to employ persons to assist in such management as circumstances require, under such arrangements as may seem reasonable to safeguard the best interest of the Association by all proper lawful means.

### Section B) Membership

1. The Board of Directors of the Association shall be comprised of a total of the following:
  - 1 Captain
  - 1 Lieutenant
  - 3 Sergeants
  - 10 Police Officers

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2. Fifteen (15) permanent positions of persons elected to the Board of Directors will be numbered as follows and each person elected will have his position designated by number and stand for re-election by rank:
  - a) Position 1 through 10 by Police Officer
  - b) Position 11 through 13 by Sergeant
  - c) Position 14 by Lieutenant
  - d) Position 15 by Captain

## **Section C) Board Responsibility for Assets and Audits**

1. The Board of Directors shall hold in a trustee account, all funds, money, real or personal property, securities, books, accounts, papers, documents and all other matters belonging to the Association.
2. The Board of Directors shall at least once per annum at the close of the fiscal year, cause an audit to be made of all the business and transactions of the Association for the period by a Certified Public Accountant or Public Accountant, who shall have access to all the books, papers, accounts, records, funds and deposits of the Association for that purpose. The necessary cost of such audit shall be paid out of the funds of the Association and the complete report and results of such audit shall be submitted for approval at the first regular meeting in the third month after the audit period closes, a copy of which shall be given to each member of the Board of Directors.
3. A financial statement shall be posted and made available to the membership following the Board's approval of the annual audit.

## **Section D) Parliamentary Authority**

The Association shall have the most current edition of Robert's Rules of Order as its parliamentary authority. Except as may be otherwise provided by the By-laws or order special rules of order, all Association business and meeting shall be conducted in accordance with the parliamentary authority.

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## **ARTICLE V- BOARD OF DIRECTORS**

### **Meetings, Voting and Order of Business**

#### **Section A) Regular Meetings**

1. Regular meetings of the Board of Directors shall be held at least once each calendar month at a time and place to be designated by the President or in his absence, the Secretary. The membership of the Board shall be notified by the Secretary of such meeting at least five (5) days prior to such meetings. Notice shall be mailed to the last five known residence address of each member of the Board, and such notice shall also be placed in the Daily Police Bulletin five (5) days prior to such meeting.
2. The notice shall include the date, time and location thereof. An agenda shall be included in the notices mailed to members of the Board.

#### **Section B) Special Meetings**

1. Special meetings of the Board of Directors may be called by a majority of the Directors, by the President, or upon the written request of seventy-five (75) members of the Association, in good standing. Such written request shall be delivered to the President or the Secretary. The date, time and location shall be designated by the President or in his absence, the Secretary. The meeting must be held within fourteen (14) days.
2. Notification of such meetings, time, location and nature of business to be transacted at such meetings shall be placed in the Daily Police Bulletin at least three (3) days prior to such meetings by the Secretary. The Secretary shall also give notice to the Directors by the most expeditious means.
3. No other business, except that as stated in the notice shall be transacted at a special meeting.

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## **Section C) Emergency Meetings**

1. An emergency meeting of the Board of Directors may be called by an executive officer of the Association to deal with matters which, if not acted upon immediately, would jeopardize the well being of the Association of its membership.
2. The Secretary shall make every reasonable effort to notify each Director of any emergency meeting. The notification shall include date, time, location, and nature of business to be transacted at such meeting.
3. Prior to conducting any business on the issue, the justification for the call of an emergency meeting must be ratified by a majority vote on the Board members present. No business except that as stated in the notice shall be transacted at an emergency meeting.

## **Section D) Quorum Majority Needed**

1. A majority of the Board of Directors shall constitute a quorum for the transaction of all business at regular, special or emergency meetings

## **Section E) Voting**

1. A majority vote of the Board of Directors constituting a quorum shall be required to pass any motion or decide any issue unless otherwise specified by the By-laws.
2. Proxy voting is not authorized and such votes shall not be counted if cast.
3. The Secretary shall maintain an accurate written record of the nature of votes cast by roll call of each member of the Board of Directors on each ballot, unless such ballot was secret.

