

CONSTITUTION

BY-LAWS

F.O.P.

MICHAEL G. LUTZ LODGE NO. 5,
FRATERNAL ORDER OF POLICE.

Organized May 17, 1939
By-Laws Revised March 23, 2021

John J. McNesby
President

John Hoyt
Recording Secretary

BY-LAWS COMMITTEE

Charles Marsden
Chairman

Mark Bates
Co-Chairman

Francis Barclay
Barbara Blackford
Scott Bradley
Pamela Canada
Shawn Carey
Karen Cotton
Mario Cruz
Kevin Devlin
Rita Devlin
Joseph Edwards

Joseph Ewald
Joseph Hayes
Kenyatta Lee
John Massi Jr.
Charles Mclemore
David Novak
Frederick Pigliacelli
Joseph Schrank
Thomas Whiteley

TABLE OF CONTENTS

Official Statement.....	1
Preamble.....	2
By-Laws.....	3
ARTICLE	
I Name and Seal.....	3
II Board of Directors.....	3
III Officers.....	6
IV Duties of Officers.....	6
V Committees.....	10
VI General Body Meetings.....	11
VII Membership.....	12
VII Initiations Fees, Dues, Fines, & Assessments.....	14
IX Membership Standing.....	16
X Nominations and Elections.....	17
XI Resignations.....	22
XII Grievances.....	22
XIII Amendment and Revision.....	23
XIV Law and Order.....	24
XV Legal Aid.....	24
XVI Benefits.....	25
XVII Memorial Service.....	27
XVII Associate Membership.....	27
XIX Ladies' Auxiliaries.....	28

OFFICIAL STATEMENT

GRAND LODGE, FRATERNAL ORDER OF POLICE

The Fraternal Order of Police is a non-profit corporation formed under the laws of the Commonwealth of Pennsylvania. The Court of Common Pleas of Allegheny County, Pennsylvania entered the Decree of Incorporation on the 17th day of November 1915. The original Articles were recorded on the 18th day of November 1915 in the office of the Recorder of Deeds of Allegheny County, Pennsylvania, in Charter Book Volume 49, Page 350. Pursuant to the provisions of the laws of Pennsylvania, application to the Court of Common Pleas of Allegheny County, Pennsylvania, to amend the original charter was duly made on the first day of June 1940. On the 8th day of June 1940, in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania.

The Constitution as set forth herein, was adopted November 18, 1915, and amended at official Annual convention subsequently held, including the First Annual Convention held at Pittsburgh, October 15, 1917, and the 28th annual convention held at Indianapolis, Indiana, August 11, 1947.

At the First Annual Convention a Grand Lodge of the Fraternal Order of Police was founded and by proper action said Grand Lodge was authorized and empowered to use the corporate name of the fraternal Order of Police and to exercise and perform all corporate rights, privileges, powers, and franchises of the Fraternal Order of Police.

The By-Laws prior to August 11, 1947, were included in the constitution. By-Laws adopted at 28th Annual Convention, August 11, 1947. Constitution and By-Laws as amended and adopted, respectively, in full force and effect.

The Grand Lodge and Pennsylvania Lodge Constitution and By-Laws are hereby made a part of the Constitution and By-Laws of Philadelphia lodge No. 5.

PREAMBLE

Whereas: We the members of PHILADELPHIA LODGE NO. 5 , declaring that this Lodge is not a union and that it is not and cannot be, affiliated either directly or indirectly with any labor union, federation, congress, committee or organization of workmen, and that we shall not strike or by concerted action cause a cessation of the performance of police duties; recognizing the moral, intellectual, social and economic benefits ensuring to police officers and their families from our association and incorporation within the FRATERNAL ORDER OF POLICE; stiving to cultivate the mutual friendships of fraternity and desiring to foster and encourage the highest degree of skill, efficiency, discipline and loyalty among the police officers and sheriff deputies of Philadelphia, do hereby agree to be governed by the following:

CONSTITUTION AND BY-LAWS OF MICHAEL G. LUTZ LODGE NO. 5,
FRATERNAL ORDER OF POLICE.

ARTICLE 1.
NAME AND SEAL

NAME

Section 1. The of this association shall be MICHAEL G. LUTZ
LODGE NO. 5, FRATERNAL ORDER OF POLICE. (BY-LAW CHANGE
JANUARY 2, 2007)

SEAL

Section 2. The seal shall consist of the chart or emblem
of the Fraternal Order of Police.

ARTICLE 11.
BOARD OF DIRECTIORS

RESPONSIBILITY

Section 1. The entire legislative, executive and judicial
government of this Lodge shall be vested in the Board of
Directors, which shall conduct the business and affairs of
the Lodge between meetings of the General Body to which it
shall regularly report for approval of its actions.

MEMBERS

Section 2. The Board of Directors shall consist of the
President, the Immediate Past
President, four (4) Vice Presidents, a Recording
Secretary, Financial Secretary, Treasurer, five (5)
Trustees, Conductor, Chaplain, two (2) Guards and
Directors from each of the Districts or Units, said Units
or Districts having twenty-five (25) or less members shall
be entitled to one (1) Director. Those Units having more
than twenty-five (25) shall be entitled to one (1)

Director for the first twenty-five (25) members or a major portion thereof. But no Unit or District shall be entitled to more than four (4) Directors. Said District or units to be recognized by the Police Department, Sheriff's Office, and District Attorney's Office or Philadelphia Fraternal Order of Police Lodge NO.5.

In those Units or Districts, who operate on a platoon system and who are entitled to (4) Directors, shall regulate and conduct their elections so that each platoon has equal representation.

