

Sun Coast Police Benevolent Association, INC.

Constitution

Bylaws

Policy

**AS REVISED ON JANUARY 1, 2010**

# **The Constitution of the Sun Coast Police Benevolent Association, INC (PBA)**

## **PREAMBLE**

WE, the members of the various law enforcement agencies and public employees in Pinellas County, Florida, the State of Florida, employed by the State of Florida, its political subdivisions and municipalities, do hereby associate ourselves for the following purpose:

To support and defend the Constitution of the United States and the State of Florida; to inculcate loyalty and foster the impartial enforcement of law and order; to improve the individual proficiency of our members in the performance of their duties; to encourage social and educational activities among our members; to create a tradition of esprit de corps, insuring fidelity to duty under all conditions and circumstances; to cultivate a spirit of mutual helpfulness among our membership and the people we serve; to increase the efficiency of public service and thus more firmly establish the citizen's confidence in the public service that is dedicated to the protection of their lives and property.

## **ARTICLE 1**

### **NAME, OBJECTIVE AND PURPOSES**

**Section 1.** This organization shall be known as the Sun Coast Police Benevolent Association, INC (PBA) and its offices and meeting places shall be in Pinellas County, Florida, unless otherwise authorized by the Board of Directors.

**Section 2.** The general objectives and purposes of this organization shall be to promote professionalism among law enforcement officers and public employees; to influence the youth of Florida in an effort to combat delinquency; to further Police-Community relations by informing the citizens of Florida of the day to day stress and problems of law enforcement officers; and to represent officers and other public employees in legal, labor, legislative, and political matters which affect the law enforcement profession and/or the interests and well being of the public employees.

**Section 3.** The PBA shall not participate in, or condone strikes or cessation of duties by law enforcement officers or law enforcement support personnel. The Association President shall have the right to immediately revoke the membership status of any such member who advocates a strike or work stoppage. An individual whose membership has been revoked pursuant to this provision may petition the Association Board of Directors to have membership reinstated; however, such reinstatement shall only occur after appearance before the Board of Directors and upon its approval of reinstatement.

## **ARTICLE II**

### **ORGANIZATION, MEMBERSHIP**

**Section 1.** The classes of membership in this Association shall be Active, Auxiliary, Honorary, Life, and Retired. The Bylaws of this Association shall provide for the appointment, regulation, conduct and rights of each class membership.

**Section 2.** All sworn and retired law enforcement officers and law enforcement support personnel employed by a Florida public employer, and retired public employees shall be eligible for membership in the PBA. Membership shall not be denied to any person based solely on sex, color, religion, age, nationality or creed.

**Section 3.** Any law enforcement officers or support personnel public employee who is recognized as a managerial or confidential employee, but who was a PBA member in good standing prior to becoming a managerial or confidential employee shall, so long as his/her understanding dues are current and remains a member in good standing, be entitled only to the Legal Defense Benefit as provided by the PBA. Law enforcement officers or support personnel public employees who are managerial or confidential employees shall not be eligible to hold elected office.

### **ARTICLE III**

#### **BOARD OF DIRECTORS, OFFICERS, AND EXECUTIVE BOARD**

**Section 1.** The Board of Directors shall be composed of the President, the Senior Vice President, Executive Senior Vice President, Secretary, and Treasurer and 1 Director for each complete 100 members, or portion thereof, per agency. In no event shall there be less than 10 elected Directors. The Board of Directors shall be the policy making body of the Association; it shall meet upon the call of the President or a majority of the members of the Executive Board but not less than once a month wherein a majority shall constitute a quorum. The Board shall have the power to make such regulations concerning the conduct and attendance of the membership, as they see fit. The Board shall have the power to make such regulations concerning the policies of the Association and to initiate and cease programs for the mutual benefit of the Association's members as it sees fit; the Board, by resolution, shall adopt the legislative program of the Association; the

Board shall set dues of the Association. The Board shall have the power to approve all expenditures and expenses of the Association, and the Executive Board shall submit to the Board of Directors on or before December 31 of each calendar year, a proposed budget which shall include the projected income of the Association and the projected expenditures of the Association, and upon approval by the Board of Directors of this annual budget, such expenditures and expenses that shall be incurred by the Association shall be considered approved in advance by the Board and the Association shall be allowed to spend such sums as have the said prior approval of the Board. The Board shall have the authority to remove from office any officer or director who fails to perform the duties of his office as described in the Constitution, or whose conduct would tend to bring discredit to the organization. No officer or director may be removed without receiving thirty (30) days advance notice in writing of the proposed action of the Board and such officer or director shall be given the opportunity to appear before the Board at a regular called meeting or a special meeting of the Board, to explain himself. An officer or director shall only be removed from office upon a vote of  $\frac{3}{4}$  of the Board in attendance.

**Section 2.** The Board of Directors may delegate any of its powers, authority, or responsibilities contained in Section 1 above to the Executive Board or the President.

**Section 3.** The Board of Directors shall be elected in the manner prescribed in the Bylaws and shall serve for a term of three (3) years beginning January 1.