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## **Section F) General Membership Meetings**

1. A general membership meeting shall be called when appropriate by a majority vote of the Board. The general membership shall be notified of such meeting by the Secretary at least three (3) days prior to the meeting. Notice shall be placed in the Police Daily Bulletin of the date, time, location and subject matter to be discussed. No other business, except that as stated in the notice shall be transacted at a general membership meeting.

## **Section G) Overrule of Board of Directors by Membership**

1. Upon the written request of seventy-five (75) members of the Association in good standing, and delivered to an Executive Officer of the Association, a written ballot shall be prepared by the Secretary for the purpose of determining the propriety of action taken at any Board of Directors meeting held within the prior thirty (30) days of delivery of such written request.
2. The general balloting shall be completed within twenty-one (21) days of the receipt of such request.
3. A two-thirds (2/3) vote of those members voting shall be required to overrule the action of the Board of Directors.

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## ARTICLE VI- BOARD OF DIRECTORS

### **Qualification, Nomination, Election and Removal**

#### **Section A) Qualifications**

1. None but active members with a minimum of three (3) years employment as a member of the Oakland Police Department and in good standing with dues paid shall be eligible for election to the Board of Directors. No one but active members in good standing with dues paid shall be entitled to vote in any election.

#### **Section B) Election of Tenure of Office**

1. During each odd calendar year there shall be elected in the manner herein provided, eight (8) of the members of the Board of Directors, whose term of office shall be for two (2) years; and during each even calendar year there shall be elected seven (7) members of the Board of Directors whose term of office shall be for two (2) years. Directors holding odd numbered positions shall stand for election in the odd numbered years and Directors holding even numbered positions shall stand for election in the even numbered years.
2. In the event that any directorship becomes vacant between elections, notice of the vacancy shall be posted at least five (5) days prior to the next regular Board of Directors meeting. Nominations may be in writing by any member in good standing and temporarily by a majority vote of the Board of Directors present at the next regular Board meeting. The temporarily filled position shall stand for election at the next scheduled Board of Directors election whether or not that position's term has expired. If the position's term was not expired the person elected shall serve a one year term.
3. When a member of the Board of Directors receives a promotion higher than that designated for the position number he holds on the Board of Directors, he shall continue to serve until the next regularly scheduled Board of Directors election. At

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that time, his position shall be declared vacant, and the position will stand open for election. If the term of the position is unexpired, (i.e. odd position in an even year) the person elected shall serve one year.

4. In the event that one or more of the directorship position numbers 11 through 15 becomes vacant during the term of office or upon expiration of the term of office and a nomination for that rank is not made and accepted, then nominations for such vacant position shall be open progressively to the subordinate ranks in accordance with Article VI, Section B), paragraph 2, or Section C), as appropriate.

## **Section C) Nomination of Office**

1. The annual nomination of members for election to the Board of Directors shall be declared open at the November meeting of the Board of Directors and shall be declared closed at the December meeting; said meeting must be held at least fifteen (15) days apart.
2. All nominations shall be in writing and must be received by the Secretary before the opening of the regular December meeting. All nominations shall contain the following:
  - a) The name of the member nominated
  - b) Present rank and duty assignment of the member nominated
  - c) Position sought (e.g. police officer, sergeant, lieutenant and captain, and the position sought.
  - d) The signature of the member making the nomination
  - e) The signature of the member seconding the nomination

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## **Section D) Time of Election**

1. The annual election of members to the Board of Directors shall be held in December on a date to be fixed by the President, not less than ten (10) days; no more than three (3) weeks after the nominations are closed.
2. Such elections shall be held by means of a secret ballot. Candidates running for positions of the same rank shall run at large, and those receiving the largest number of votes shall be elected. In the event any of the positions are for one (1) year term, they shall be filled by the elected candidates receiving the lowest number of votes. (That is, if seven positions are open and one is a one year term, the seventh highest vote-getter would serve the one year term).