FILLING VACANCIES

Section 3. The Board of Directors shall have power to fill by nomination and election at any meeting, regular or special, by the majority vote of its membership, any and all vacancies which may occur by reason of death, resignation, disability, failure to qualify, recall, suspension, expulsion or transfer among its own membership, or among any of the subordinate officers, committees, employees or agents elected or appointed by the Board. The person thus elected to such vacancy shall hold office for the remainder of the unexpired term thus filled. There shall be one exception, that being in the case of Conference Delegate in which this section does not apply.

Vacancies of Conference Delegates shall be filled by Alternates that were elected to a (3) three-year term. They shall fill in the order of most votes received by the Alternate at that election.

If for any reason, due to an emergency, a duly elected delegate is unable to attend the Nation Conference in the first year of his/her term the reason shall be presented to the members at a General Membership meeting before the date of the National Conference, if possible, but no later than the second General membership meeting following the National conference. After hearing the reason, the membership shall determine if an emergency existed at the time. If the membership finds that an emergency did exist, the duly elected delegate will be eligible to attend the State Conference the following year. If the membership finds that no emergency existed at the time the duly elected delegate failed to attend the National Conference, that delegate will be disqualified from attending the State conference the following year.

The Alternate who replaces the duly elected delegate at the National Conference, shall revert to his/her original position on the Alternates list at the close of the National Conference. Any Delegate vacancies that occur at the time of the State Conference

shall be filled by the Alternates in the order in which they appear on the Alternates list.

APPOINTMENT OF EMPLOYEES AND AGENTS

Section 4. The Board of Directors shall have the power to appoint all agents and employees of the Lodge who, except as may be by lawful contract, shall serve only with the approval and consent and solely during the pleasure of the Board. It shall fix and determine the salaries, duties and compensation of all officers, agents, and employees, and shall have power, except as herein provided, to increase or diminish the same at its pleasure.

Section 5. The Board of Directors shall not, at any time, issue or sell any certificates of stock in the Lodge. No dividends shall be paid directly or indirectly to any member of the Board, nor shall the members of the Board be entitled directly or indirectly to any member of the Board, nor shall the members of the Board be entitled directly or indirectly to any portion of the earnings or income of the Lodge derived through increment of value on its property, or otherwise incidentally made, except under the decree of the proper court upon dissolution.

MEETINGS OF THE BOARD OF DIRECTORS

Section 6. The Board of Directors shall meet on the 4th Tuesday of each month at 7 o'clock P.M. and at such other times as the Board, or its Executive Board, may determine. A quorum of twenty-five (25) of its members shall be necessary for the transaction of business.

EXECUTIVE BOARD

Section 7. There shall be an Executive Board of the Board of Directors composed of the President, as Chairperson, one or more of the Vice-Presidents, as Vice Chairperson, the Recording Secretary, the Financial Secretary, the Treasurer, five (5) Trustees, the Conductor, the Chaplain and two (2) Guards, and the Past President, which shall conduct the business and affairs of the Lodge between meetings of the Board of Directors to which it shall regularly report for approval or rejection of its actions.

Section 8. Any member of the Executive Board or Board of Directors who is absent from six (6) consecutive General, Executive or Board of Directors meetings, or combination thereof without just cause, shall be replaced by the Board of Directors.

ARTICLE 111.

OFFICERS

Section 1. The Officers of this Lodge shall consist of the President, four (4) Vice-Presidents, the Recording Secretary, the Financial Secretary, the Treasurer, five (5) Trustees, The Conductor, the Chaplain, and 6vo (2) Guards, all of whom shall be active members of this lodge in good standing.

ARTICLE 1 v.

DUTIES OF OFFICERS

PRESIDENTS 'S DUTIES

Section 1. The President shall preside at all meetings of the Lodge, of the Board of Directors and its Executive Board, at which he/she shall enforce order and a strict compliance with these By-Laws and such rules and regulations as may be adopted in pursuance thereof. While occupying the Chair he/she shall not participate in debate without consent of the majority of the members present. He/she shall nominate and, by and with the advice and consent of the Executive Board, may appoint the Chairpersons and members of all standings and special committees, and shall serve as an ex-officer member thereof. He/she shall, with the Recording Secretary, sign all contracts and other official documents authorized by the Board of Directors, or its Executive Board, for this Lodge. He/she shall, with the Treasurer and the Financial Secretary, sign all orders on the treasury or other depository for the disbursement of Lodge funds. He/she shall give bond to the Lodge for the faithful discharge of his/her duties in such manner and amount as may be determined by the Board of directors.

IMMEDIATE PAST PRESIDENT 'S DUTIES

Section 2. The Immediate Past President shall advise and assist the President and the Board of Directors at their request and shall execute such assignments as may be ordered by the Board of Directors.

VICE-PRESIDENT 'S DUTIES

Section 3. At the regular three (3) year Election four (4) Vice-Presidents shall be elected.

The one receiving the highest amount of votes shall hold office of the First Vice President, second highest shall hold office of the Second Vice-President, third highest shall hold office of the Third Vice-President, fourth highest shall hold office of the Fourth Vice-President.

In the absence of the President, the duties of the President shall be performed by the highest-ranking Vice-President available at the time. It being understood the highest ranking is the First Vice-President, second highest is the Second Vice-President, third highest is the Third Vice-President, and the fourth highest is the Fourth Vice-President.

RECORDING SECRETARY'S DUTIES

Section 4. The Recording Secretary shall have general custody of the seal and all books, documents, papers and records of the Lodge, not otherwise entrusted, temporarily or permanently, to other officers or to standing or special committees. He/she shall take and transcribe the minutes of all the meetings of the Lodge, of the Board of Directors and its Executive Board, and shall submit the same for approval or amendment at the next meeting thereof. When so required, he/she shall give due notice of all such meetings and shall conduct the general correspondence of the Lodge. He/she shall, with the President, attest and seal all duly authorized and approved contacts of the Lodge and keep copies thereof in his/her files. At the expiration of his/her term of once, he/she shall deliver to his/her successor the seal and all books and papers in his/her possession.

