

CONSTITUTION AND BY-LAWS
OF THE
FRATERNAL ORDER OF POLICE
STATE OF NEW YORK / EMPIRE STATE LODGE
LODGE SA03 / SURGEONS LODGE

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CONSTITUTION AND BYLAWS	
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CONSTITUTION

Preamble

We, the medical and ancillary personnel and others of the State of New York and the cities, towns, villages, and political subdivisions thereof, do hereby join this lodge, together for the following purposes:

To support and defend the Constitutions of the United States and the State of New York; to inculcate loyalty and allegiance to the United States of America; to promote and foster the enforcement of law and order; to improve the individual and collective proficiency of our members in the performance of their duties; to encourage fraternal, educational, charitable and social activities among our members and the people of the communities in which we live and work; to create and maintain a tradition of “esprit de corps” insuring fidelity to duty under all conditions and circumstances; and to cultivate a spirit of fraternalism and mutual helpfulness among law enforcement officers, our members and the people of the communities in which we live and work.

All terms used herein to denominate gender shall be generic and, whenever appropriate, the singular shall include the plural and the plural shall include the singular.

Article 1 Name

This organization shall be known as the FRATERNAL ORDER OF POLICE, STATE OF NEW YORK / SURGEONS LODGE SAO3, hereinafter referred to as the Lodge.

Article 2 Offices

The principal office of the Lodge shall be located within the geographical boundaries of the State of New York, County of Nassau.

Article 3 Charter

Section 1. This Lodge is chartered by the Empire State Lodge of New York State and is incorporated in and under the laws of the State of New York as a non-profit corporation.

Section 2. The Lodge is strictly non-sectarian, and shall have no application directly or indirectly with any labor union, congress, federation or committee of like nature, or similar organization by whatever name known.

Section 3. The Lodge does hereby declare and subscribe to the official Constitution and By-Laws of the Empire State Lodge of New York State. The Empire State Lodge Constitution and By-Laws, together with the State Constitution and the Constitution of the Lodge, shall be the fundamental law of this Lodge and, together with the By-Laws enacted in conformance therewith, shall govern the conduct of this Lodge.

Article 4 Membership

Section 1. Any health care provider currently or last practicing within the boundaries of the State of New York or living within the boundaries of New York State, or any other person otherwise being fit and supporting of our efforts shall be eligible for membership in the Lodge, subject to the provisions of this Constitution and By-Laws. No person shall be denied membership on account of race, creed gender, or sex.

The Lodge shall deny membership to anyone who is, or has been, a member of any group regardless of by what name known, which advocates the abolition or destruction of our Government, either by force or subversive means. The Lodge may deny membership to anyone who has been convicted of a felony

Section 2. The term "health care provider" shall mean an individual that provides preventive, curative, promotional or rehabilitative health care services in a systematic way to individuals, families or communities.

Section 3. There shall be two (2) classes of membership: Active, and Honorary membership.

A. The Active membership shall include any health care provider who currently lives or last practiced within the boundaries of

the State of New York, and any other person otherwise being fit and supporting of our efforts. No member shall qualify as an “Active Member” unless their dues are currently paid up.

B. The Honorary membership shall be comprised of individuals recognized by the Lodge, for exceptional service or contribution to the nation, the state, political subdivision, the law enforcement community or the Fraternal Order of Police.

Section 4. No person shall be allowed to continue as an Active or Honorary member, should they bring discredit upon the name of the Lodge, the State Lodge, or the law enforcement profession itself by their actions, wrong doings or crime. If such event should arise, the matter shall be brought to the attention of the Lodge at a scheduled meeting of the Board which shall take appropriate action. A person’s membership shall be suspended immediately upon arrest or indictment for any felony. A person’s membership shall be revoked upon conviction of any felony.

Article 5 Organization

Section 1. Governance. The Lodge shall be governed by a Board of Directors, which shall conform to this Constitution and By-Laws and such rules and regulations as may be applicable.

Section 2. Bi-Annual Meeting. The Lodge shall hold bi-annual meetings of the membership, which meetings shall be known as the Bi-Annual Meeting of the Fraternal Order of Police / Surgeons Lodge SAO3. The Bi-Annual Meetings shall be held in March (or as close thereto as practicable; the “Spring Meeting”) and in October (or as close thereto as practicable, the “Fall Meeting”). The time and place of the Bi-Annual Meetings shall be determined by the Board.

Section 3. Election of Officers. The Officers will be elected at the Fall Meeting, which elections shall be conducted as provided in the Constitution and By-Laws.

Section 4. Fiscal Year. The Fiscal year of the Lodge shall be the calendar year.