## **Section E) Removal from Board of Directors for Failure to Attend**

1. Any member of the Board of Directors who absents himself from two (2) or more successive regular meetings without reasonable cause or excuse as determined by the Board of Directors may be removed and his place declared vacant and then filled like any other vacancy on the Board of Directors. The validity of such cause or excuse shall be determined by a majority vote of the members of the Board of Directors present. Removal from the Board of Directors for failure to attend shall be by a majority vote of all members of the Board of Directors (eight affirmative votes).
2. Any member of the Board of Directors removed for failure to attend may appeal his removal in accordance with Article VI, Section F), paragraph 3.

## **Section F) Removal from Board of Directors for Cause**

1. Charges against any member of the Board of Directors may be filed in writing with the Board of Directors at any Board Meeting by a member of the Association in good standing. Said charges shall be referred to a special committee of five (5) members of the Board of Directors, three (3) to be selected by the President and

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two (2) by the Vice President. If the charges are made against the President, the Vice President shall be the one to select three (3) individuals of the committee. In such instance, the Secretary will then appoint the other two (2) members of the committee. If the charges are against the Vice President, the Secretary will then appoint the two (2) members of the committee in lieu of the Vice President. No member of the Board of Directors against whom charges are made will be a member of the committee.

2. A two-thirds (2/3) vote of the entire membership of the Board of Directors of the Association will be necessary to impose any action on a member found guilty of any wrongdoing.
3. The removed Director may request appeal to the Association within two (2) weeks from the vote of the Board of Directors, and if the association by a majority vote affirms the vote of the Board, the action of the Board shall stand as the vote of the Association. After such affirmation, such members' position on the Board of the Directors shall be declared vacant and filled like any other vacancy.

## **Section G) Removal from Board of Directors by Recall Vote General Membership**

1. Upon the written request of seventy-five (75) members of the Association in good standing and delivered to the President or the Secretary, the President or Vice President shall call a meeting of the general membership for the purpose of determining a recall of any Director. Such meeting shall be held within ten (10) days of the receipt of the request.
2. No other matters shall be brought before the general membership at such meetings.
3. The President shall preside at such meeting. When the President is the subject of such recall, then another officer or qualified Director shall preside.
4. The largest number of all votes cast of those members present shall determine recall.

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## ARTICLE VII- BOARD OF DIRECTORS

### **Voting Procedure, Election Committee and Ballot Counting**

#### **Section A) Ballot**

1. The Secretary shall prepare a ballot with the name of each person seeking election to the Board of Directors. The names shall be placed adjacent to the numbered position they are seeking. If more than one candidate seeks the same position, they shall be listed in alphabetical order. The word “incumbent” shall appear after the name of all incumbent directors. On the right side of said ballot and opposite each name there shall be laced a square, the size of which shall be proportionately large enough to enable a voter to place the usual cross (X) as a voting sign opposite the name of the candidate he desires to vote for.

#### **Section B) Election Committee**

1. At least five (5) days prior to the holding of any election, the President shall appoint an election committee consisting of not less than five (5) members of the Association who shall be charged with the duty of conducting said election and will act as tellers and judges. One of the five members shall be a member of the Board of Directors who shall be chairman of said committee. No candidate for any office shall be eligible to serve on the election committee.

#### **Section C) Mailing and Handling**

1. The ballot shall be placed in an unsealed plain envelope. Said ballot and unsealed plain envelope shall be placed in an unsealed ballot envelope which shall have a place on the reverse side for the member’s signature. The unsealed envelopes and ballot shall be placed in a larger envelope and delivered to each member entitled to vote at least ten (10) days prior to the date of the election. It shall be the duty of each member to make a cross (X) opposite the names of the candidates for which he desires to vote. Place the ballot in the plain envelope, seal it, enclose it in the ballot envelope, and then sign his/her name in the space provided on the back of

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the ballot envelope and place it in the ballot box. Ballot boxes shall be secured with a padlock and located in designated areas within the department.

