

BYLAWS
OF THE
FOREST SERVICE NATIONAL COUNCIL
OF THE
National Federation Of Federal Employees, FD1
INTERNATIONAL ASSOCIATION OF MACHINISTS
AND
AEROSPACE WORKERS, AFL-CIO

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BYLAWS

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**BYLAWS
FOREST SERVICE NATIONALCOUNCIL
NFFE FD1, IAM**

PREAMBLE

With a view to improving the Federal service and promoting the common welfare of Forest Service employees through communications, cooperation, education, and organization, without affecting the autonomy of any Local Lodge, and in the interest of representing unit employees by negotiating and administering a Forest Service-wide agreement, we, a national council of the NFFE FD1 District Lodge, IAMAW, AFL-CIO adopt these Bylaws.

The NFFE FD1 Forest Service Council and its Local Lodges do not discriminate in membership and employment on the basis of race, color, national origin, sex, gender, sexual orientation, age, disability, religion, political beliefs, marital or family status, or any other non-merit factor.

**ARTICLE 1
Objectives and Methods**

- 1.1** The objectives of this Council, in consonance with the Constitution of the IAMAW, and NFFE, FD1 Bylaws and NFFE, FD1 National convention mandate shall be to:
- a. organize and maintain units of exclusive recognition of employees of the Forest Service;
 - b. represent the interest of these employees through collective bargaining, legislative action, and other appropriate means;
 - c. improve the working conditions through constructive dealings with the Forest Service;
 - d. promote the economic welfare and education of employees and to work toward the perfection of systems and programs to make for greater efficiency in the Forest Service;
 - e. promote high standards and greater efficiency in the various services to the United States;
 - f. form a close bond among the Forest Service Council Local Lodges;
 - g. encourage Forest Service Council Local Lodges to participate actively in the maintenance and direction of the Council; and

- h. train leaders of Forest Service Council Local Lodges concerning the ramifications of recognition under the consolidated unit.
- 1.2 The methods for attaining these objectives shall be by direct negotiation with the Forest Service at the appropriate level; by petition to Congress; by creating and fostering public sentiment favorable to the interests of Forest Service employees and NFFE FD1's position of proposed reforms; by cooperation, consultation, and negotiation with Government officials and employees; and by legislation and other lawful means in cooperation with the NFFE FD1 and IAMAW National Offices. Representatives of this Council shall at all times act as reasonable and responsible persons and shall through their leadership protect and promote the rights of the employees which the Council represents. This Council shall endeavor to minimize duplication and waste in its efforts to achieve its goals, utilizing the NFFE FD1 and IAMAW National Offices whenever possible to promote travel efficiency and minimize costs.

ARTICLE II Organization and Operation

2.1 This organization shall be chartered as a National Council of the NFFE FD1, IAM and shall be governed by these Bylaws, the democratic action of its membership, and by an Executive Board elected in accordance with these Bylaws. All officials of this Council shall be responsible for the faithful and timely performance of those duties specified in these Bylaws, the NFFE FD1 Bylaws, and the IAM Constitution. Matters on which these Bylaws may be mute shall be governed by the NFFE FD1 Bylaws and the IAM Constitution.

2.2 Officers and their Duties:

- a. **The elected officers of this Council** shall be a President; a Secretary-Treasurer; and eleven (11) Vice Presidents. One (1) Vice President shall be elected from each of the nine (9) National Forest System Regions. One (1) shall be elected from Research and one (1) from Job Corps. These officers shall be the Executive Board of the Council. They shall be elected in consonance with Article VI of these Bylaws.
- b. **The terms of office** shall be four (4) years or until their successors are elected and duly qualified. Upon separation from office, an officer shall immediately turn over to his/her successor, or other properly designated official, all books, money and other effects of the Council in his/her possession.
- c. **The President** shall preside at all meetings of the Council, and of the Executive Board unless absent or unable to serve; have general supervision of all activities of the Council; appoint a parliamentarian, subject to approval by the Executive Board, and conduct other duties as properly pertain to his/her office. The President will ensure the performance of the other officers of this Council. He/she shall, with the approval of the Executive Board, appoint all committees. In all matters affecting the interpretation of these Bylaws of the Council, the decision of the President shall be

binding until or unless reversed by the Executive Board or, District Lodge President or, in turn, by the International President of IAM.