Article 6 Lodge Officers

Section 1. The Officers of the Lodge shall consist of the Lodge President, Immediate Past President, Past Presidents, Vice President, First Vice President, Second Vice President, Secretary - Treasurer, Chief Surgeon, Assistant Chief Surgeon, Two (2) Sergeants at Arms, at least Three (3) Trustees, and a State Trustee.

Section 2. The term of office of each Officer of the Board shall be from the first day of the month following the Fall Bi-Annual Meeting until the last day of the month in which the next Fall Bi-Annual Meeting is held and their successor assumes office.

Section 3. Succession.

- A. When a vacancy shall occur on the Board, the President shall appoint a member to temporarily assume the duties of the vacated office. As soon as practical the President shall nominate a member to permanently fill the vacated office and upon approval of a majority of the Board, said nominee shall fill the vacated office for the remainder of the unexpired term.
- B. If a vacancy involves the office of President, the Vice President shall temporarily assume the duties of the President until a meeting of the Board can be scheduled and a successor can be elected by a majority of the Board to fill the unexpired term. Such meeting shall be scheduled within sixty (60) days from the date the office of President is vacated.

Section 4. An Officer, except a President who qualifies to become a Past President, who resigns from office during any elected term shall relinquish all rights to and privileges of that office and shall revert to the status of "member."

Article 7 The Board

Section 1. Composition. The Board will be comprised of the Officers of the Lodge.

Section 2. Duties. The Board shall carry out the administrative business and other affairs of the Lodge in accordance with this Constitution and By-Laws.

Section 3. Meetings.

A. The President shall call the Board Meetings. The President shall honor a petition for a meeting when signed, or otherwise requested, by a majority of Board members. Members shall be notified of each Board Meeting no less than ten (10) days in advance, via telephone or the U.S. Mail to their last known residence address. Members of the Board shall respond via telephone to the Secretary - Treasurer not less than five (5) days prior to the meeting date, indicating their intention to attend.

B. A majority of the Board must be present to conduct business.

C. Voting members shall have one vote each, except the presiding officer who may vote only to break a tie.

Section 4. When a matter requiring prompt consideration comes to the attention of the Board and it is impractical to schedule a meeting, the President may direct that the members of the Board be polled via telephone until a majority vote shall have been reached. In such cases, a full report of the facts and circumstances and poll results shall be entered in the minutes of the next meeting of the Board.

Article 8 (Reserved)

Article 9 President

Section 1. The President shall be the chief executive officer of the Lodge. He shall preside at the Bi-Annual Meetings and at Board meetings. He shall have general management of the business of the Lodge and shall see that all orders and resolutions of the Lodge are put into effect. He shall execute any and all contracts that may be authorized. He shall appoint a majority of all committees except the Nominating Committee. He will be an ex-officio member of all committees with the exception of the Nominating and Elections committees. He shall call all Board Meetings. No personal surety bond shall be required. Together with the Secretary - Treasurer, he shall attest all warrants and vouchers for disbursements from any fund of the Lodge. He

shall convey to his successor all unfinished business, books and records of the Lodge at the end of his term of office.

Section 2. At the conclusion of his term of office, he shall convey to his successor all unfinished business, books and records of the Lodge.

Article 10 Immediate Past President

Section 1. There shall be an office of Immediate Past President, which office shall be held by the living person who most recently held the office of President. This person must have been elected at a Bi-Annual Meeting, completed at least one full term and not have been removed from office.

Section 2. The Immediate Past President is a member of the Board. He has voice and vote at all meetings.

Article 11 Past Presidents

Section 1. There shall be an office of Past Presidents. This office shall be held by all Past Presidents that were elected at a Bi-Annual Meeting, completed at least one full term, and were not removed from office.

Section 2. The Past Presidents are lifetime members of the Board having voice and vote.

Section 3. There shall be a Committee of Past Presidents, chaired by the Immediate Past President, which may be directed to perform duties by the President or the Board.

Article 12 Vice President

Section 1. The Vice President shall, in the absence of the President, preside at the bi annual meetings and the Board Meetings, and shall generally perform the duties of the President during his absence. Upon a vacancy in the office of President, the Vice President shall succeed to the office of President until a replacement is duly elected.

Section 2. At the conclusion of his term of office, he shall convey to his successor all unfinished business, books and records of the Lodge.

Article 13
First Vice President

Section 1. The First Vice President shall perform such duties as the President and/or the Board shall determine.

Section 2. At the conclusion of his term of office, he shall convey all property and records of the Lodge to the Secretary - Treasurer.