## **Section D) Ballot and Tally**

1. At 8:00 AM on the date following the election, the polls will be closed. All ballots in the ballot box at 8:00 AM on that date shall be counted.
2. It shall be the duty of the election committee, no less than three (3) of them, to accompany the Secretary to the Department at 8:00 AM following the date of the election and open the ballot box, remove the envelopes there from, and transport them to a suitable place where they may be counted by the Committee. The election committee shall check each name and signature on the back of each envelope with the roster of eligible voters provided it by the Secretary. The approved envelopes shall be then opened and the ballots removed. No Ballots shall be counted until the envelopes have been removed from the presence of those conducting the election. Envelopes or ballots which do not conform will be held aside and handled as provided in paragraph three. The approved ballots shall be counted and handled as provided in paragraphs three and four.
3. The Election Committee will count the vote. They must first cancel all unused ballots by drawing an (X) in diagonal lines from corner to corner with ink or indelible pencil across the face of such unused ballots. They shall then seal up the unused ballots in an envelope and mark the same "unused ballots" and election held (date). They shall then gather the spoiled and disallowed ballots, count the number of each and seal them in an envelope in the same manner as the unused ballots and mark it "Spoiled and Disallowed Ballots," with the date of the election. A spoiled and disallowed ballot shall be a ballot where the voter has voted for more than the required number of candidates on his ballot, or has left any identifying mark of his or her ballot. The total number of ballots must agree with the total number of members who have vote, save only and excepting those whose ballots were spoiled and disallowed, or who may have returned unused ballots as herein before provided. The Committee will tally the ballots and prepare their report, which must contain the number of ballots which they received, the number of spoiled and disallowed ballots, the number of returned and unused ballots, and the number of votes cast. The Committee must then place the tallied ballots in an

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envelope, seal it in the same manner as the unused ballots, and mark it “Tallied Ballots,” with the date of the election. The Committee shall then complete their reports with the number of votes cast for each candidate printed or written on the ballot, certify the report, and deliver the original to the Secretary.

4. Any nominee receiving the greatest number of votes cast shall be duly elected as a Director for the term or until his successor is elected and qualifies. The results of the election shall be posted in the Police Department Daily Bulletin and remain there for three (3) days. Further, the Secretary shall prepare sufficient copies of election returns to be posted on the bulletin boards of the various divisions, sections and units of the Police Department.
5. In the event of a tie for a position on the Board of Directors, the Board of Directors shall resolve such ties and fill such vacancies by majority of the Board of Directors at a special meeting to be called five (5) days after the election.
6. All proceedings in connection with the election and the canvassing of the votes, with the exception of the voter marking his ballot, shall be open and in full view of any and all members who wish to attend, but no member shall interfere with the orderly conduct of such election.
7. After the completion of any election, all records and ballots of said election, and election supplies shall be returned to the Secretary, who must preserve the records and ballots of said election intact for sixty (6) days thereafter, and if there has been no contest, they must be destroyed on unopened.
8. If any nominee files a contest of the election results, a special meeting of the Association shall be called, at which the tallied ballots will be unsealed and recounted by judges and tellers appointed for that purpose, and the result of such recount shall be final.

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## ARTICLE VIII-OFFICERS

### Section A) Election of Officers

1. To properly carry out the responsibly, duties and functions of the Board of Directors, said members of the Board shall at the first regular meeting in January by the largest number of votes cast, elect from their own number a President, Vice President, Secretary, Treasurer, all of whom shall hold office at the pleasure of the Board.

### Section B) President's Duties

1. The President shall be the chief executive officer and shall preside at all meeting of the Association and the Board of Directors. He shall enforce a strict observance of these By-Laws and all other laws, rules and regulation applicable to the governing of the Association and the Board of Directors. He shall be empowered to designate committees and appoint membership thereto which are not otherwise provided for. He shall require all officers of the Association to diligently and faithfully perform their duties, and it shall be his duty to forthwith report to the Board of Directors and dereliction that may come to his notice. He shall announce the decision of the Association or his notice. He shall announce the decisions of the Association or the Board of Directors on all subjects. He shall sign checks, drafts and orders drawn on the treasury, along with the Treasurer, for monies and disbursements legally voted, and he shall also sign all other reports, certificates, documents or correspondence that may require his signature. He shall perform such other duties as the nature of his office or a majority of the Board may require. He shall have authority to appoint a Sergeant-at-Arms to preserve order whenever necessity requires. The President shall call meetings of the Board of Directors and the Association as provided by these by-laws. He shall annually appoint a parliamentarian from the Board of Directors who is not serving as an elected officer.