**Section 4.** The President shall be the Chief Executive Officer of the Association and shall preside at all meetings of the Association; shall have the responsibility and authority of general management of the business of the Association; shall have the authority to enter into business or lease agreements, purchase equipment, to pay legitimate business expenditures of the Association necessary

for the business operations of the Association, not to exceed the approved annual budget unless otherwise approved by the Board of Directors, with the exception of attorneys fees which may from time to time exceed this limitation; shall execute all policies and resolutions of the Board of Directors; shall have the exclusive power to speak and act on behalf of the Association; when it is not feasible to call Board of Directors into session; shall have the authority to inquire into any action, activity or any affairs of the member which may be detrimental to the Association and recommend to the Board of Directors that corrective or disciplinary action be taken against the member involved; shall execute any and all contracts authorized by the Board of Directors or the Executive Board; shall appoint and assign all employees and attorneys of the organization, and shall fix their compensation, retirement and other benefits and approve their expenses; shall be empowered to grant such employees and attorneys binding employment contracts on behalf of the Association, with authorization of the Executive Board, not to exceed three (3) years; and shall have authority to fix the Board of Directors and the Executive Boards compensation and approve their expenses with the consent of the Board of Directors.

**Section 5.** The Bylaws of the Association shall prescribe the duties of the Senior Vice President, the Executive Vice President, the Treasurer, and the Secretary,

**Section 6.** The Association's President, Senior Vice President, Executive Vice President, Secretary and Treasurer shall be elected by the General Membership to a three (3) year term and shall be known as the Association's Executive Board which shall meet at least once a monthly. The Executive Board may exercise the emergency powers of the President should the President choose to call into session and relinquish those powers to it; the Executive Board may be called into session by the President or a majority of the Executive Board to act as the planning arm of the Association.

**Section 7.** The Immediate Past President shall convey to his/her successor any and all unfinished business of the Association and shall serve on the Board of Directors for one (1) year period. In no event shall such Immediate Past President have a vote on the Board of Directors, nor receive compensation for this service.

**Section 8.** Standing Committees on legislative, political action, constitution and bylaws, policies and finance may be appointed by the President, and prior to Board action shall report recommendations in their respective areas of responsibilities.

#### **Article IV**

#### **MEMBERSHIP IDENTIFICATION**

**Section 1.** The Florida Police Benevolent Association, Inc., in conjunction with the Sun Coast Police Benevolent Association, Inc. shall have sole authority to manufacture and distribute all membership cards, decals and emblems for the following classes of membership: Active, Honorary, Auxiliary, Life, and Retired, and to such other persons as the President deems appropriate.

#### **ARTICLE V**

#### **PARLIAMENTARY PROCEDURES AND AMENDMENTS**

**Section 2.** The Constitution, Bylaws and Policies of this Association may be amended by the Board of Directors of the Association at any meetings of that body, provided that at least ten (10) days notice of the proposed amendments(s) was provided to the general membership and the Board of Directors prior to consideration. Posting of the proposed amendments(s) on membership bulletin

boards shall satisfy this requirement. In order to be adopted, amendments must receive a two-thirds (2/3) vote of the officers and directors present and voting.

## **ARTICLE VI**

### **EXECUTIVE DIRECTOR**

**Section 1.** The President shall employ an Executive Director with the advice and consent of the Executive Board. The duties of the Executive Director shall be those determined by the President.



# The Bylaws of the Sun Coast Police Benevolent Association, INC (PBA)

## Article 1

### Membership

**Section 1.** The Board of Directors of this Association shall have the power to appoint individuals to active, honorary, auxiliary, life and retired membership.

**Section 2.** The classes of membership in this Association shall be as follows:

- A. Active Members** shall be those persons who are presently serving as full time employees as described in Section 2 of Article II of the constitution.
- B. Auxiliary Members** shall be those who hold part time positions in the same service as active members.
- C. Honorary Members** shall be those persons who are not eligible for active membership in the Association, and who have shown outstanding support for this Association and its members.
- D. Life Members** shall be those active individual or retired members of the Association who have earned the respect and admiration of the Association and its members. Life members of the Sun Coast P.B.A. may be appointed by the Board of Directors.
- E. Retired Members** shall be those persons who have honorably retired from law enforcement.

Dues for each class of membership shall be established by the Board of Directors, except that Honorary and Life Members of the Sun Coast P.B.A. shall not be required to pay dues.

**Section 3.** Petitioners for Active membership in this Association shall submit an application in writing to the Board of Directors. Applications will be accepted at all times during the year, but shall be acted upon at the monthly meeting of the Board of Directors, or if impractical, by telephone poll.

**Section 4.** The Board of Directors shall have the power to determine the eligibility of an applicant and shall have the power to approve or disapprove such application by two-thirds (2/3) vote.

**Section 5.** “Member in good standing” is hereby defined to be a member who has paid all his dues and assessments levied by the Association, or who is not more than forty-five (45) days in arrears of such payments. Any member more than forty-five (45) days in arrears shall have their membership automatically terminated.

**Section 6.** Any member whose membership is terminated as provided in Section 5 of this Article may be reinstated and restored to good standing by the payment of all past amounts due in addition to a \$15.00 delinquency fee. Any reinstatement must be approved by the Board of Directors.

**Section 7.** The Board of Directors shall have the power to fix the rate of dues membership at any regular meeting of the Association, providing ten (10) days notice that a dues change will be considered, is given by the Executive Board.