FINANCIAL SECRETARY'S DUTIES

Section 5. The Financial Secretary shall have general charge of all the financial records of the Lodge, including all books, cards, leaves and papers showing the payment or nonpayment by members of dues, fees and assessments. All items of income and expenditure shall first be presented to him/her for record upon the books, journals and records of the Lodge.

At the close of each meeting, he/she shall announce and deliver to the Treasurer the total amount of his/her receipts. At the first meeting of each quarter in January, April, July and October of each year, he/she shall submit a report on the number of members in good standing and of those, if any, who may be in arrears. The Financial Secretary shall notify by mail all members of their arrearages.

All dues, fines, fees and assessments shall be paid to the Financial Secretary and no member shall be entitled to receive a membership card until such amounts are paid in

full. From the money paid by delinquent members, if any, the Financial Secretary shall first deduct the several amounts which may be due for fees, fines and assessments, if any, and shall credit the dues amount of the member with the remainder.

His/her books shall be open for inspection at all reasonable hours by the trustees and members of the Executive Board of the Board of Directors. He/she shall give bond to the Lodge for the faithful performance of his/her duties in such manner and amount as may be fixed by the board of Directors.

TREASURER ' S DUTIES

Section 6. The Treasurer shall have, general charge of all the dues, fees, fines assessments, and monetary earnings of the Lodge and, together with the President and the Financial Secretary, shall deposit and maintain all such funds in a bank accounts, in the name of "PHILADELPHIA LODGE NO.5, FRATERNAL ORDER OF POLICE".

He/she shall have power, when countersigned by the President and the Financial Secretary, to draw, write and issue checks, drafts and money orders for the withdrawal of Lodge funds there from, for the prompt payment of all lawful obligations of this Lodge which have been approved by the Board of Directors, or its Executive Board.

He/she shall keep accurate records of all receipts and disbursements which shall be available at all times for examination by the Trustees or by the members of the Executive Board. He/she shall render a report of the financial condition of the Lodge at each meeting of the Board of Directors and a similar report semi-annually to the members of the Lodge.

He/she shall retain in his/her possession in a locked steel cash box designated as "PETIY CASH," a sum of money, not exceeding Fifty Dollars (\$50.00) of the general find, which shall be used to defray all incidental and miscellaneous current expenses and, in connection therewith, he/she shall keep accurate records of all disbursements there from and additions thereto. He/she shall also have general custody of all bonds and other securities in which Lodge funds may be from time to time invested and shall keep the same in a safe deposit box in the name of this Lodge.

At the expiration of his/her term of office, he/she shall deliver to his/her successor all money and securities, books and records in his/her possession. He/she shall give bond for the faithful discharge of his/her duties to the Lodge, in such manner and amount as may be fixed by the Board of Directors.

TRUSTEE'S DUTIES

Section 7. The Trustees, five (5) in numbers, shall constitute the general auditing committee of the Lodge. They shall conduct a voucher system, whereby the authenticity of all bills shall be verified by a majority of the Trustees as being correct and having been properly authorized; whereby all bills Ten Dollars (\$ 10.00) or over shall be verified as having been authorized by a majority of the Appropriation Committee. The President, Treasurer and Financial Secretary shall be governed by the voucher system in the **signing** of checks for withdrawals from the Lodge Treasury.

The Trustees shall from time to time examine the bank books and all other contacts, documents, ledgers and papers pertaining to the business and property of the Lodge. They shall conduct an audit once every year under the supervision of a Certified Public Accountant and shall receive quarterly reports on receipts and disbursements and report thereon to the Lodge. They shall also perform such other duties as the Board of Directors, or its Executive Board, may assign to them.

The Trustees shall elect one of their own members as Chairperson of the Trustees.

CONDUCTOR'S DUTIES

Section 8. The Conductor shall receive the password, as to ascertain that all persons present are entitled to remain, and report thereon to the President. He/she shall conduct all candidates through the initiation ceremony and introduce them to the members of the Lodge. He/she shall perform such other duties as the President may assign to him/her.

GUARD'S DUTIES

Section 9. The Guards two (2) shall attend the doors and permit entrance to no person who is not properly qualified by the membership, unless otherwise ordered by the President to admit guests. They shall see that every Active Member upon admittance shall sign the register, except at special meetings. They shall also aid the Conductor in the performance of such duties as the President may require.

COMPENSATION

Section 10, If any member is compelled to relinquish his/her regular employment in the performance of Lodge business, which has the approval of the Board of Directors, he/she shall receive his/her expenses and a compensation not less than his/her regular salary.

ARTICLE V. COMMITTEES

Section 1. There shall be standing committees, as follows:

Legislation and Public Relations	House and Rules
By-Laws and Resolutions	Membership
Appropriation	Ways & Means
Entertainment	Election
Grievance	Publications
Welfare	Legal Aid
Pensioner Affairs	

Section 2. No proposal for Lodge action shall come upon the floor for debate or vote until it has first been referred to and reported from an appropriate committee, unless a majority of the members present shall agree to immediate consideration thereof, Every committee must report either affirmatively or negatively on all matters referred for consideration within one (1) month from the date of such reference, otherwise the committee shall be deemed to have been discharged from further consideration. Any committee may also be discharged by a majority vote of the Board of Directors.

ITEM FOR PUBLICATION

Section 3. No member of the Lodge shall print, publish, record, televise, broadcast, transmit or cause to be printed, published, recorded, televised, broadcast⁴ or electronically transmitted any item concerning the affairs of the Lodge without said item first having been favorably recommended by the Legislation and Public Relations Committee.