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## **Section C) Vice President's Duties**

1. In the absence or the inability of the President to act, all the powers and duties of that office shall devolve upon the Vice President. In the event of the absence or disability of both the President and the Vice President, the Board of Directors shall select a President pro-tempore from their membership, who while so acting, shall possess all the powers of that officer. The Vice President shall insure that committee reports are made on time. He shall provide direction for committees in cooperation with the chairmen. He shall insure that committee chairman submit financial reports in accordance with the by-laws.

## **Section D) Secretaries Duties**

1. The Secretary shall keep accurate and complete minutes of all meeting of the Association and the Board of Directors; he shall be responsible for the preparation and dissemination of all ballot measures; he shall maintain all records of the Association not specifically provided for; he shall perform such other duties as may be required of him by his office or by the Board of Directors; he shall submit all books, records, papers, documents, etc. in his possession or under his control to an authorized auditor whenever requested; he shall be the co-maker on checks, drafts, or orders of the Association with the President or Vice-President, when the Treasurer is absent or unavailable; he shall notify the general membership and the Board of Directors of all regular and special meetings of the Board and the Association.

## **Section E) Treasurer's Duties**

1. The Treasure shall keep true and accurate records on behalf of the Association, of any receipt and disbursements; he shall receive all monies due the Association from any source, and shall issue official receipts, serially numbered; he shall enter all such receipts in a cash book, showing the date, source, purpose, receipt number and the amount of each separate time, and shall post each such item in appropriate ledgers. He shall draw and sign all orders on the treasury for monies legally voted, and secure the necessary signatures to the same, hereinafter provided; he shall

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enter the date, serial number, name and address of the payee, purpose and amount of each disbursement made by him in a record kept for that purpose, and showing the cash and other assets of the Association in full. He shall render such other reports and perform such other duties as may be required of him by his office or the Board of Directors. Fifteen (15) days prior to the start of a pay period in which a salary increase is effective, the Treasurer shall notify in writing the City Finance Department of the increased dues to be deducted. He shall render a full and complete report to the Association when required by the Board of Directors. He shall submit all books, account, funds or equipment in his possession under his control to any authorized auditor or whenever requested. At the expiration or sooner termination of his tenure of office, he shall deliver to his successor all funds, monies, books, accounts, papers, documents, equipment or other matters belonging to the Association or to his office, and receive a receipt therefore a copy of which shall be filed with the Secretary.

## **Section F) Bonding of Officers**

1. Each officer of the Association as defined by these by-laws shall furnish a bond in the sum of not less than ten thousand dollars (\$10,000) in a reliable company acceptable to the Board of Directors, said bond to be payable to the Oakland Police Officers Association, and when said bond has been approved, the necessary charge therefore shall be paid out of the funds of the Association.

## **Section G) Resignation by Officer**

1. Any officer may resign from his office at any time by giving written notice to the Board of Directors of the President or Secretary of the Association and such shall be effective at the date of receipt or any later time specified in said notice. Acceptance of such resignation shall not be necessary.