**Section 8.** Any member may withdraw as a member of the Association. Such withdrawal shall be in writing and addressed to the Board of Directors. Should a member be delinquent in the payment of his dues at the time of withdrawal shall affect the payment and collection of such delinquent dues.

**Section 9.** The Board of Directors may, by a two-thirds (2/3) vote, at any meeting of the Board of Directors, expel any member for cause, provided, however, said

member shall have been given ten (10) days written notice and allowed the opportunity of appearing before the Board of Directors at the its next meeting following notice.

**Section 10.** No person shall be denied membership in this Association because of sex, color, religion, age, nationality, or creed.

**Section 11.** Only Active members as described in Article II of the Constitution shall have the right to vote or hold office within the Association.

## Article II

### Duties of Officers

**Section 1. Secretary:** The Association Secretary shall maintain minutes of the Association meetings and ensure that all business records, other than financial records, are properly maintained by the Association. The Secretary will also ensure that documents are required to be filed with various governmental agencies are filled in a timely and proper fashion. The Secretary shall perform other duties as assigned by the Association President or as approved by the Board of Directors.

**Section 2. Treasurer:** The Treasurer shall be the Chief Financial Officer of the Association and of the corporation. He/She shall submit an annual balanced budget to the Board of Directors for approval; shall in conjunction with the President, establish the salaries for the Association's staff and Executive Director, shall be custodian of the Association funds and financial records; shall have the authority to invest the funds of the Association, with the advise and consent of the Executive Board, under the same restrictions as an Executor or Trustee under the laws of the State of Florida; shall submit the Association's financial records to Certified Public Accountant for an annual review or audit, shall make monthly financial reports to the Board of Directors; and shall ensure that financial documents required to be filed with various governmental agencies are filed in a

timely and proper fashion. The Treasurer shall perform other duties as assigned by the Association President or the Board of Directors.

**Section 3. Senior Vice President:** The Association Senior Vice President shall perform such duties as assigned by the President or as approved by the Board of Directors; shall assist the President in development of Association policies, programs and services, and shall temporarily succeed the President should there be a vacancy in that office as provided in Section 5, Article III of the Bylaws, until a successor to the President is elected.

**Section 4. Executive Vice President:** The Association Executive Vice President shall perform such duties related to development, assessment and administration of programs available to members as assigned by the President or as approved by the Board of Directors.

### Article III

#### Nomination and Election of Officers

**Section 1.** The officers of the Association as described in Article III of the Constitution shall be elected by the general membership to a three (3) year term beginning January 1.

**Section 2.** In order to be eligible for nomination to the Officers of Senior Vice President, Executive Vice President, Secretary or Treasurer, a member must have served on the Board of Directors as a representative for a period of twelve (12) consecutive months and must have served as a Director within the past thirty six (36) months of said nomination. In order to be eligible for nomination to the office of President, a member must (1) be a member of the Executive Board or (2) must be a current member of the Board of Directors and must have served thirty

(30) consecutive months as a member of the Board of Directors immediately prior to said nomination.

**Section 3.** The officers of the Association shall be elected for three (3) year terms of office.

**Section 4.** Resignations, in writing, shall be deemed to be accepted when received by the Association President. If resignations are submitted, orally, they become effective fifteen (15) days after the Association President confirms them in writing, if not withdrawn during that period.

**Section 5.** Should a vacancy occur in the office of President, it shall be filled by the Senior Vice President for the remainder of that term at which time an election shall be conducted and a new President elected.

**Section 6.** In the event of death, resignation, suspension, expulsion or for any reason, a vacancy occurs, except the office of President, such vacancy shall be filled by vote of the Board of Directors.

**Section 7.** Any officer of the Association or Board member of the Association who should fail to attend four (4) consecutive meetings of the Association without legitimate excuse shall forfeit his/her office and a vacancy shall be declared by the President, except when the officer is the President. Upon inaction of the proper officer to declare a vacancy due to unexcused absences any member of the Board of Directors may place a nomination to replace the vacancy, and it shall require the majority of the Board of Directors to replace the vacant office or Board member.

**Section 8.** Any Officer or Board member of this Association who should fail to remain in good standing for non-payment of dues, assessments or any other reason shall be immediately removed and replaced by the Board of Directors in accordance with the provisions of this Article.

**Section 9.** Members who are recognized as managerial or confidential employees or who are not a part of a certified bargaining unit, shall not be eligible to serve as

elected officers of the Executive Board. Any elected officer of the Executive Board who during his/her term of office is any time recognized as a managerial or confidential employee shall immediately tender his resignation to the President of the Association. At any time during the term of office of any elected office(er) of the Executive Board, except that of the President, whose certified bargaining unit is decertified shall complete the remainder of his/her term however not be eligible for re-election to serve as an officer of the Executive Board. In the case of the President, he shall immediately tender his resignation to the Board of Directors.

## Article IV

### Grievances and Discipline

**Section 1.** Any member, who has a grievance against another member of this Association, group of members of this Association, or the Association itself, shall file such grievance with the President. If the President is unable to resolve the grievance, the member shall present the grievance to the Board of Directors. The action of the Board of Directors with respect to the member's grievance shall be the final administrative remedy within the Association.