Article 14
Second Vice President

Section 1. The Second Vice President shall examine dues cards of all Officers, delegates and members, ascertaining that all present at all and meetings are in "good standing" and report to the presiding officer. He shall perform such other duties as directed by the President.

Article 15
Secretary - Treasurer

Section 1. The Secretary - Treasurer shall have custody of the books, records, stationery, documents, the Seal of the Lodge and office paraphernalia and equipment of the Lodge under the general authority and orders of the President and Board. He shall conduct the general correspondence of the Lodge. He shall attest, under the Seal of the Lodge, all duly authorized contracts of the Lodge. He shall be the official custodian of the Constitution and By-Laws of the Lodge. He shall authenticate with the Seal of the Lodge and the signatures of the President and Secretary - Treasurer, the Book of Amendments to the Constitution and By-Laws. He shall be responsible for the purchase, inventory and sale of all State Lodge merchandise.

Section 2. The Secretary - Treasurer shall be the custodian of the funds of the Lodge. All incoming monies for the Lodge shall be delivered to him, and he shall record the same. He shall, together with the President, attest to all warrants and vouchers for disbursements from any Lodge fund. He shall sign all checks, duly authorized by the President, for disbursement of funds. He shall keep an itemized record of all receipts and disbursements. He shall deposit all funds collected in a bank approved by the Board. He shall set-up accounts for special funds and allocate to each, respectively, the amounts allocated or collected thereof.

Section 3. The Secretary - Treasurer shall not release the mailing list of the names and addresses of members to anyone unless it shall have been with the consent of the Board. Notification of such consent shall be given to the members by United States Mail.

Section 4. At the expiration of his term of office and within thirty (30) days thereafter, the Secretary - Treasurer shall deliver to his successor, all monies, record books, documents, records, paraphernalia and equipment in his possession and shall require and receive a receipt thereof. He shall convey to his successor all unfinished business, books and records of the Lodge

Article 16
Sergeants at Arms

Section 1. The two (2) Sergeants at Arms shall have charge and control of the Annual Meeting or meeting places. They shall permit only qualified persons to enter and remain. They shall assist the Second Vice President in the execution of his duties and perform other duties as directed by the President.

Article 17
Official Publication

Section 1. The Board may authorize an official publication of the Lodge, which will contain information of interest to the members and other material deemed appropriate.

Article 18
Legal Counsel

Section 1. There shall be a Chief Legal Counsel designated by the President with the advice and consent of the Board.

Section 2. Any additional legal counsel shall be appointed by the President and designated Special Counsel.

Article 19
Arrears of Dues

Section 1. "Member in good standing" is hereby defined to be a member who (i) has paid all dues and assessments to the Lodge, or who is not more than

sixty (60) days in arrears of such payments as of the due date, and (ii) whose membership is neither suspended nor revoked.

Section 2. Any member in arrears of payment of dues or assessments more than sixty (60) days and less than one hundred and twenty (120) days shall be deemed to be delinquent and not in good standing.

Section 3. Any member in arrears of payment of dues or assessments more than one hundred and twenty (120) days shall be and is hereby automatically suspended.

Section 4. Any member delinquent or suspended, as provided in this Article, may be restored to good standing by payment of dues for the whole of the current year and any arrearages for past years.

Article 20

Official Order of Business

The official order of business shall be:

- A. Salute to the United States Flag
- B. Moment of silence
- C. Roll call of officers
- D. Roll call of delegates
- E. Reading of minutes of previous meeting
- F. Secretary - Treasurer's report
- G. Reports of officers
- H. Report of trustee
- I. Correspondence and bills
- J. Reports of committees
- K. Unfinished business
- L. New business
- M. Nomination of officers
- N. Good of the Lodge
- O. Election of officers (Fall Meeting)
- P. Installation of officers (Fall Meeting)
- Q. Adjournment

Article 21
Parliamentary Procedure

Except as provided in this Constitution and By-Laws, the latest edition of “Roberts’ Rules of Order” shall govern the conduct and deliberations of the State Lodge meetings.

Article 22
Amendments

Section 1. An amendment to this Constitution and By-Laws may be proposed by any Active Member. Such proposal shall be in made in writing to the Secretary-Treasurer between thirty (30) and ninety (90) days before a Bi-Annual Meeting. The proposed amendment shall then be considered as New Business at the next Bi-Annual Meeting.

Section 2. The proposed amendments shall become a part of this Constitution and By-Laws upon approval by a majority of members then voting.