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## ARTICLE IX- COMMITTEES

### Section A) Permanent Committees

1. The following permanent committees shall be established:
  - a. Salary and Fringe Benefit Committee
  - b. Grievance Committee
  - c. Budget Committee
  - d. Charities Committee
  - e. Insurance Committee (Board of Trustees)
  - f. Deferred Compensation Committee
2. The Chairman of these committees shall be appointed by the President. Committee members need not be members of the Board of Directors but their appointment to and removal from such committees is vesting in the committee chairman
3. Permanent Committee chairman shall serve for a term of one (1) year and may be reappointed for consecutive terms.
4. Permanent committee chairmen may be removed and relieved of all duties at the discretion of the President
  - a. Salary on Fringe Benefit Committee
    1. A Salary and Fringe Benefit committee shall be established for the purpose of researching, compiling, reporting and recommending to the Board of Directors on all matters dealing with salaries and fringe benefits
    2. The Committee shall be responsible for collecting and evaluating all data relative to salaries and fringe benefits necessary for meaningful negotiation with the City Administration.
  - b) Grievance Committee

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1. A Grievance Committee shall be established for the purpose of ascertaining all facts, received from any member, active or associate in good standing, relative to complaints dealing with rules or regulations governing personnel practices or working conditions, wages, hours, and other terms and conditions of employment.
2. The function of this committee is fact finding and it shall be privileged or required to make recommendations. Nor shall it have any power or duties other than those of investigation.
3. Any member, active or associate, in good standing with a complaint regarding matters subject to investigation by this committee shall submit in writing to the committee chairman a resume of his complaint.
4. This committee shall meet and report its findings in writing to the Board of Directors.
5. When any action is required as a result of the committee's report, it shall be taken by the Board of Directors in accordance with these by-laws.
6. Upon request of the complaining member, all sources of information and knowledge derived from such investigation shall be treated as confidential.

## c) Budget Committee

1. A Budget Committee shall be established for the purpose of preparing the budget for the fiscal year and shall submit its recommendation in writing to the Board of Directors for their approval no later than April 30<sup>th</sup>.
2. The Treasurer of the Association shall be the Chairman of this committee

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## d) Charities Committee

1. A Charities Committee shall be established to plan for, supervise, and administer all charitable functions of the Association.
2. Sub-committees may be established to administer specific events.
3. Sub-committee membership appointments shall be at the discretion of the Charities Committee Chairman.

## e) Insurance Committee (Board of Trustees)

1. An Insurance Committee (Board of Trustees) shall be established to plan for, supervise, and administer all insurance programs for the Association.
2. The Insurance Committee shall establish its own By-Laws which shall be subject to the approval of the Board of Directors.

## f) Deferred Compensation Committee

1. A Deferred Compensation Committee shall be established for the purpose of researching, compiling, reporting, and recommending to the Board of Directors on all matters dealing with deferred compensation programs and benefits.

## g) Special Committees

1. Committees may be established at the discretion of the Board of Directors.

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2. Special committees shall serve until assigned tasks are completed or until the committee is discharged. No special committee which has expended any monies shall be discharged until all debts contracted by it have been paid
3. Chairmanship and membership appointments shall be made in accordance with Section A), paragraph 2, 3, and 4 of this Article.

## h) Joint Committees

1. Whenever the best interests of the Association may be promoted thereby, members of the Board of Directors of any committee or other committee members may meet in joint session with any other like committee or members representing any other similar organization.

## i) Collection of Money

1. Any committee or member expending or collecting any money at the direction of, with the permission of the Association or the Board of Directors, shall render a full accounting thereof, in detail, to the Board of Directors. Such accounting shall be made on each separate occasion requiring it or whenever requested by the President, Treasurer, or Board of Directors.

## f) Written Reports

1. When directed by the President, committee reports shall be submitted by the committee chairman in writing to the President with a copy delivered to the Secretary.
2. The Secretary shall maintain a file of all committee reports
3. Upon the conclusion of a committee's assigned tasks a final written report shall be submitted.