**Section 2.** In those instances where a President has initiated an inquiry into the activities or affairs of any member, the President may recommend to the Board of Directors that corrective or disciplinary action be taken against the member involved, if the President finds the action or activities to be detrimental to the Association. The member shall have a right to appear before the Board of Directors and contest the President's recommendation. The Board of Directors, by two-thirds (2/3) vote, may take whatever corrective or disciplinary action it deems appropriate under the circumstances including expulsion, imposition of a fine or placement of the member on probation.

## Article V

### The Florida Police Benevolent Association, INC (FLPBA)

**Section 1.** The Sun Coast PBA, as a chartered Association of the FLPBA, shall abide by the Constitution and Bylaws and policies of the FLPBA, and shall adopt no constitutional or bylaw provision or policy that is in conflict with those of the FLPBA and shall give maximum cooperation in carrying out the policies and programs of the FLPBA.

**Section 2.** A copy of the Association's Constitution, Bylaws and written policies along with any amendments thereto will be filed with the FLPBA.

## Article VI

### Political Activity

**Section 1.** The President, with the advice and consent of the Executive Board shall appoint a screening committee, as may be appropriate who shall screen and endorse candidates for municipal, county, and district offices.

**Section 2.** The Board of Directors will act on behalf of the general membership to screen and endorse candidates for municipal, county and district offices and announce the results to the general membership.

## Article VII

## Ladies Auxiliary

**Section 1.** The Board of Directors may, at its discretion, recognize a Ladies Auxiliary to the Association.

## Article VIII

### Legal Aid

**Section 1.** The Board of Directors shall have the power to appropriate monies to provide Legal Aid for any member of this Association, who in its opinion, has been falsely charged or for whom legal aid would be in the interest of the Law Enforcement profession.

Amended and Passed on this----- day of -----

The Policies of the Sun Coast Police Benevolent Association, INC (PBA)

Policy 2003-1

Publications



**Section 1.** IT SHALL be the policy of the PBA to publish a magazine or newsletter, quarterly, to be paid out of general operating account in an amount to be determined by the Board of Directors as part of the operating budget. The name of the publication shall be “The Informant”.

**Section 2.** Advertising space in the publication shall be sold at rates to be determined by the Executive Board.

Policy 2003-2

Employee Grievances

IT SHALL be the policy of the PBA, to allow any employee who has been employed by the Association for one (1) year or more to grieve discipline.

STEP 1- The Board of Directors shall be notified of the termination of any employee within 24 hours after said termination occurs.

STEP 2- The employee shall notify the Executive Board in writing within 72 hours of discipline notice that he/she desires to file a grievance objecting to the action. The grievance shall be specific as to facts. The Executive Board shall convene within 48 hours of written notification. The aggrieved employee shall come before the Executive Board to present his/her case and to answer questions. The Executive Board will respond in writing to the grievant within two (2) days.

STEP 3- The grievant may in writing notify the Board of Directors within two (2) days that he/she is not satisfied with the answer of the Executive Board. The Board of Directors will convene in special session within five (5) days to hear the grievance. At the conclusion of this special session, the Board, by a three-quarter (3/4) vote, may modify or overturn the action of the Executive Board. Any vote less than three-quarter (3/4) will mean the discipline stands.

Policy 2003-3

Prohibition of Membership

IT SHALL be the policy of the PBA, that any member, whose primary duty is the investigation of members for alleged conduct which could result in discipline to a member, is prohibited from serving as a member of the Board of Directors or as a member of the Executive Board this will apply to all members assigned to the Internal Affairs Division, Administrative Investigations or Office of Professional Standards of their respective agencies.

Policy 2003-4

Political Action Committee (PAC)

IT SHALL be the policy of the Board of Directors for the PBA to create a Political Action Committee (PAC) whose name and definition, purpose and powers, membership dues and contributions, description of officers with prescribed duties and functions, and dissolution procedures shall be governed by this policy and current State law.

### **Section 1. Name and Definition**

#### **A. Name**

1. The name of this organization is the Sun Coast PBA Political Actions Committee, hereinafter referred to as PAC.

#### **B. Definition**

2. The PAC is a voluntary, non-profit, unincorporated Political Action Committee of law enforcement officers, support personnel and others, and is not affiliated with any political party. The PAC is an independent, autonomous organization, and is not a branch or subsidiary of any other political action committee.

### **Section 2. Purposes and Powers of the PAC**

#### **A. Purposes**

1. To encourage and support the election of qualified, informed, and worthy candidates for public office; and thereby provide an effective means of participation in the electoral process, and to promote government and strive for improvement of government by encouraging Law Enforcement Officers, support personnel and others to take a more active and effective role in governmental affairs.
2. To encourage Law Enforcement Officers, support personnel and others to know and understand the natures and actions of their government; the important political, social and economic issues of the day; and the records and attitudes of public office holders and candidates for public office in connection with those issues.

3. To assist Law Enforcement Officers, support personnel and others in organizing themselves for more effective political actions, so they may more intelligently and effectively carry out their civic, social and economic responsibilities.
4. To cooperate with other political committees and others, having similar purposes and interests, and to make contributions thereto.
5. To provide funds for the purposes of the PAC and to provide the opportunity for those interested in the purposes of the PAC to contribute funds to the PAC for the use in accomplishing its purpose.