ARTICLE VI. GENEML BODY MEETINGS

MEETINGS OF GENERAL BODY

Section 1. The stated meetings of the General Body of the Lodge shall be held at least once each month on the second Tuesday thereof during the months from September to

August at 7 O'clock P.M., promptly in the Headquarters of the Lodge, except that there shall be no meeting during the week of a national or state conference. Fifty (50) members shall constitute a quorum necessary for the transaction of business. Special meetings shall be called by the President on the advice of the Executive Board, or on the written application of no fewer than Twenty-five (25) members. No intoxicating liquors are to be sold at any time on the premises of the lodge; nor be dispensed or consumed before or during the meetings. At the opening of every meeting an American Flag is to be displayed.

ORDER OF BUSINESS

Section 2. At all meetings of the Lodge and of the Board of Directors, the order of business shall be as follows:

- (a) National Anthem or Pledge of Allegiance to the U.S. Flag
- (b) Password taken up by the Conductor.
- (c) The members led in prayer by the Lodge Chaplain
- (d) Retirement of new members to ante-room for initiation.
- (e) Reading of the minutes of previous meeting
- (f) Reports of Officers
- (g) Reports of Committees
- (h) Elections
- (i) Unfinished and deferred business
- (j) **Bills**
- (k) Communications
- (l) New Business
- (m) Good of the Order
- (n) Adjournment

This order may be changed by majority vote of the members present.

REGISTER

Section 3. At all regular meetings of the Lodge a Register shall be kept by the Guards of those members who are present. Members shall sign the Register in ink in their own handwriting. At the close of the meeting the Guard or Guards shall sign their name last, directly under the signature of the last member and return the register to the custody of the Recording Secretary.

ARTICLE VII
MEMBERSHIP

CLASSES OF MEMBERSHIP

Section 1. There shall be two (2) classes of membership in the Lodge, as follows: Active and Honorary. In the selection of candidates for membership regard shall be had primarily to the character and integrity of applicants, and thereafter to such specific ability and qualifications as are best calculated to advance the interest, promote the objects, and carry out the purposes for which this Lodge is ordained and established.

Race, Creed or Sex shall not be a bar to membership herein, but no person may be a member except an American citizen of full legal age.

ACTIVE MEMBERS

Section 2. Active members must be police officers or deputy sheriffs on active duty, regularly employed by or in the City of Philadelphia, whose salaries are paid from public funds. An active member in good standing who retires from active duty for the purpose of going on pension, or elects to freeze his/her pension, may retain all of active membership.

Active members who are dismissed from service and are not appealing such dismissal, or who leave the police department or sheriff's office for any other purpose than going on pension, except those members who may be placed in other positions in the City's service as a result of being injured in the line of duty and those active members who transfer to the district attorney's office, all others shall automatically forfeit their membership.

HONORARY MEMBERSHIP

Section 3. Honorary membership is to consist of regularly appointed police officers who withdraw from active membership after retirement.

Honorary membership can be bestowed, by action of the general membership, upon any citizen who has performed outstanding deeds toward authoring the ideas of the police profession.

LIFE MEMBERSHIP

Section 4. Past Presidents, who have served at least one term and have not been expelled from office, and members with fifty (50) years of membership shall be presented with paid up life membership gold card bearing the inscription of their name and term of office or membership. Past Presidents or life members, who remain in good standing, shall receive all benefits and privileges of the Lodge.

APPLICATION FOR MEMBERSHIP

Section 5. Applications for membership of this Lodge shall be proposed in writing on forms prescribed by the Board of Directors, signed by an active member in good standing who shall act as sponsor. The applications shall be referred to a standing membership committee, which shall conduct an investigation of the applicant's qualifications during which it may summon to appear before it both the applicant and the sponsor.

Upon completion of its inquiry, the said committee shall render a report to the Board of Directors, together with a recommendation of acceptance or rejection. Should any applicant for membership be rejected by said committee, an appeal from such recommendation may be taken in writing by either the applicant or the sponsor, to the Board of Directors within ten (10) days from receipt of notice of the Committee's action.

The decision of the Board shall be final and no new application for Active membership shall be received until after the expiration of six (6) months from the date of such rejection.

ARTICLE VIII. INITIATION FEES, DUES, FINES AND ASSESSMENTS INITIATION FEES

Section 1. The initiation fee for active membership shall be once months dues in advance and in full to all applicants, with the exception of newly sworn members of the police department, or sheriff's department to whom the fee shall be one hundred dollars (\$ 100.00) provided they make application for membership within a period of nine (9) months from the date of their appointment. The monies collected from initiation fees shall be deposited

in the Fraternal of Police Lodge No. 5 Survivors Fund. The initiation fee along with a signed authorization card allowing that due be deducted from their pay must accompany all applications.

The Board of Directors shall have the power by a two-thirds (2/3) vote to open the charter at a reduced initiation fee whenever they see fit.

ACTIVE MEMBERS DUES

Section 2. (a) The dues of active members on active duty shall be one (1 %) of the base pay of a Police Officer's step 5, per annum, payable in advance in full or at the rate of one twenty-sixth (1/26) per month of the total amount due. members shall pay all per capita fees and assessments of the Pennsylvania State Lodge of the Fraternal Order of Police, and the National Lodge of the Fraternal Order of Police. (Change 6-14-20110

(b) The dues of active members, who have retired from active service after becoming eligible to receive or freeze a police pension, beginning on January 1, 2000 and ending on June 30, 2011, shall be one half(1/2) of one percent (1%) of the base pay of Patrol Officer's Step 2 with twenty (20) years of service, per annum (according to their retirement date), payable in advance in full or at the rate of one twelfth (1/12) per month of the total amount due. These members shall pay all per capita fees and assessments of the Pennsylvania State lodge of the Fraternal Order of Police, and the National Lodge of the Fraternal of Police.