- d. In the absence of the President or, in the case of his/her inability to preside, those officers in attendance at the meetings will elect the chairperson to preside at the meetings. Each officer shall be assigned specific duties to assist the President in the conduct of the affairs of the Council and to guide and assist chairpersons of the committees.
- e. **The Secretary-Treasurer** shall keep an accurate record of all meetings of the Council and of the Executive Board, conduct correspondence as directed; keep a record of the correspondence and keep the Constitution and Bylaws current for ready reference. In the event of the absence of the President and other officers, and a quorum is otherwise present, the Secretary-Treasurer shall call the meeting to order promptly as scheduled and conduct election of a temporary chairperson for the meeting. The Secretary-Treasurer shall receive all applications from Council Locals for membership or reinstatement and shall have charge of the Council Charter, Seal and all books, papers, and effects of the Council. The Secretary-Treasurer shall keep a complete record of the proceeding of the conventions and the Executive Board non-policy making correspondence pertaining to the functions of his/her office. The Secretary-Treasurer shall be responsible for and keep a record of all monies received by the Council and all disbursements of its funds as authorized by the Executive Board. Said Officer shall keep up-to-date membership records together with the address and number of each Local. Said Officer shall deposit all funds received to the credit of the Council in such bank or trust company as designated by the Executive Board. Said Officer shall inform respective Regional Vice Presidents of any Locals in their Region that have past due per capita tax payments. All disbursements of funds shall be made by check, if practicable, signed by the President or one Regional Vice President selected by the Executive Board to serve as an alternate for the President when absent, and the Secretary-Treasurer. A detailed printed semiannual financial report shall be furnished to each member of the Executive Board. Said Officer shall bring records to the annual Council meeting and Council convention for the purpose of audit, and submit a printed report showing in detail the number of members in each Local and the financial situation of the Council, and on request of the Executive Board, submit his/her books and accounts. Said officer shall be bonded in accordance with the IAM Constitution. The Secretary-Treasurer shall perform such other duties as are ordinarily ascribed to the position as well as any assigned by the President or delegated by the Executive Board and performed under its direction. Immediately after the convention, the Secretary-Treasurer shall report to the National Secretary-Treasurer the names, addresses, Local number, and rank of the new officers and shall forward a copy of the Auditing Committee's report and any amendment to the Council Bylaws for approval. It is the responsibility of all Vice Presidents to provide updated lists of Local officers and their addresses to the Secretary-Treasurer within 21 days of change (i.e. elections, transfers).

2.3 The Executive Board

- a. The Executive Board shall be composed of the elected officers of the Council as provided for in Section 2 of this Article. A majority of the members of the Executive Board shall constitute a quorum for the transaction of Executive Board business. The Executive Board shall adopt rules governing its own procedures except that it shall meet at least yearly at the call of the President and at such times as deemed expedient by a majority of the members thereof. Accurate approved minutes of each meeting shall be kept and disbursed by the Executive Board through Local Presidents to all Council Local Lodges, in a timely manner, not to exceed 60 days.
- b. The Executive Board shall be the governing body of the Council with the responsibility to recommend the policies of the Council, consistent with Article II and Article V, Section 4.c of the District Lodge Bylaws, and submit them to the Council membership for action; to administer the business of the Council including the authorization for disbursement of funds in consonance with the budget; to act for the Council in matters arising between meetings of the Council; to consider matters presented for adjustment; to delegate to officers or designees such authority as it may deem appropriate; and to have custody of the Council's funds and property except as otherwise provided for in the District Lodge Bylaws and these Bylaws.
- c. The Executive Board shall ensure that in consonance with Article IV, Section 4 of the District Lodge Bylaws, required reports to members, District Lodge, and Government agencies, are filed timely and that a system of records is established and maintained to account for membership gains and losses and funds received and expended. The Executive Board shall ensure that all required reports to Government agencies are submitted and shall furnish or otherwise make available to its members the information required to be contained in such reports and shall furnish or otherwise make available to every member a copy of these Bylaws. The Executive Board shall be under duty to permit any member with just cause to examine any books, records, and accounts necessary to verify such reports, and Bylaws.
- d. The Executive Board shall ensure that every officer, representative, or agent who is authorized to handle funds or property of the Council shall be bonded in the conformance with the IAM Constitution. These officials shall be covered by a blanket bond secured by the District Lodge in an amount agreed upon by the Council and the District Lodge but not less than \$50,000 (fifty thousand dollars). The premium on such bond shall be paid from the funds of the Council.
- e. The newly-elected Executive Board and the outgoing members of the immediate past Executive Board shall meet jointly after the election of officers for the purpose of timely transfer of offices and property. The Executive Board shall, in addition, meet at least once annually and as necessary at the call of the President; such meeting to be held at a location convenient to most of the members of the Executive Board. The President shall outline in the call the major purposes and subjects to be acted upon.

Where appropriate, a brief on the subjects shall be submitted with the call. Any member of the Executive Board may submit matters to be included on the meeting agenda. These may be submitted prior to the convening of the meeting or during the meeting.

- f. The Executive Board shall create and fill such positions as it may deem necessary to assist the Council. The Executive Board shall determine the rates of compensation, if any. Members appointed or elected and authorized to conduct approved Council business and losing time in such service shall submit an itemized statement of the lost time to the Secretary-Treasurer before receiving reimbursement, if entitled to any. If warranted, such payment shall be an amount equal to lost wages to perform the business of the Council. No member may alter his/her work schedule once receiving authorization to conduct Council business for the purpose of increasing his/her compensation from the Council.

Members appointed or elected and authorized to conduct approved Council business which requires overnight lodging away from home, shall be paid per diem for lodging, meals, and incidental expenses in accordance with the rates established by GSA and/or the Department of Defense for federal government travelers.