#### B. Powers

1. To solicit directly or indirectly, and to accept voluntary contributions from sources permitted by law.
2. To make expenditures in connection with the attempt to influence the selection, nomination, or elections of any individual to any political or public office, and to make contributions to, and cooperate with the political committees and others having purposes and interests similar to this PAC. However, no expenditures shall be made in support of or opposition to any specific issues unless there is a created a Committee of Continuing Existence as required by law and this committee undertakes all of the practices and procedures.
3. Officers shall possess and may exercise all lawful powers and privileges set forth in this policy and current State law or incidental thereto, together with all lawful powers and privileges necessary or convenient to the conduct, promotion, or attainment of the purposes of the PAC, as described under Section II-A of this policy.

### **Section 3.** Membership Dues, Contributions, and Expenditures

#### A. Membership

1. Membership shall be voluntary and available to any Law Enforcement Officer or support personnel affiliated with the PBA, his or her spouse, members of his or her immediate family, or any employee of the PBA, regardless of race, color, national origin, gender, marital status, sexual orientation or handicap.

#### B. Dues

1. Dues to the PAC shall be set by the Executive Board and approved by the majority of the Board of Directors for the PBA. Dues to the PAC shall be accounted for and kept in a separate (restricted) account under the name established in Section I-A.
2. Contribution to the PAC shall be in the amount of one dollar (\$1.00) per member per month from the dues or assessments paid to the PBA.
3. All members of the PBA shall be notified annually (through the "Informant" publication or other means), of the established dues amount contributed to the PAC. Those members desiring not to contribute must notify the PBA in writing and will be deleted from the membership of PAC. The established dues amount that would normally be contributed to the PAC shall remain in the General Fund (operating account) of the PBA.
4. Any member of PAC, including the Executive Board and Board of Directors for the PBA shall be entitled to review any records, deposit(s) , or disbursement(s) or financial reports(s) associated with the operation of PAC.

#### C. Contributions and Disbursements

1. Contributions or membership dues to the PAC, and disbursements from the PAC shall be approved by the officers of the PAC as described under Section IV-A of this policy in compliance with the purposes as described under Section I-A, and the powers as described under Section II-B, and the general duties and functions as described under Section V-D-1.

2. All disbursements from the restricted PAC account shall be in the check form and require two separate signatures from the Executive Director and/or the officers of PAC.

**Section 4. Officers of the PAC**

- A. The officers of the PAC shall consist of a Chairman, Secretary, and Treasurer. The position of the Chairman of the PAC shall be held by the current President of the PBA. The position of Treasurer of the PAC shall be held by the current Treasurer of the PBA. Should a vacancy occur due to death or resignation of an officer said vacancy shall be filled using procedures established in the Constitution and Bylaws.
- B. The position of Secretary and Treasurer of the PAC may be held by the same person.
- C. An officer of the PAC may be removed by the same procedures established for removal from office by the Constitution and Bylaws of the PBA.
- D.

**Section 5. Duties ad Functions of Officers (PAC)**

- A. Chairman
  1. The Chairman is the official head of the PAC and shall preside at any and all meetings of the officers. The Chairman shall present an annual report to the Board of Directors for the PBA of the status of the PAC. The Chairman shall perform such duties as are necessary to ensure the proper operation of the PAC and the provisions of this policy are adhered to.
- B. Secretary
  1. The Secretary shall maintain correct and complete recordings of the activities of the PAC, which shall include the minutes of any meetings of the officers of PAC. The Secretary shall perform such other duties and functions as directed by the Chairman of the PAC.

C. Treasurer

1. The Treasurer shall be the custodian of the funds of the PAC; shall keep full and accurate accounts of the finances of the PAC; to include all dues collected and disbursements by the PAC; and shall file all reports as required by current State law. The Treasurer shall audit the PAC account on an annual basis by December of each year, and shall present a financial report to the Board of Directors of the PBA in January of the New Year. The Treasurer shall perform other such duties and functions as directed by the Chairman of the PAC.

D. General Duties and Functions of the Officers of the PAC

1. The officers of the PAC (Chairman, Secretary, and Treasurer) shall have general supervision over the affairs, activities, and funds of the PAC; and shall carry out the current policy or those that may be established by the Board of Directors for the PBA.

**Section VI.** Dissolution of the PAC

- A. The PAC may be dissolved at any time by a two-thirds (2/3) vote of the Board of Directors for the PBA.
- B. Upon dissolution of the PAC, all assets of the PAC shall be distributed to the general fund (operating account) of the PBA.
- C. No individual PAC member, officer, private individual, or individual Director of the PBA shall be entitled to any share of the distribution of the assets of the PAC upon such dissolution.



## Representation under Florida PBA Legal Defense Benefit

IT SHALL be the policy of the PBA to require every member wishing representation provided by the Florida PBA Legal Defense Benefit or the Sun Coast Police Benevolent Association Legal Defense Benefit to contact the PBA office and make a verbal request for an appointment with the Attorney. Once the request is reduced to writing, evaluated, and approved for coverage, the PBA will notify the Attorney and the member. After which, the member may contact the Attorney for an appointment concerning the covered legal matter.