# Oakland Police Officers Association

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## ARTICLE X- FUNDS

### Section A) General

1. Individual members of this Association shall have no beneficial right to the funds of this Association.
2. The Board of Directors may authorize the Treasurer to invest the funds of this Association in accordance with the laws of the State of California as follows:
  - a. Depositing cash in commercial and savings accounts in bank protected by the Federal Deposit Insurance Corporation.
  - b. Purchase of bonds of the United States of America, the State of California, any political sub-division of the State of California, or any public utility provided that such purchases are lawful investments under the laws of the State of California.
  - c. Depositing cash in any building and loan association doing business in the State of California provided that such deposits shall not exceed those amounts guaranteed under the provisions of any Federal law guaranteeing such deposits.
  - d. Depositing cash, purchasing shares, certificates of interest, or stock in any investment fund or open end diversified management company defined by the provisions of the Federal Investment Company Act of 1940 and subject to the laws of the State of California.
3. All withdrawals shall be by check, and shall be signed by two officers of the Association.
4. All expenditures in excess of \$10,000.00 shall be subject to the approval of the Association membership by a vote. A majority of all votes cast shall authorize the expenditure.

# Oakland Police Officers Association

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5. Expenditures in excess of \$500.00 and less than \$10,000.00 shall be subject to approval by a majority of the Board of Directors.
6. Expenditures of \$500.00 or less by the Officers of the Association may be made when necessary to carry out the business of the Association.
7. The Association may derive revenues from the interest or profit earned on its investment or profits from affairs sponsored by it and may also receive gifts, donations, bequests, legacies and/or other monies so long as such monies are intended for the general use and purposes of all members of the Association.

## **Section B) Legal Defense**

1. Funds may be expended for the purpose of providing sums for research, attorney and court costs expended on matters that will benefit the Association and for defense of individual members, who are the subject of any civil, criminal or departmental proceeding brought against them, arising out of an in the course and scope of their employment with the Oakland Police Department. To provide legal defense to individual members, this Association may join, or create, a legal defense fund or program. The Association's duty of fair representation shall be fulfilled through such legal defense fund or program, and each Association member must be a member of such fund or program to receive the benefits of a duty of fair representation.
2. The plan or program established or joined, shall be prepaid legal services, giving the member automatic immediate protection, as described above, without necessity of any further authorization by the association or its officers.
3. The Board of Directors shall determine which legal defense fund plan or program the Association shall join, remain in, or create.
4. Beyond the protection provided individual members, as described herein, legal defense costs may be expended, pursuant to authorization or ratification by the Board of Directors, to defend and further the legal rights and interests of the Association.

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## **Section C) Half Pay Account Fund**

1. A Half Pay Account Fund shall be established for the purpose of providing sums to any active member of the Association that is on “off duty” status because of sickness or off-duty injury for over sixty (60) days is placed on “half-pay” status by the City of Oakland. The fund shall be administered and funds dispersed in accordance with paragraphs 2, 3, 4, and 5 of this section.
2. The administrator shall receive each month a set sum, as approved by the Board of Directors, from each active member, regardless of rank or what dues such active member pays. This sum shall be deposited monthly in a separate bank account and identified as the Oakland Police Officers Association Half Pay Account Fund.
3. The Treasurer is authorized to pay to any active member, who qualifies under paragraph 1 of this section, the sum set each year by the Board of Directors at their January meeting. The highest paid police officer’s basic salary schedule shall be used in determining the amount paid. All payment shall be computed on a per diem basis, and no monies shall be paid to any member, regardless of rank, in excess of that amount set by the Board of Directors.
4. The administrator shall issue checks drawn on this fund and report on all dispersals and balance of the account for the preceding month at each regularly scheduled meeting of the Board of Directors.
5. Any member who has received monies from this fund and is subsequently reimbursed by the City of Oakland in any amount, whether it be partial or whole sums, shall refund to the Association that amount which he has received by the way of reimbursement from the City of Oakland. Such sums shall then be deposited to this fund by the Administrator.

## **Section D) Charities Fund**

1. A Charities Fund shall be established for the purpose of holding and disbursing all funds raised the Oakland Police Officers Association under a charities permit. All fund raising and disbursements made to and from this account will be in

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accordance with applicable local and state laws and with Articles X, Section A), paragraphs 1,2,3,4 and 5.

2. The salary of the above mentioned Executives officers be determined by the Board of Directors, and it shall be reviewed at the regular Board of Directors meeting in July of the odd numbered years to determine the need for a change in salary.