Members appointed or elected and authorized to conduct approved Council business and use their personal vehicle for transportation shall be paid mileage equal to the highest rate established in the Federal Travel Regulations for use of personal vehicles for government business.

Members appointed or elected and authorized to conduct approved Council business which requires public transportation and/or vehicle rental shall be reimbursed these actual expenses when an itemized statement along with receipts is submitted to the Secretary-Treasurer.

Members authorized to conduct approved Council business and who incur extraordinary expenses such as parking fees, purchase of office supplies or postage shall be reimbursed these actual expenses only after submitting a statement to the Secretary-Treasurer itemizing each expense, with attached receipts and receiving approval from the Executive Board.

- g. A position description for each position within the Executive Board will be devised by the President and shall be approved by the Executive Board.

2.4 No officer of the Council shall interfere with the normal conduct of the business of a Local Lodge. An officer may make official visits.

2.5 Officer Attendance: In the event any Officer of the Council absents themselves without excusal from three (3) regular meetings for which attendance is required, during any twelve (12) consecutive month period, and if there is not controversy as to the refusal to excuse

being proper, such Officer shall be deemed to have resigned their office. Should such Officer contend that the refusal to excuse for unauthorized absence is improper, the President of the Council shall prefer charges against the Officer, charging conduct unbecoming an Officer based upon absences with excuse found unacceptable to the Council President. The Officer shall be tried in accordance with applicable provisions of the IAM Constitution and these Bylaws.

An officer who is on approved leave from their federal government job, or on official IAM business approved by the Council, District Lodge, or Grand Lodge, or working on travel assignment in their federal government job, or on reserved military leave, shall be excused from attendance. Said officer may appoint a qualified member to attend a regular meeting to act on their behalf, except that such acting officer shall not be entitled to cast a vote in the conduct of any Executive Board business.

2.6 Committees

- a. The President shall appoint a Membership and Credentials Committee; a Grievance Committee; a Finance Committee; a Negotiations Committee; a Bylaws and Rules Committee; a Nomination and Election Committee; and such other committees as may be necessary. All committee appointments shall be subject to ratification by the Executive Board.
- b. The Committee on Membership and Credentials shall make determinations as to all questions of eligibility. The Committee shall work persistently to obtain new Local Lodges and to retain existing ones. It shall hold meetings to discuss memberships activities; promote and solicit new Local Lodges to join; and shall encourage members who are separated to retain their membership. It shall plan and conduct membership campaigns and shall keep the Executive Board and other officers informed of its plans and progress.
- c. The Grievance Committee shall constitute the legal staff of the Council, being versed in the appropriate regulations pertaining to personnel policies and the working environment. The Committee shall receive and investigate grievance questions referred to it by member Local Lodges; advise on procedure and grievance and appeal questions. The Committee shall refer, with recommendations, unresolvable disputes and complaints, or requests to invoke arbitration, to the Executive Board.
- d. The Auditing Committee shall be composed of three (3) members, none of which can be elected officers of the Council. Auditing Committee members will be elected at Convention, and serve for the same term as elected officers of the Council. It shall be the duty of the Auditing Committee to make an audit of the minutes of meeting and financial records of the Council as of June 30 and December 31 each year. The Auditing Committee's written report shall be submitted at the next regular meeting of the Executive Board following each audit and a copy of the report shall be mailed by the Council to the District Lodge Secretary-Treasurer, the General Secretary-Treasurer, the General Vice-President, and to Council Local Lodges within 30 days

of submission of the report to the Executive Board. The Auditing Committee shall make such other audits as it may deem necessary or as the Executive Board may authorize. In making an audit, the Audit Committee shall ascertain and report whether all funds due the council have been remitted to the Council's Secretary-Treasurer and that funds disbursed were authorized. The auditing Committee shall ensure that all officials are properly bonded.

- e. The Finance Committee shall be composed of the Secretary-Treasurer, one Regional Vice President, and one other member at large elected at Council convention. It shall be the duty of this Committee annually to submit a recommended budget to the Executive Board by the first day of November for the following calendar year. The budget shall be reflective of general priorities adopted by the action of a majority of the delegates at Council convention. The Committee will solicit and consider recommendations from the locals regarding budget priorities for the intervening year between conventions.
- f. The Negotiations Committee shall be composed of six (6) members, at least three (3) to be from the Executive Board, and shall be responsible for all negotiations with the top level of management. The Committee shall prepare a memorandum of record for each action consummated. All actions shall be reported to the Executive Board and Local Presidents. The Committee shall also be responsible for developing contract revisions and supplements as necessary.

2.7 The following oath of office shall be administered to all Council Officers and officials by a duly authorized installing officer:

"Upon my sacred word of honor, I do solemnly promise that I will uphold the Bylaws of the Forest Service Council, the Federal District Lodge By-Laws of the National Federation of Federal Employees, and the Constitution of the International Association of Machinists and Aerospace Workers and faithfully perform all the duties of the office to which I have been elected, so far as I am able; that I will attend all meetings of this Council during my term of office when possible to do so; that I will endeavor to advance the interests of the Association and when my successor is elected and installed, I will turn over to him (or her), all books, papers, funds, or other property of the Lodge that I may have, I further promise that I will never defraud this Council out of anything whatever, or allow it to be defrauded, if within my power to prevent it. To all of this I most solemnly pledge my sacred word of honor."