### Policy 2003-6

#### Internal Affairs Representation

**Section 1.** IT SHALL be the policy of the PBA to aid its members by providing assistance in every cause in which the member has been determined by the PBA, unjustly or harshly aggrieved, disciplined or dismissed.

**Section 2.** IT SHALL not be the policy of the PBA to provide assistance to any member who, as determined by the PBA, has been justly and fairly treated in matters of grievance, discipline, or dismissal.

**Section 3.** IT SHALL be the policy of the PBA to require every member who is subject of a complaint and being investigated by their department, to notify a representative of the PBA who shall be present at all times during such investigation or interview.

#### **Section 4.**

**Definition:** The term legal assistance and representation as used herein applies to processing contract grievances, representing members at administrative disciplinary hearings and certain judicial actions on behalf of members.

**Background:** The association desires to provide fair legal assistance and representation for all members; however, there exists no absolute right for anyone to receive extraordinary aid or legal assistance. In establishing this policy, the Board of Directors recognizes that members are entitled to know when legal assistance and representation can be expected and how extensive that aid will be. It is further recognized that the Association does have a duty to members to make sure that all procedural protections are safeguarded. Thus, whether legal assistance is provided or not, members retain the privilege of being assisted by the PBA at any and all administrative interrogational hearings.

**Guidelines:** A member is entitled to assistance only when the matter arises out of the scope of his/her employment (wages, hours and conditions of employment) or where his/her off-duty conduct has resulted or could result in discipline.

Section 5. In order to be fair and impartial to every member who might be in need of assistance, certain rules must be observed, which will be:

- A. The member shall notify the Executive Director of the PBA immediately upon having knowledge of possible need for assistance.

Any unreasonable delay in notifying the Sun Coast PBA will disqualify the member for legal assistance and/or representation as defined.

- B. The member shall make any request for assistance to the PBA Executive Director, as the President's designee.
- C. The Executive Director shall have the power to investigate the situation, by means he feels necessary, and to make the initial decision as to whether to provide assistance or not.
- D. The decision of the Executive Director shall be immediately conveyed to the President, who shall decide to provide assistance or not, and who shall consult with the Executive Board before committing the PBA to representation beyond the initial grievance process as provided in the members collective bargaining agreement or the Sheriff's civil service procedures.
- E. If the member is denied assistance, he shall be immediately notified by the Executive Director and he may appeal to the President and the Executive Board.
- F. If, after appearing before the President and the Executive Board, the member is still denied assistance, he may appeal directly to the Board of Directors, and appear at the next regularly scheduled meeting of the Board of Directors to present his appeal. The decision of the Board of Directors will be final and binding on the member and PBA.
- G. In the event the member is denied assistance as provided in paragraph D of this Policy, nevertheless, the Executive Director shall process the members grievance for the limited purpose of preserving the time limits as provided in the members collective bargaining agreement or the Sheriff's civil service procedures.
- H. Should the member who requests and receives representation at an investigation fail to follow the advice provided by the PBA representative, it shall be cause for the denial of representation.
- I. Deception or misrepresentation in any matter that concerns the PBA or assist the PBA shall void any ongoing legal assistance and/or representation or any future assistance in that matter, and shall be cause for charges leading to expulsion from the PBA.

- J. The member must accept the Association attorney if the Association is to pay; unless the acquisition of outside legal assistance is approved.
- K. Legal assistance will not usually extend to the appellate level; only the administrative and trial level will be covered.

### **POLICY 2003-7**

#### **AUTHORITY TO SIGN CHECKS**

IT SHALL be the policy of the PBA that the Executive Board and the Executive Director shall have the authority to sign all checks for disbursement of funds.

### **POLICY 2003-9**

#### **APPLICATIONS FOR MEMBERSHIP**

**Section 1.** IT SHALL be the policy of the PBA to accept applications in writing for membership for all new applicants as well as those from prior members of the organization without prejudice.

**Section 2.** These applications will be voted on at the regular monthly meeting of the Board of Directors, or if impractical to do so, by telephone and shall be accepted unless the application is questioned by any member of the Board of Directors or by a member in good standing.

**Section 3.** In such cases where the application is questioned, the applicant will be sent a letter advising him/her that there has been a question raised in regard to the application, and that they are required to appear in front of the Board of Directors to answer these questions. Failure to appear is automatic denial.

**POLICY 2003-10**

**FULL TIME REPRESENTATIVES**

IT SHALL be the policy of the PBA that in the best interest of the organization, representatives of the officers and public employees of the various agencies shall be required to be members in good standing and full time officers of the unit they represent.

**POLICY 2003-11**

**INTENT TO RUN FOR PBA OFFICE**

**Section 1.** IT SHALL be the policy of the PBA that those members filing the “Intent to Run” form for nomination as a representative, have ten (10) signatures from PBA members in good standing of the agency they desire to represent. Agencies with less than twenty PBA members shall be required to have one-half

(1/2) of the total PBA members signatures, the remaining signatures coming from the current Board of Directors.

**Section 2.** Those members eligible to run for any of the Executive Board (President, Senior Vice President, Executive Vice President, Secretary and Treasurer) will file the “Intent to Run” form for nomination requiring ten (10) signatures from current PBA Board of Directors to include the Executive Board. In any event, no qualified person shall seek the election to more than one office during any election cycle.