The dues of active members, who have retired from active service after becoming eligible to receive or freeze a police pension, beginning on July 1, 2011 shall be one half (1/2) of one percent (1%) of the base pay of Police Officer's Step 5 with twenty (20) years of service, per annum (according to their retirement date), payable in advance in full or at the rate of one twelfth (1/12) per month of the total amount due. These members shall pay

all per capita fees and assessments of the Pennsylvania State lodge of the Fraternal Order of Police, and the National Lodge of the Fraternal of Police.

(c) The dues of active members, who have retired from active service after becoming eligible to receive or freeze a police pension, prior to January 1, 2000, shall be forty-eight dollars (\$48.00) or twenty-four dollars (\$24.00) per annum (according to their retirement date), payable in advance in full or at the rate of one twelfth (1/12) per month of the total amount due. These members shall pay all per capita fees and assessments of the Pennsylvania State Lodge of the Fraternal Order of Police, and the National Lodge of the Fraternal of Police.

(d) Active members, who have retired from active service to receive pensions and are members, on a limited basis, prior to January I, 2000, shall continue to pay dues in the amount of six dollars (\$6.00) per annum, payable in advance at the rate of fifty cents (\$.50) per month. These members shall pay all per capita fees and assesments of the Pennsylvania State Lodge of the Fraternal Order of Police, and the National Lodge of the Fraternal of Police.

FINES

Section 3. Pursuant to law, no fine for any one offense shall exceed the sum of twenty dollars (\$20.00).

ASSESSMENTS

Section 4. No assessment for any purpose shall be levied by the Board of Directors without the consent of a majority vote at a special meeting held pursuant to a notice.

DISTRBUTION OF FUNDS

Section 5. Twenty percent (20%) of all income of monies to Philadelphia Lodge No.5, Fraternal Order of Police, shall be set aside in a separate account of the Death Beneficiary Fund not exceed \$10,000.00 of the Death Benefits paid for the ensuring year; five percent (5%) shall be set aside for the Philadelphia Home Association in a separate account; and the remaining seventy-five percent (75%) shall be set aside in a separate fund to be used for General Operating Expenses of the Lodge.

OF

ARTICLE IX.
MEMBERSHIP STANDING

DEFINITION OF ACTIVE MEMBERSHIP STANDING

Section 1. "Member in good standing" is hereby defined to be a member who has paid all dues and assessments due and payable to Philadelphia Lodge No, 5, or who is not more than thirty (30) days in arrears of such payments as of the date specified for the payment thereof.

Section 2. Any member in arrears of payment of dues or assessments more than thirty (30) days and less than ninety (90) days shall be deemed to be delinquent and not in good standing.

Section 3. Any member in arrears of payment of dues and assessments more than ninety (90) days shall be hereby automatically suspended.

Section 4. Any member suspended as provided in Section 3 of this Article may be reinstated and restored to good standing, by paying one (1) year back dues. If the member has been suspended status for less than one (1) year, he/she will only be responsible for the actual dues owed. In addition, the member must sign a payroll deduction card. Any member in good standing who has retired and seeks reinstatement will pay the dues owed by the current method of collection being used by the Lodge. (Not necessary to sign a payroll deduction card.)

Any member that is reinstated is entitled to all rights and privileges enjoyed by a member in good standing, with the exception of Lodge #5 life insurance policy. If the reinstated member wishes to be covered under this policy, then he/she shall be obligated to pay all prior dues.

All requests must be submitted to the Membership Committee for review.

Any member in suspended status who does not wish to participate shall be governed by the provisions of the Agency Shop.

ARTICLE X.
NOMNATIONS AND ELECTIONS

ELECTIONS

Section 1. The President, four (4) Vice Presidents, Recording Secretary, Financial Secretary, Treasurer, five (5) Trustees, Conductor, Chaplain, and the two (2) Guards and Conference Delegates shall be elected from the membership at large on the first Tuesday in October and shall hold their respective offices for terms of three (3) years, or until their respective successors shall have been qualified and inducted.

NOMINATIONS

Section 2. Nominations of candidates to fill vacancies on the Executive Board caused by expiration of terms shall be made only by written nomination petitions, circulated no earlier than the first (1st) day of July in the election year, and bearing the signature of no fewer than one hundred (100) members in good standing for all vacancies to be filled except for the position of President which would require two hundred fifty (250). Such nomination petitions shall be signed by the member in only in their respective handwritings and each member may only one nomination petition for each vacancy to be filled. All such petitions shall be verified by the petitioner and filed with the Election Committee, through the office of the Recording Secretary,

ELECTION OF DIRECTORS

Section 3. The Directors shall be elected by the members in their respective districts or units in an election therein on the first Monday of November in the election year.

Directors to represent pensioners shall be nominated and elected at the general election of Lodge Officers which is held on the first (1st) Tuesday in October in the election year.

(This petition will not be considered as one for the election to the Executive Board)

OF

NOTICE NOMINEES

Section 4. As soon as possible after the last day for filing nomination petitions, the Election Committee shall forward to each district or unit within the Lodge a complete list of all persons nominated for the respective offices so that the members may inform themselves thereof.

VOTING

Section 5. Section 5. Members must cast their votes. Proxy and cumulative voting shall not be permitted. Votes shall be cast on an official ballot.

VOTING TIMES AND LOCATIONS

Section 6(a.) The election shall be conducted by an impartial, outside organization (“Outside Organization”), which shall be selected by the Board of Directors, no later than ninety (90) days prior to the election date.