- a. All Council Officers, officials, and representatives are bound by the above oath, whether the oath was administered or not. Violations of the oath or actions by any officer, official, or representative which are inimical to the welfare and best interests of the Council may be reported in writing to the Council President, or to the District Lodge President, and appropriate measures taken in accordance with these Bylaws and under the provisions of Article L of the IAM Constitution.

- 2.8 The President may remove an appointed official or representative for failure to perform, with the approval of the Executive Board. Such a decision will be accompanied by a written statement of cause and is appealable in accordance with the IAM Constitution.
- 2.9 Upon application to and approval by the Executive Board, Forest Service employee resource groups, organizations, and associations and USDA employee resource groups, organizations and associations with Forest Service members may enter into arrangements to jointly achieve shared goals.

ARTICLE III Membership

- 3.1 Each NFFE FD1 Local Lodge which has Forest Service employees in the consolidated exclusive unit shall be a member of the Council and subject to these Bylaws and payment of the prescribed per capita tax, only as it pertains to the Forest Service exclusive unit.
- 3.2 The Council shall be composed of Local Lodges which represent, through exclusive recognition, Forest Service employees nationwide.
- 3.3 The entrance fee and per capita tax payment for any Local Lodge and per capita tax payments are set forth in Article V, Revenues, of these Bylaws.
- 3.4 In order to participate in the business of the Council or to qualify as a Local Lodge in good standing, that Local Lodge must meet the criteria established by the Council; Provided, That all Local Lodges that are current in their financial obligations to the NFFE FD1 National Office and to the Council are Local Lodges in good standing. For the purpose of this section, "current" is defined as no more than sixty (60) days in arrears. Any and all necessary interpretations of this section will be made by the President of the Council, and shall stand until changed by the President or until changed by either a majority vote of the Executive Board or a majority vote of the Local Lodges represented at a Council convention.

ARTICLE IV Council Convention

- 4.1 The Council convention will be held every four (4) years in conjunction with the NFFE FD1 District Lodge convention. The location of the Council convention will be in the city of the District Lodge convention. The meeting place will be set by the Executive Board.

Special meetings may be called by the Executive Board provided approval is given by a majority of the Council Local Lodges upon a minimum sixty (60) days notice sent via certified mail to each Local Lodge and each Executive Board member. The Local Lodge's President or their designee may attend special meetings as directed by his/her Local Lodge.

4.2 The Council convention call shall be prepared and mailed to each member Local Lodge not later than one-hundred-twenty (120) days prior to the convening of the convention. This call shall specify that each member Local Lodge shall submit in writing to the Council Secretary-Treasurer the names of its delegates and alternates to the Council convention.

4.3 Delegates and alternates to the Council convention shall be elected by the Local Lodges and credentials forwarded to the Council Secretary-Treasurer not later than twenty (20) days prior to the convention. Each member Local Lodge shall have votes to be disbursed among the delegates elected. The number of Council delegate votes shall be equal to the number of District Lodge delegate votes, as provided for in the District Lodge Bylaws.

Note: Local Lodges must either:

(1) Provide for the election of delegates (and alternate delegates) to the Council Convention;
OR

(2) Automatically appoint via Bylaw officer election procedures that certain Local Lodge Officers are delegates.

4.4 A delegate must be a Regular/Life member of the Local Lodge he/she represents, other than a supervisor, management official or confidential employee as defined in 5 U.S.C. 7102; Provided, That two or more Local Lodges may unite in sending a delegate to the Council convention, such delegate to be a member in good standing of one of the Local Lodges represented. Delegates shall be entitled to votes on the basis of votes to which Local Lodges represented are entitled in accordance with Section 3; Provided, That delegate or delegates representing his/her Local Lodge and/or representing other Local Lodges as a joint delegate shall not carry a total of more than ten (10) votes.

4.5 A Local entitled to more than one delegate may send less than its allotted quota of delegates to a Council convention but the one or more delegates present may cast the same number of votes on all matters, including the election of officers, as if the full number of delegates were present in person; Provided, That no delegate or delegates shall be permitted to cast a fractional part of a vote.

4.6 Alternate delegates may be seated in the absence of the delegates elected, upon presentation of their credentials.

4.7 The majority of the eligible delegates present shall constitute a quorum.

- 4.8** Minutes of the Council convention: The President and Secretary-Treasurer shall be jointly responsible for transcription, publication, and distribution of the proceedings of the Council convention. A copy of the minutes shall be mailed to each member Local and each member of the newly-elected Executive Board.