## **POLICY 2003-12**

### **SUN COAST PBA, INC POLITICAL CANDIDATE SCREENING**

#### **PROCEDURE**

IT SHALL be the policy of the PBA, that the following procedure be followed for all screenings of political candidates:

1. All participants of the PBA Political Screening Committee (PSC) shall be according to procedure as set forth in Article VI of the current association Bylaws.
2. Each political candidate will be interviewed for 30 minutes.
3. There will be ten (10) questions established by the PSC for each political candidate prior to the screening process. The questions may be submitted to the political candidates prior to their

scheduled screening to permit time for them to prepare. The political candidates for each office being sought will be asked the same ten (10) questions as other political candidates seeking the same office.

4. Each political candidate will have five (5) minutes for an opening statement, two (2) minutes to respond to each question, and five (5) minutes for summation.
5. If time permits, spontaneous questions will be presented in a professional manner, not construed to be embarrassing or argumentative to the political candidate.
6. There will be a ten (10) minute recess between political candidates.
7. With the exception of special circumstances, the PSC will conduct ALL political screenings at the office of the PBA, unless authorized otherwise by the President.
8. All members of the PSC will represent the Association in a professional manner, wearing the appropriate attire (coat, tie).

### **POLICY 2003-13**

### **BOARD OF DIRECTORS' MEETING**

**Section1.** IT SHALL be the policy of the PBA, that the Board of Directors will conduct their under the guidelines of Robert's Rules of Order (Revised) as modified from time to time by a two-third (2/3) vote of the Board of Directors.

**Section 2.** All members in good standing (dues paid and not under any disciplinary action from the Board of Directors) shall have the right and opportunity to speak at any Board of Directors' meeting, subject to the following provisions:

1. The President shall determine the allotted time based on the issue and the number of speakers. In no case will the allotted time be less than three (3) minutes per person.
2. If the issue is of an importance that there are more than five (5) speakers on the issue, the President may call a Special Meeting to address the issue(s).
3. The Board of Directors, by majority vote, may extend the time of any speaker.
4. A member may address any issue or concern.

### **POLICY 2003-14**

#### **PBA ELECTIONS**

IT SHALL BE the policy of the PBA that the following procedure be used when conducting elections for the open the Executive Board and the Board of Directors:

#### **I. ELECTION PROCEDURES**

- A. Notice of the upcoming PBA elections will be posted on the PBA bulletin boards on September 1<sup>st</sup> of each election year. No qualified person shall seek election to more than one office during any election cycle.
- B. All intent to run forms shall be completed and received at the Sun Coast PBA office, by 4:00 P.M., October 1, of the election year.



- C. On or before October 10<sup>th</sup> of the election year a memorandum shall be posted on all PBA bulletin boards, which shall contain the names of all qualified candidates running for election to the Executive Board and the Board of Directors.
- D. On November 1 of the election year a ballot will be sent to each eligible member of the Sun Coast PBA in good standing with a stamped, return envelope to the specified independent auditor of election.
- E. All ballots must be received in the auditor's office by 4:00 P.M., November 15 of the election year. If November 15 falls on a Saturday or Sunday, then the Monday following that date will be the designated date when the ballots must be received.
- F. The auditor will count the votes on the 16<sup>th</sup> of November or the day after the receipt date designated in E above.
- G. The independent auditor will deliver the results to the President of the Sun Coast PBA on the designated date of November immediately after he counts the votes.

## 9. STAGGERED ELECTIONS

The Board of Directors shall be elected as follows (Only Departments with more than one representative shall have staggered elections): Initially:

1. If the department has two (2) representatives, the person with the most votes will be elected for a three (3) year term; the person with the second most votes will be elected for a two (2) year term. (This term will be a three (3) year term there after).
2. If the department has three (3) representatives, the two (2) persons with the most votes will be elected for a three (3) year term; the third person with the most votes will be elected for a two (2) year term. Thereafter, the two (2) year term will be expanded to a three (3) year term.

3. If the department has four representatives, the two persons with the most votes will be elected for a three (3) year term; the third and fourth persons with the most votes will be elected for a two (2) year term. Thereafter, all terms of less than three (3) years as stated above will be elected for three (3) years.

### **POLICY 2003-15**

#### **EQUAL EMPLOYMENT OPPORTUNITY**

IT SHALL BE the policy of the PBA to foster, maintain, and promote equal employment opportunity. The Association will select candidates for employment on the basis of candidates' qualifications for the job and treat them with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to sex, race, color, religion or national origin, age and sexual orientation. Equality in such opportunities continues to be the basic policy of the Association.

### **POLICY 2003-16**

#### **SEXUAL HARASSMENT**

**Section 1.** IT SHALL be the policy of the PBA to insure that all employees are able to enjoy a work environment free from all forms of discrimination, including sexual harassment. Employees who have experienced sexual harassment shall

have the right to file complaints with the Executive Board and have those complaints properly investigated. Employees who are found guilty of sexually harassing other employees shall be subject to appropriate sanctions, depending on the circumstances. Those sanctions may range from counseling up to and including termination.

**Section 2.** Sexual harassment consists of unsolicited, offensive behavior involving sexual overtures or conduct, either verbal or physical. It does not refer to occasional comments of a socially acceptable nature; it refers to behavior that is not welcome, that is personally offensive, that lowers the morale and, therefore interferes with the work environment. As explained in EEOC guidelines;

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term of the individual's employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive environment.