This organization will have experience in the field of balloting and shall be solely responsible for the conduct and supervision of the election.

It will be the responsibility of the Election Committee to provide the Board of Directors with a list of organizations to be voted upon.

CONDUCT OF ELECTION

Section 6 (b)

The List of eligible voters, active members in good standing, on active duty, shall be by D.A.R. The District and the unit D.A.R.’s shall be verified as correct by the Election Committee no later than sixty (60) days prior to the election date.

The list of eligible voters for active members, who have retired, shall be certified as correct by the Election Committee no later than sixty (60) days prior to the election date.

Note: The definition of Active Member shall be consistent with the FOP bylaws Article VII Section 2: Active members must be police officers or deputy sheriffs on active duty...or who retires from active duty for the purpose of going on pension.

Article X, Section 6(c) - CASTING BALLOTS

An election by mail referendum shall be conducted as follows:

1. The Outside Organization selected by the Board of Directors to conduct the election shall send by first class mail to each active member who is eligible to vote by mail ballot the following: (a) instructions, which may be printed separately or printed on the ballot, as to the procedure to be used by the members in casting their secret ballots by mail; (b) one official ballot; (c) one envelope bearing the words "Secret Ballot," with no identifying number or marks; and (d) a ballot return envelope, which shall either contain a label with the member's name and address or clearly ask the member to print his or her name and address, and which shall be pre-addressed to the address utilized by the Outside Organization for the purpose of the mail referendum.
2. The Outside Organization shall establish a deadline for the receipt of return mail ballots, which shall be no earlier than 15 days or later than 30 days after the date upon which the ballots are mailed to the members; provided that, if separate notice setting forth the manner and the dates that the ballots will be sent to the membership and that the return mail ballots must be received has not previously been mailed to each member at his or her last known home address, the receipt deadline shall be no earlier than 20 days after the date upon which the ballots are mailed to the members.
3. On the day of the receipt deadline, after 12:00 noon, the Outside Organization shall collect the mail ballots, and thereupon shall open and count the ballots. The Outside Organization shall remove the Secret Ballot envelope containing the ballot from all ballots return envelopes verified to have been sent by eligible voters. After all the Secret Ballot envelopes have been separated from the return ballot envelopes, they shall be opened, and the votes tabulated by the Outside Organization.
4. Adequate safeguards to ensure the secrecy of each voter's ballot and the fairness of the mail referendum shall be provided by the Outside Organization.

Article X, Section 6(d) - NOTIFICATION OF COLLECTION

OF

Section 6(d). Notification of mail referendum and lists of candidates for Lodge Officers and Delegates shall all be published no later than sixty (60) days prior to the election.

Delegates and candidates for Lodge Office may declare their candidacy prior to having their ten (10) meetings. However, their eligibility must be confirmed by the Election Committee no later than the date stipulated by the By-Laws (Article X, Section 2).

The various lists shall be published by the official methods of Lodge #5 publications: the PEACE OFFICER, NEWSLETTER and BULLETINS and on the Lodge #5 website and other electronic mediums.

The Board of Directors is responsible for assuring that the Election Committee be made aware of any information not being received in their respective Districts/Units.

NOTIFICATION ELECTION

Section 6 (e) Notification of polling places and lists of candidates for Lodge Officers and Delegates, shall all be published no later than ninety (90) days prior to the election.

Delegates and candidates for Lodge Office may declare their candidacy prior to having their ten (10) meetings. However, their eligibility must be confirmed by the Election Committee no later than the date stipulated by the By-Laws (Article X, Section 2).

The various lists shall be published by the official methods of Lodge #5 publications: the PEACE OFFICER, NEWSLETTER and BULLETINS.

The Board of Directors is responsible for assuring that the Election Committee be made aware of any information not being received in their respective Districts/Units

ELECTION RESULTS

Section 7. No person shall be declared elected to any office unless he/she shall receive the plurality of votes cast at such an election. In cases of ties, the candidates tied with the highest number of votes shall be entered in one or more run-off elections such a time as one receives a plurality.

RECALL OF A DIRECTOR

Section 8. Any director may be recalled at any time by a petition signed by a majority of the members in his/her district or unit directing the recall of such director as a district or unit representative. The district or unit taking such action shall forward to the Recording Secretary within seventy-two (72) hours the name and address of his/her proposed successor.

OFFICERS

Section 9. Any member may at the same time be eligible to hold office as a district or unit Director, Officer and Conference Delegate of this Lodge, but no person shall be eligible to hold two (2) different offices at the same time.

QUALIFICATIONS FOR NOMNEES

Section 10. Any member in good standing for a period of one (1) year or more the holding of any election (subject to Section 11 of Article X) shall be eligible for election to any office, including the office of Delegate to the Biennial Conference of the State and National Lodges. Any member not so qualified shall be ineligible for election to any such offices.

20.

Section 11. The Election Committee shall not honor any nomination petitions for Executive Board Officers or signature cards for Conference Delegates and Pension Directors unless the nominee shall have attended ten (10) meetings of the General or Board of Directors in the twelve (12) month period of each year from September 1st to August 31st, preceding the election date. Check for attendance shall be made from the registry book.

All nominees for the Executive Board must apply in person for their nomination petitions and be qualified therefore in accordance with the foregoing paragraph before a petition is issued to them. Delegate and Pension Director Nominee must appear in person to submit a card.

The Election Committee shall be responsible on Election Day to see that the Constitution and By-Laws are upheld and shall have the power to order all members who violate same for trial before the Grievance Committee after written notice.

Section 12. No member shall be nominated or be a candidate for more than one position on the Executive Board at the same election. No officer-elect shall be a candidate for any other position on the Executive Board.