ARTICLE V

Revenues

- 5.1** Revenues shall be obtained through per capita tax.
- 5.2** The financing for the Council is apportioned at the standard rate established by NFFE FD1 in Article IV Section 3.c of the District Lodge Bylaws. The Council shall make no additional assessments on its member Local Lodges; Provided, That this section may be amended at any Council convention; and Provided further, That nothing in this section shall limit the right of the Council to seek or accept voluntary contributions.
- a. In the event that the financing for the Council shall not be apportioned from the standard District Lodge per capita tax, the Council shall be financed through an additional assessment on its member Local Lodges in the amount of \$.85 (eighty-five cents) per member per month. This amount shall be deducted from each Local Lodge's receipts by the NFFE FD1 National Office, along with the per capita tax. The Council Executive Board has the authority to review and adjust this additional assessment; Provided, That the total assessment made by the Council shall not exceed \$1.00 (one dollar) per member per month.
- 5.3** The Executive Board shall make such rules as are reasonable and proper for the implementation and administration of the various sections within this Article. Such rules will take effect thirty (30) days following the date on which they were mailed to member Local Lodges.
- 5.4** Dues of members of Local Lodges shall be submitted directly to the NFFE FD1 National Office in accordance with the Agreement with the USDA. The NFFE FD1 National Office will hold the Council funds from the dues of the Local Lodges and remit said funds to the Council on a monthly basis.
- 5.5** In the event that the Council feels a need to increase the \$1.00 (one dollar) limit on the assessment levied on each member, a proposal must be submitted to the Executive Board. If passed, the matter must then be referred to all the various member Local Lodges for ratification. A Local Lodge shall have ratified the proposed increase upon a majority vote of its members in accordance with that Local Lodge's Bylaws. The proposal shall be accepted only upon ratification by more than two-thirds of the member Local Lodges voting.

- 5.6** The per capita tax of this Council shall be assessed per month for each member reported on the NFFE FD1 Form 3, Membership Summary, as submitted to the NFFE FD1 National Office.
- 5.7** In the event the financing for the Council is not apportioned from the standard per capita tax, the Local Lodge Secretary-Treasurer shall submit per capita reports to the Council Secretary-Treasurer by the 15th day of each month for the coming month. If a Local Lodge elects to pay per capita tax by the quarter or semi-annually, per capita reports for those months will be submitted with payment.
- 5.8** Any Local Lodge with per capita tax thirty (30) days past due shall be notified by the Council Secretary-Treasurer by letter to the Local Lodge Secretary-Treasurer. Sixty (60) days past due accounts shall result in a second notification sent via certified mail to the Local Lodge President with a copy going to the Council President. If the Local Lodge fails to remit per capita tax within ninety (90) days of the due date, it shall be suspended. The Council Secretary-Treasurer shall notify the Council Executive Board of the suspension by letter.
- 5.9** A fee of \$5.00 (five dollars) for reinstatement of a suspended Local Lodge and per capita tax for the current month will be required to place a Local Lodge in good standing with the Council. Payment must be made at least thirty (30) days prior to the Council convention.

ARTICLE VI

Election of Officers and Delegates

- 6.1** All officers and delegates shall be elected in a fair and democratic manner. The election shall be by secret ballot at the Council convention. Delegate(s) of each Council Local will be provided an opportunity to nominate and vote for candidates. A Nomination and Election Committee shall be appointed. No person shall be eligible for election as an officer or delegate unless he/she is a member in good standing of his/her Local Lodge, other than a supervisor, management official or confidential employee as defined in 5 U.S.C. 7102, and that such Local Lodge is a member in good standing of the Council and NFFE FD1, IAM. Officers or delegates who are members of suspended Local Lodges shall automatically forfeit their offices as of the date of suspension of their Local Lodge.
- 6.2** The Nomination and Election Committee may present a slate of officers who have previously agreed to serve if elected if nominations are submitted prior to Convention. The nomination and election notice shall be contained in the convention call. Additional nominations may be made by the delegates from the floor of the convention.
- 6.3**
- a. The President and Secretary-Treasurer may be members of any Council Local Lodges. All Council delegates may nominate and vote for these two officers.