**Section 3.** Members who engage in sexual harassment of employees are subject to termination by the PBA, if found guilty of the complaint.

**POLICY 2003-17**

**RETIRED OFFICERS**

IT SHALL be the policy of the PBA, to have a Retired Officers Association.

**Section 1.** This group shall be made up of retired law enforcement officers, including detention deputies and support personnel.

**Section 2.** This group shall not have any arrest powers.

**Section 3.** They shall enjoy the rights and benefits listed below.

**Section 4.** As retired officer(s) they shall not have the right to vote on any issues that effect active members or collective bargaining issues.

**Section 5.** Retired officers shall be elected by their members as provided in Policy 2003-14 and shall be members of the Board of Directors.

**Section 6.** The dies of retired officers shall be set by the Board of Directors.

**Section 7.** Before a retired person can be admitted as a member, he must first present to the Executive Board verification that he/she has retired from a law enforcement agency.

### **SCHEDULE OF BENEFITS**

1. Salary Replacement Insurance (\$10,000.00 cap)
2. Legal Defense Benefit (to cover last three years of employment).
3. Dental Plan
4. Invitation to the Christmas Party at same cost as active members.
5. Newsletter.
6. Cellular Phone Service

## **POLICY 2003-18**

### **MILITARY DUTY CALL BACK**

**Section 1.** IT SHALL BE the policy of the PBA that those members of the Association serving with the military reserve or national guard, who are involuntarily called back to active duty in the military or national guard for a period of time in excess of sixty (60) days, shall be carried as an inactive member of the Association which is in compliance with Policy 1-96 of the Florida PBA. Such individual's dues shall be waived during the period of active duty.

**Section 2.** It shall be the responsibility of the member to notify the Association of the call-back to active military or national guard duty and the anticipated length of service. Upon return to his/her former duties, the member's dues shall commence at the beginning of the month following the individual's return to his/her former duties.

**Section 3.** The PBA will pay the basic dues of those PBA members while on active duty status.

## **POLICY 2003-19**

### **COMMUNICATIONS WITH THE MEDIA**

IT SHALL be the policy of the PBA that:

1. The President of the Association or his designee will approve any and all communications with the print or electronic media.
2. Before such approval can be given, the Association President or his designee shall be fully apprised of the media inquiry leading to the communication and shall be fully briefed as to the purpose of the media inquiry.
3. Once approval is given, the media seeking the inquiry may be contacted and a comment made within the parameters as established.
4. There shall be no “off the record” communications with the media.
5. No member of the Association, unless authorized, shall communicate to the media concerning the activities or statements of the Association.
6. Should any Association member or employee violate this policy, the member may be subject to expulsion from the Association by the Board of Directors in accordance with the Association Constitution and Bylaws and policies in effect, and the employee subject to discipline by the President.

## **POLICY 2003-20**

### **BOARD OF DIRECTORS MEMBERSHIP**

**Section 1.** IT SHALL be the policy of the PBA, that there is at least one(1) member of the Board of Directors from each agency.

**Section 2.** The decision as to the number of Board seats available in those agencies over 100 members shall be based on the membership count as of August 15 of each year.

## **POLICY 2003-21**

### **TRAVEL**

PBA members and employees may travel on PBA business. This policy establishes applicable guidelines for travel expenses that are intended to allow members and employees to travel in reasonable comfort, and violation of this policy could result in certain travel expenses being absorbed as personal obligations.

1. Members and employees must obtain advanced authorization from the President or his designee before incurring any travel expenses. For trips outside the Tampa Bay metropolitan area (Pinellas, Hillsborough, Pasco, and Manatee counties), which will involve an expense beyond mileage reimbursement. When travel is authorized, air flights, lodging accommodations, rental cars, meals, and entertainment shall not inure to the personal benefit of any member.
2. Motel room, meals and entertainment, shall be limited to necessary and reasonable expenses and which are directly related to the meeting being attended, and shall be further limited to the member or employees only, unless prior approval has been obtained from the President or his designee.
3. Should the member or employee stay at the lodging accommodation before or after the meeting for which approval has been granted, he/she will personally be responsible to pay for any and all expenses thereby incurred.
4. When a member or employee uses his/her personal vehicle, he/she will be reimbursed at the rate of .40 cents per mile or an amount to be determined by the President based on the most direct route from his/her home to his/her ultimate destination.

**POLICY 2003-22**

**DEATH BENEFIT**

1. IT SHALL be the policy of the PBA that in the event a full time employed law enforcement officer, detention deputy or support personnel who is a member in good standing in the PBA should die, \$7,500.00 shall be paid to his/her beneficiary.
2. The foregoing payment is contingent upon (a) the beneficiary being designated in writing at the PBA office and (b) in the event of a suicide, the deceased had been a member in good standing for a period of 24 consecutive months prior to his/her death, beginning on the date the member's application for membership was approved by the Board of Directors.

**AMENDED AND PASSED (~~FAILED~~) ON THIS 30<sup>TH</sup> DAY OF March 2010.**

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**MARK MARLAND – PRESIDENT**

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**SCOTT BROKEW - SECRETARY**