# Oakland Police Officers Association

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## ARTICLE XI- DUES

### Section A) Dues and Delinquencies

1. Dues shall be paid by all active and associate members of the Association. Retired members shall pay minimum dues as required by the laws of the State of California. The dues shall become due and payable on the 1<sup>st</sup> day of each month and each member of the Association shall sign a pledge card guaranteeing the payment of dues upon his acceptance as a member into the Association.
2. Any active, associate, or retired member, who is more than two (2) months in arrears in his dues, shall be automatically determined delinquent and not entitled to any privileges of the Association. Any delinquent member may reinstate himself to good standing in the Association upon the payment of all arrearages and provided that petition is made to the Board of Directors and that said Board of Directors by resolution allow re-admittance to membership upon payment of the delinquent account.
3. The monthly dues for members of this Association shall be one and one-half percent (1 ½%) of the top pay step for the rank of Police Officer. Not included in the basic monthly dues but collected on a monthly basis shall be the sum set forth under Section C of Article X, and such sum shall be considered as part of the monthly dues for purposes of delinquencies.

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## ARTICLE XII- MISCELLANEOUS

### **Section A) Association Information and Business**

1. No officer or member of the Association shall represent the Association or communicate in any manner any information concerning the Association or its members, or any business transacted or be transacted or considered by the Association, or any of this officers or committees, or give out anything for publication, or purport to bind the Association in any manner whatsoever, unless he be authorized to do so by the Board of Directors.

### **Section B) Contracts**

1. Any contracts entered into or cancelled on behalf of the Association must first receive the approval of the majority of the Board of Directors (eight members) and shall be signed and executed on behalf of the Association by the same persons authorized to sign checks on behalf of the Association.

### **Section C) Negotiations and Agreements**

1. Any M.O.U. regarding fringe benefits and/or working conditions which have been negotiated with representatives of the City of Oakland and approved by the Board of Directors of this Association shall be submitted to the general membership for approval and ratification.
2. The approval and ratification shall be by the largest number of all votes cast, which shall determine approval and acceptance.

### **Section D) Definitions**

1. Whenever in these By-Laws the word “member” is uses, it means an active member of this Association, unless it is preceded by another word describing a different status, whenever the word “membership” is used, it means the collective

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active membership describing a different status; whenever the phrase “majority vote” is used it means a majority of all lawful votes cast in excess of fifty percent (50%), unless it is preceded by another word describing a different status; whenever the phrase “two-thirds vote” is used, it means two-thirds (2/3) of all lawful votes cast, unless a different meaning is clearly indicated by the context; whenever any money value is used, it means in lawful money of the United States. The use of the singular number includes the plural, and the plural the singular; the masculine includes the feminine and vice-versa; the use of the present tense includes the future; “writing” includes printing and typewriting and all provisions are construed according to the fair import of their terms.

## **Section E) Balloting**

1. The Board of Directors shall, for all elections other than election of the Board, and as otherwise specified in the By-Laws prescribed the method of balloting to be used by the general membership.

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## ARTICLE XIII- AMENDMENTS

### **Section A) Approval by Board of Directors**

1. These By-Laws may be altered or amended by a written request from one or more active members or by direct request of a member of the Board. If approved by the majority of the Board of Directors, the Secretary shall post the proposed changes for a fifteen day period. After this period, the change will be submitted to a vote of the entire active membership. A two-third (2/3) majority of all active member votes cast is needed.

### **Section D) Resubmission**

1. Any suggested changes to thy By-Laws presented to the Board of Directors and rejected by them may be resubmitted by a petition signed by not less than seventy-five (75) active members in good standing and shall be thereupon submitted to a vote of the entire active membership after a fifteen (15) day posting period. A two-thirds (2/3) majority of all members votes cast is needed.

### **Section C) Record of Amendments, Deletions or New By-laws**

1. Whenever an amendment or new By-Law is adopted or repealed, the appropriate pages (s) reflecting the change will be printed and distributed to all active members. Each new adoption or fact of repeal shall be dated.