- b. Each Vice President must be a member of a Local Lodge within the appropriate NFS Region, Research or Job Corps. Delegates may nominate and vote only for the Vice President who represents their Local Lodge. If a Local Lodge's membership is divided between Vice Presidential areas, its delegate votes will be similarly divided between those Vice Presidents, except that there shall be no fractional votes. Such Local Lodges shall report their membership division when they submit their credentials (Reference Article IV Section 3). If a Local Lodge fails to provide such information, the Credentials Committee shall determine how to apportion the votes. If a Local Lodge does not fall within the National Forest System Region, Research, or Job Corps, it shall vote for and be represented on the Council by the NFS Vice President in whose Region the Local Lodge is located.
- 6.4** The Nomination and Election Committee shall prepare a secret ballot for use by the delegates which complies with the provisions of these Bylaws. The convention will be turned over to the committee chairperson and the election of officers by the delegates to the convention will commence. The delegate(s) from each Local Lodge will cast their allotted votes in accordance with Article IV. The election shall be conducted in conformance with the NFFE FD1 Bylaws and the IAM Constitution.
- 6.5** No member shall hold more than one office at a time within the Executive Board.
- 6.6** Installation of officers shall be effected immediately after their election. They shall serve for four (4) years or until their successors have been elected by a majority vote and installed. If a vacancy occurs, and it is less than 6 months to the next FSC Convention, the remaining members of the Executive Board will select a person to fill the position; otherwise, the Executive Board will conduct a special election to fill the office. The special election will be conducted in accord with Article VI, except that it may be conducted by mail. Upon separation from office, an officer shall turn over to his/her successor, or properly designated official, all books, funds, and other effects of the Council in his/her possession.
- 6.7** The delegate to the NFFE FD1 National convention will be elected in accordance with the NFFE FD1 Bylaws and the IAM Constitution. The Council Delegate will be the Council President or his/her alternate duly elected by a majority vote of the delegates present and voting at the Council convention. The delegate shall be entitled to one (1) vote. Such delegate shall not be permitted to serve concurrently as a delegate from his/her own Local Lodge nor as a joint delegate from any other Local Lodge. The Council Delegate shall not take part in the election of NFFE FD1 District Lodge Officers, but shall be entitled to take part in all other matters before the NFFE FD1 District Lodge convention.
- 6.8** A majority vote is required to elect officers and delegates and if not obtained, the two individuals receiving the greatest number of votes will have their names placed on the run-off ballot, and voting will continue, in accordance with appropriate law and regulations for the office(s) for which a majority vote was not obtained.

- 6.9** Any member who desires to protest the election of Council officers or delegates must do so within ten (10) calendar days after the official notice of the election results is posted. The protest will be filed with the Executive Board. The Executive Board shall investigate and reply with its findings within sixty (60) calendar days of the protest; Provided, That no officer whose election is subject to the protest shall be permitted to participate in the conducting of the investigation or the Executive Board's determination of findings. If not satisfied with the resolution of the protest, it may be appealed to the NFFE FD1 President /DBR, but not later than twenty (20) calendar days after the Executive Board decision.

ARTICLE VII

Discipline

- 7.1** Discipline or removal of an Executive Board officer, committee member, or other Executive Board representative of the Council.
- a. An Executive Board officer, committee member, or other Executive Board representative may be removed for misconduct in office. Under this section, any conduct detrimental to the best interest of the Council, District Lodge, or IAM shall be cause for discipline and/or removal and includes but is not limited to:
 - (1) Violations of the oath of office or "Standards of Conduct for Labor Organizations" (5 USC 7120).
 - (2) Violations of these Bylaws, the NFFE FD1 Bylaws, or the Constitution of IAM.
 - (3) Advocating, encouraging, or attempting to bring about a secession from the Council of any Local Lodge or any member or group of members.
 - (4) Working in the interest of, or becoming a member of any organization which advocates the overthrow of the democratic form of government under which our members live. Penalty for conviction under this sub-group shall be expulsion.
 - (5) Willfully and with intent to cause harm, making known the business of any affiliate of the Council to management officials of any agency or other persons not entitled to such knowledge.
 - (6) Assisting, counseling, or aiding any member or officer to commit any of the offenses set forth herein.
 - b. Elected officials of this Council may not be removed from office for misconduct during their elected term except through the procedures of these Bylaws, the NFFE FD1 Bylaws, and Article L of the IAM Constitution in accordance with IAM Official Circulars. Officers enjoy the normal rights and privileges of membership in IAM and are protected in the exercise of those membership rights and privileges.

- c. Charges against an Executive Board officer, committee member, or other Executive Board representative shall be handled in accordance with the IAM Constitution.

7.2 Discipline or removal of a member: Members of Local Lodges may not be disciplined except under the procedures set forth in the bylaws of the Local Lodge to which the member belongs or under the terms of the NFFE FD1 Bylaws, and Article L of the IAM Constitution.

ARTICLE VIII

Recall

- 8.1** Any officer, delegate, or other elected representative of this Council may be recalled prior to the expiration of his/her term of office.
- 8.2** A recall petition against the Forest Service Council President will be served on the Secretary-Treasurer. Such petition will require not less than one third of all the Local Lodges in the Council to be a valid petition. The Secretary-Treasurer will receive the petition and verify the one third count no later than 21 days.
- 8.3** A recall petition against the Secretary-Treasurer will be served on the President of the Forest Service Council. Such petition will require not less than one third of all the Local Lodges in the Council to be a valid petition. The President shall appoint a member of the Executive Board to verify the one third count no later than 21 days.
- 8.4** A recall petition against a Regional Vice President will be served upon the Forest Service Council President and the accused Regional Vice President. Such a petition will require not less than one third of all the Local Lodges in that Regional Vice President's region to be a valid petition. The Secretary-Treasurer will receive such petition and will verify the one third count no later than 21 days.
- 8.5** Upon verification of a recall petition by the appropriate officer, the Executive Board of the Council, acting in a regular or special meeting, shall establish arrangements and procedures to conduct a recall election. The accused may observe the proceedings if she/he desires and so requests in writing to the appropriate officer. As a minimum, those procedures shall include:
 - a. A special written notice of the recall election mailed to the last known address of each affected member Local Lodge at least 30 days in advance of the election, specifying the officer/office subject to the recall action, the number of votes which the Local Lodge is eligible to cast; and
 - b. A ballot which clearly sets forth the choices inherent in the election, for or against removal of the officer; and