Section 13. If elected, an Officer or Delegate must attend ten (10) General Membership or Board of Directors meetings of each year (September 1st to August 31st) during

OF

his/her term of office. Failure to comply with this provision shall result in his/her removal from office.

DELEGATES

Section 14. Conference Delegates in caucus at a State or National Conference shall decide by majority vote the Lodge's position on all matters at the conference.

Section 15. Any Conference Delegate who fails to notify the Recording Secretary as to whether he/she will or will not attend the conference shall be disqualified and the next alternate seated.

Section 16. Any Conference Delegate who fails to attend the Conference by the opening of the second business session shall be disqualified and the next alternate seated. If time does not permit the next alternate to be called, the next alternate in attendance at the Conference as a guest shall be seated if so, voted by the Delegates seated.

Section 17. Any Conference Delegate who fails to attend the scheduled Lodge caucus shall be fined one-fifth (1/5) the amount of monies received to attend the Conference for each caucus missed.

INSTALLATION OF OFFICERS

Section 18. At least thirty (30) days prior to the election, the Board of Directors shall select a date and place to hold the installation of Officers.

ARTICLE XI. RESIGNATIONS

Section 1. All resignations of Officers must be presented in writing to the Recording Secretary and may be accepted by a majority vote of the Board of Directors.

Section 2. No resignation of any Officers indebted to the Lodge shall be accepted.

ARTICLE XII. GRIEVANCES

GRIEVANCE COMMITTEE

Section 1. The Grievance Committee, presided over by its Chairperson, shall constitute a tribunal for determination of charges against any Director or member, provided, however, that if any Director or Grievance committee member shall be complainant, defendant or witness in any such proceeding, he/she shall be to sit upon such tribunal.

COMPLAINTS

Section 2. Complaints against members, officers or directors, shall be filed in writing with the Recording Secretary and signed by the persons making the charge. Such complaints shall set forth with reasonable particularity as to dates, time, and places, the acts, or facts to which exception is taken and for which discipline is requested.

Within five (5) days thereafter, the Recording Secretary shall refer such complaints to the Grievance Committee and shall send a copy thereof to the accused.

Section 3. The Grievance Committee shall hold a hearing on all such complaints at which all witnesses for both the accuser and accused shall be heard, after forty-eight (48) hours' advance notice thereof. The accused member shall be entitled to be represented by counsel who must be an Active member of the Lodge in good standing and shall not be required to testify against himself.

Upon the conclusion of all evidence, the Grievance Committee shall recommend or disapprove the accused standing trial before the Board of Directors, and, within a reasonable time, thereafter, shall file its decision with the Recording Secretary who shall forthwith send notice thereof to both the complainant and the accused.

DISCIPLINE

Section 4. Any member, officer, or director of the Lodge may be fined or suspended, or expelled by the Board of Directors, on the recommendations of the Grievance Committee, for insanity or other disability, for conviction of felony or grievous misdemeanor punishable by imprisonment for one year or more, for insubordination to superior officers of this Lodge, for failure to remain in good standing by the prompt payment within three (3) months of all fees, dues, fines and assessments levied by the Board of Directors, for the willful or wantonly negligent infraction of any By-Law, contract, rule, regulation, or order, or for acts of conduct which may be deemed disorderly, or injurious to the interests, or hostile to the objects of this Lodge.

APPEAL

Section 5. Within ten (10) days from the receipt of notice and a copy of the decision of the Board of Directors, the accused, if censored, fined, suspended, or expelled, may appeal in writing filed with the Recording Secretary to the General Body which, with Counsel, may hear argument thereon by the accused complainant, or their respective counsel. The decision of the General Body, as rendered in writing filed with the Recording Secretary, shall be final, subject to the right of appeal granted members under the Constitution and By-Laws of the Pennsylvania Lodge, Fraternal Order of Police, and the Grand Lodge, Fraternal Order of Police.

ARTICLE XIII.

AMENDMENT REVISION

Section I. These By-Laws may be amended, or a new By-Law made, by resolution in writing proposing such amendment or new By-Law, signed by no less than fifty (50)

members in good standing, submitted at any regular meeting of the Board of Directors.

If accepted and approved by a two-thirds (2/3) majority of the Board at that meeting, a copy of each resolution shall be sent to each district or unit by the Recording Secretary at least fifteen (15) days prior to the meeting of the General Body at which they are to be brought up for action.

ARTICLE XIV.
LAW AND ORDER

Section 1. All points of law and order shall be guided by the Constitution and By-Laws, and, where the same are silent, by Robert's Rules of Order, Revised.

ARTICLE XV.
LEGAL AID

Section 1. Any active member in good standing who shall, as a result of the proper performance of his/her police duties:

- a) Be threatened with arrest or who is actually arrested or sued.
- b) Directed or summoned to appear before any legislative or governmental body, or grand jury or a court of record for a magistrate, or police board of investigation or other investigative body having disciplinary powers.
- c) Or any member who shall believe that he/she is being, or is about to be, deprived of his/her legal rights in relations to job tenure, wages, pensions, or other benefits or privileges accruing to him/her as a result of his/her employment (provided such deprivation shall jeopardize the welfare of all police officers), shall be entitled to apply to the Lodge for legal assistance.

Section 2. All applications for legal assistance shall be presented in writing, giving full details and directed to the Legal Aid Committee, who shall act thereon as promptly as the facts warrant. Application for appeal of verdicts rendered shall be accompanied by copies of the record and notes of testimony (in all cases applicant for legal aid must appear before the legal aid committee).

Section 3. No member shall allege, indicate, or promise that the Lodge will pay or promise to pay for any legal services, unless specifically and directly authorized by it in writing, before the said services are rendered.