- c. The arrangements and procedures established for the recall election, the election official designated to receive ballots, and the date, time, and place at which ballots must be received by the designated election official.
- 8.6** Upon completion of the voting, an impartial committee of election tellers shall certify the results. A majority of the votes eligible to be cast shall be required to affect removal of the subject office/officer.
- 8.7** Any member who desires to protest the recall election must do so in writing to the NFFE FD1 President /DBR, within ten (10) calendar days after the official notice of the election results is posted.
- 8.8** Any office vacated under this section shall be filled in accord with Article VI Section 6 of these Bylaws.

ARTICLE IX
Bill of Rights of Members/Standards of Conduct

- 9.1** This Council subscribes to the "Standards of Conduct for Labor Organizations," reflected in 5 USC 7120. Every member of this Council shall have equal rights and privileges to nominate candidates, vote in elections or referendums of the Council, attend membership meetings and participate in the deliberations and voting upon the business of such meetings, subject to reasonable rules and regulations contained there in. A member must be allowed to review the Local Lodge Bylaws, Bylaws of the Council, NFFE FD1 Bylaws, and/or the IAM Constitution or, upon written request, must be provided a copy. The Local Lodge or Council may charge a reasonable amount for such copies.
- 9.2** Every member shall have the right to meet and assemble freely with other members and to express any views, arguments, or opinions and express at meetings of the Local Lodge his/her views upon candidates in a Council election, or upon any business properly before the meeting, subject to established and reasonable rules pertaining to the conduct of meetings: Provided, That nothing herein shall be construed to impair the right of the Local Lodge to adopt and enforce reasonable rules as to the responsibility of every member toward the Local Lodge as an institution and to his/her refraining from conduct that would interfere with the Local Lodge's performance of its legal or contractual obligations.

- 9.3** The rates of dues over and above the minimum established by these Bylaws and initiation fees payable by members shall not be increased, and no general or special assessments shall be levied upon such members, except:
- a. By a majority vote of the delegates present and voting at the Council convention or at a special meeting held upon not less than thirty (30) days written notice to the President of each Local Lodge; or
 - b. By a majority vote of the members in good standing of the Council voting in a membership referendum conducted by secret ballot; or
 - c. By NFFE FD1 District Lodge pursuant Article IV Section 5, or Article VII Section 3 of the NFFE FD1 Bylaws.
- 9.4** No limits shall be placed upon the right of any member to institute an action in any court of law, or in a proceeding before any administrative agency except as provided in the IAM Constitution, or the right of any member of this Council to appear as a witness in any judicial, administrative, or legislative proceeding, or to petition any legislature or to communicate with any legislator; Provided, That any such member may be required to exhaust reasonable hearing procedures (but not to exceed a four-month lapse of time) within the Council, before instituting legal or administrative proceedings against the Council or any officer thereof.
- 9.5** No member may be fined, suspended, expelled or otherwise disciplined except for nonpayment of dues or by any officer thereof unless such member has been (a) served with written specific charges, (b) given a reasonable time to prepare his/her defense, and (c) afforded a fair hearing as provided in Article L of the IAM Constitution.
- 9.6** Nothing contained herein shall limit the rights and remedies of any member under any state or Federal law or before any court of law or other tribunal, except as provided in Article X.
- 9.7** Every Local Lodge shall forward a copy of each bargaining agreement to any unit employee who requests such copy and whose rights are directly affected by such agreement. Each Local shall maintain copies of any such agreement, more of which shall be available for inspection by any member or by any employee whose rights are affected by such agreement.
- 9.8** No person may hold office in this Council who has been convicted of or who has served any part of a prison term resulting from his/her conviction of violating 18 USC 1001 by making a false statement in any report required to be filed pursuant to Subpart A of the "Standards of Conduct for Labor Organizations (5 USC 7120)."
- 9.9**
- a. No officer or agent of this Council shall directly or indirectly through his/her spouse, minor child, or otherwise, (1) have or acquire any pecuniary or personal interest which

would conflict with his/her fiduciary obligation to this Council; or (2) engage in any business or financial transaction which conflicts with the fiduciary obligation.

- b. Actions prohibited by paragraph a. of this section include, but are not limited to, buying from, selling, or leasing directly or indirectly to, or otherwise dealing with this Council, its affiliates, subsidiaries, or trusts in which this Council is interested, or having an interest in a business any part of which consists of such dealings, except bona fide investments exempted from reporting under 5 USC and implementing regulations. The receipt of salaries and reimbursed expenses for services actually performed or expenses actually incurred is not prohibited.

9.10 This Council shall not directly or indirectly make any loan to any officer, member or employee. Neither this Council nor any official or member shall use, conspire to use, or threaten to use force or violence to restrain, coerce, or intimidate, or attempt to restrain, coerce, or intimidate any member of this Council for the purpose of interfering with or preventing the exercise of any right to which he/she is entitled under 5 USC and implementing regulations.

9.11 No criticism, reflection or debate concerning the creed, race, color, sex, gender, origin, sexual orientation, age, disability, or family status of any Member shall be permitted at any convention or any meeting of the Council.

ARTICLE X Arbitration

- 10.1** a. The Executive Board shall make decisions on invoking Council level arbitrations, or arbitrations that come before the Council.
- b. The Executive Board will issue a written decision on any request to invoke arbitration. If the Executive Board decides against arbitration, it will explain its reasons in writing.

ARTICLE XI Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order this Council may adopt.

ARTICLE XII Amendments

- 12.1 These Bylaws may be supplemented or amended by a majority vote of the delegates present at any Council Convention; Provided, That such proposed amendment has been submitted so as to reach the Secretary-Treasurer 60 days prior to the date of the Council Convention and that same shall be distributed to the Local Lodges not less than 30 days prior to the Council Convention. Proposed amendments which have not met the 60 day deadline stipulated above may be considered by the Convention; Provided, That adoption of such amendments shall require a two thirds majority vote. Supplements or amendments shall be forwarded to the NFFE FD1 District Lodge President/DBR for review and will not become effective until approved by IAM.
- 12.2 Errors in spelling, grammar or punctuation may be corrected by the Council Officers without the prescribed requirements for amendments.

ARTICLE XIII

Adoption

These Bylaws, approved by the Grand Lodge International President are adopted by the Council in accordance with the provisions of the NFFE FD1 Bylaws. A copy of the minutes of the meeting held by the Council, reflecting the number and types of offices, dues established, convention/meeting dates, and any other pertinent information must be forwarded to the NFFE FD1 District Lodge President/DBR promptly.

ARTICLE XIV

Resolutions to the NFFE FD1 District Lodge National Convention

- 14.1 Resolutions to be submitted to the District Lodge national convention may be submitted to the Executive Board for consideration. Resolutions to be considered by the Executive Board must be submitted by May 1st of the District Lodge national convention year. All resolutions shall bear the name and number of the Local Lodge introducing such resolution and shall relate to one subject only. Resolutions should be double-spaced (if typewritten) and may be on the standard resolution form provided by the NFFE FD1 National Office.
- 14.2 The Executive Board will consider all resolutions submitted for endorsement. The Executive Board's action will be sent to the Local Lodges sixty (60) days prior to the District Lodge National convention.
- 14.3 All resolutions endorsed by the Council must be submitted to the NFFE FD1 National Office not later than sixty (60) days prior to the District Lodge National convention in accordance with the NFFE FD1 Bylaws "Bylaws Governing the Convention."
- 14.4 Those resolutions not endorsed by the Council may be submitted by the Local Lodges concerned directly to the NFFE FD1 National Office. Local Lodges may also submit resolutions directly to the NFFE FD1 National Office without prior review by the Executive Board.

RULES COVERING THE COUNCIL CONVENTION

ARTICLE 1 Order of Business

- 1.1** The order of business shall be as follows, unless suspended by a majority vote of the delegates present and voting:
1. Calling the convention to order.
 2. Invocation and Pledge of Allegiance.
 3. Roll call of Council officers and member Locals.
 4. Appointment of committees.
 5. President's report.
 6. Secretary-Treasurers annual report.
 7. Auditing Committee's annual report.
 8. Reports of other committees.
 9. Unfinished business.
 10. Communications.
 11. New Business.
 12. Election and installation of Council officers.
 13. Adjournment.
- 1.2** The President shall appoint appropriate committees as outlined in the Bylaws as well as any others deemed necessary. All recommended changes to the Bylaws and Rules Governing the Council Convention, immediately upon convening, shall be referred to the Bylaws and Rules Committee for consideration and report thereon with their recommendations to the Delegates.
- 1.3** Provisions in Article IV, Section 7, shall constitute a quorum, but less than that number may adjourn to meet at some future time.

ARTICLE II Rules of Order

- 2.1** A delegate arising to address the Chair shall first announce his/her name and the number of the Local he/she represents.
- 2.2** Except as provided in the Bylaws of this Council and these Rules, Roberts Rules of Order, Newly Revised, shall govern the procedures of this Council.

ARTICLE III Amendments

These Rules may be amended at any convention of the Council by a majority vote of the delegates present and voting.

**BYLAWS
NFFE FD1 DISTRICT LODGE
FOREST SERVICE NATIONAL COUNCIL**

Submitted By: */s/William R. Dougan* *10-20-04*
William R. Dougan
President, Forest Service Council
Date

/s/Michael Buntan *10-20-04*
Michael Buntan
Secretary, Forest Service Council
Date

Recommended By: _____
Richard N. Brown
President/DBR
NFFE FD1, IAM
Date

Approved By: */s/Robert V. Thayer* *12-10-04*
Robert V. Thayer
General Vice President
International Association of Machinists and Aerospace Workers
Date