Section 4. All cases in which legal assistance is granted shall be immediately referred to the Lodge Counselor.

Section 5. In matters of a very serious nature, the applicant may request co-counsel of his/her own choosing. The approximate fee of such co-counsel, as well as the amount thereof to be assumed by the Lodge, shall first be determined by the Legal Aid Committee, before such application is granted.

Section 6. Members of the Legal Aid Committee or members serving on the Police Board of investigation or other investigative bodies, shall consider all legal assistance matters confidential, and shall not discuss the details thereof on the floor of the Lodge or elsewhere, except in the presence of the member involved and/or with his/her consent.

APPEAL LEGAL AID

Section 7. Should an appeal from any verdict be considered by the Lodge, a copy of the testimony of the case shall first be obtained for the guidance of the L.I Aid Committee. Should any member refuse to consider an appeal from a verdict against him/her when justifiable, the Lodge shall be deemed to have fulfilled its obligation to said member and shall not be obligated to any further action.

ARTICLE XVI.

BENEFITS

Death Benefits

Section 1. In the event of the death of any member of Ledge No. 5, Fraternal Order of Police, whose dues are twenty-four (\$24.00) or more per annum, his/her beneficiary shall receive the sum of five hundred dollars (\$500.00).

In the event of the death of any member who is on pension and whose dues are six dollars (\$6.00) per annum, his/her or her beneficiary shall receive the sum of one hundred dollars (\$100.00).

These benefits are payable so long as Philadelphia Lodge No. 5 is self-insured. If the Lodge ensures its members with an outside insurance company the amount paid to the beneficiaries may increase, but in no case shall the benefits decrease in the amount.

Beneficiary Fund

Section 2. Twenty percent (20%) of all income of monies to Philadelphia Lodge No.5, Fraternal Order of Police shall be set aside in a separate account to create a Beneficiary Fund for the purpose of paying benefits as provided in Section I of this Article; also, this contribution not to exceed \$10,000.0 of the Death Benefits paid for the ensuing year.

Death Benefit Certificate

Section 3. All active members shall receive a death benefit certificate and shall have the right to name as beneficiary thereof their wife, husband, child, or children or such other person or persons as they see fit; they shall have the right at any and all free to change the beneficiary or beneficiaries' names in said certificate. Provided that should the beneficiary be named by a minor at the time the fund becomes payable, same shall be paid to a guardian duly appointed by law.

If the designated beneficiary does not survive the member or if the member fails to name a beneficiary, the Death Benefit shall be paid to the member's Estate.

Change of Beneficiary

Section 4. Whenever a member shall desire to change the beneficiary named in his/her death benefit certificate, he/she shall bring said certificate to the Lodge office where it shall be canceled together with the office copy of said certificate.

If the member has lost his/her copy of their death benefit certificate, he/she shall provide written proof of such loss with an affidavit duly notarized.

The sum of twenty-five cents (\$.25) must be paid by the member for each and every certificate issued, other than the original certificate.

Delivery of Death Benefits

Section 5. Upon the death of a member is shall be the duty of the member's director or delegate to notify the Financial Secretary of such death. It shall be said director or delegate's further duty to deliver the Death Benefit to the designated beneficiary; have the beneficiary deliver up to the Lodge the Death Benefit Certificate; and have the beneficiary sign the receipt for the Death Benefit in the form adopted by the Lodge.

Eligibility or Benefits

Section 6. In order for active members, in good standing or delinquent to be eligible for any of the benefits or protection provided by this Lodge, their dues must be paid within ninety (90) days of current date, provided however that any arrearages shall be deducted from the death benefit. No benefit shall be provided to a suspended member.

26.

ARTICLE XVII.
MEMORIAL SERVICE

A memorial service for deceased members shall be conducted once each year.

ARTICLE XVIII.
ASSOCIATE MEMBERSHIP

ASSOCIATES

Section 1. Philadelphia Lodge No. 5, Fraternal Order of Police, recognizes, acknowledges and validates, an Associate Lodge, within our Lodge, whose members shall be known as Fraternal Order of Police Associates. Such an associate lodge shall be subject to the control and supervision of Philadelphia Lodge No.5, FOP. They shall conform to and be governed by this Constitution and By-Laws.

Qualifications

Section 2. Fraternal Order of Police Association shall be persons of good moral character, who are lawfully employed in a regular profession or business and whose associations therein are above reproach. They shall not be associated directly or indirectly with any person or persons whose reputation, character, or occupation is questionable.

After their election they shall receive of the Financial Secretary an identification card and an automobile emblem, both of which shall remain the property of this Lodge and shall be delivered by such member to the Lodge or its Officers, on request whenever, for any reason, such membership shall be revoked and its privileges forfeited. Associates shall have no voice or vote in deliberations of the Lodge.

Dues

Section 3. The regular dues of associate members shall be a total of thirty-five dollars (\$35.00) per annum, payable in advance: thirty-four dollars (\$34.00) to be designated as dues for the Philadelphia Lodge No. 5, Fraternal Order of Police Associates; the remaining one dollar (\$1.00) to be designated and applied as dues for the Philadelphia Police Home Association (in compliance with the Liquor Control Act of Pennsylvania). This amount, plus the cost of the emblem as determined by the Executive Board, must accompany every application and, in the event of rejection, shall be refunded to the applicant.

27.

ARTICLE XIX
LADIES' AUXILIARIES

Section I. The Philadelphia Lodge No. 5, Fraternal Order of Police, recognizes, acknowledges, and validates a Ladies' Auxiliary within our Lodge. They shall conform to and be governed by a constitution and By-Laws that they shall adopt, and which shall at all times be subject to approval of the Board of Directors of Lodge No. 5.

30.