BY-LAWS

Article 1 Character

Section 1. The Lodge shall take cognizance of all matters of intrastate and interstate scope affecting the welfare and interests of law enforcement officers of this State and their dependents, the members of the Lodge, and the communities in which they live and work. The Board, or in the case of an emergency, the President, shall take such immediate action as shall be necessary to safeguard their interests.

Article 2 Organization

Section 1. Committees.

- A. The President or the Board shall determine the committees necessary for the good of the Lodge. The Board shall specify whether such committees shall be made permanent.
- B. Standing Committees shall be continued beyond the end of the current term of office. All committee appointments shall be made in accordance with this Constitution and By-Laws.

Section 2. Reports.

- A. Reports of Officers and Committee Chairmen shall, if required, be submitted in writing to the Secretary – Treasurer no less than thirty (30) days prior to the closest Bi-Annual Meeting.
- B. The Secretary – Treasurer shall prepare said reports in writing and furnish one (1) copy to each member of the Board and to attendees of the Bi-Annual Meeting. Reports of Officers and Committee Chairmen shall be submitted in writing to the Secretary – Treasurer no less than five (5) days prior to the date of the Bi-Annual Meeting.

Article 3 Committees

Section 1. Nominating Committee.

- A. The Nominating Committee will consist of five (5) members appointed no less than ninety (90) days prior to the start of the Fall Bi-Annual Meeting. The President shall appoint two (2) members and name the chairman. The Vice-President shall appoint one (1) member and the Chief Surgeon shall name two (2) members.

- B. The Chairman of the Nominating Committee shall convene its members to investigate eligibility and consider candidates for election to offices of the Lodge. The Nominating Committee will compose a slate of candidates no less than thirty (30) days prior to the start of the Annual Meeting.

Section 2. Elections Committee. The Elections Committee will consist of five (5) members appointed at the Spring Meeting, or at such other time as the President considers necessary and appropriate. The President shall name three (3) members and name the chairman. The Vice President will name two (2) members.

Section 3. Pro-Tem Committees. President or a majority of the Board shall appoint Pro-Tem Committees as needed.

Article 4 Nomination and Elections of Officers

Section 1. The chairman of the Nominating Committee shall report the slate of candidates to the Fall Meeting. Following his report, additional candidates may be nominated from the floor by any two (2) qualified delegates. All candidates must be present at the Fall Meeting or have provided a letter of acceptance of nomination, properly notarized, to the chairman of the Nominating Committee.

Section 2. In the event that only one (1) candidate is nominated for an office, the Secretary - Treasurer is directed to cast one vote for that person, who shall be declared elected.

Section 3. No member may be a candidate for more than one (1) office nor shall any officer-elect be a candidate for any other office.

Section 4. Each candidate competing for any contested office shall, upon request, be permitted to address the Fall Meeting for a period not to exceed three (3) minutes following the close of nominations.

Section 5. Voting shall be by hands raised.

Section 6. At the conclusion of the voting, the chairman of the Elections Committee will instruct his committee to tally the votes. The chairman of the committee will deliver to the President a report of the election results.

Section 7. The President shall announce the results of the election to the Fall Bi-Annual Meeting, or as soon as practicable thereafter, and shall declare elected those candidates receiving a majority of the votes cast for each respective office.

Section 8. In the event that no candidate for any office receives a majority of the votes cast, a run off election will be conducted between the two (2) candidates receiving the most votes of all those candidates running for that office.

Article 5 Audit

Section 1. The Board shall, no less than once a year, conduct a complete examination of the financial accounts of the Lodge. At any time they may order a complete audit and report of all funds and financial books and records of the Lodge by a certified accountant.

Article 6 Rules and Procedure Permitting a Member to Speak During a Board Meeting or a Bi-Annual Meeting

Section 1. Every member in good standing may speak at a Board Meeting on any subject introduced under new business.

Section 2. Every member in good standing may suggest a charitable organization to receive contributions from the Lodge. If a member suggests an organization at a bi-annual meeting, such suggestion shall be voted on at that meeting by the members present. If a member suggests an organization at any other time, such suggestion shall be voted on by members of the Board.

Section 3. The right to engage in discussion at a Board Meeting shall in no way authorize that member the right to vote.

Article 7
President

Section 1. The President shall submit a written report to the Secretary – Treasurer no less than thirty (30) days prior to the Bi-Annual Meetings, but may submit said report verbally at the meeting.

Section 2. At each meeting of the Board the President shall submit a full and complete written report in respect to the Lodge business transacted by him since the last meeting of the Board, together with such recommendations as he may deem advisable.

Section 3. The President, before any subject is opened to discussion, may set reasonable time limitations, which shall be applied uniformly, on each member who desires to speak. Consideration shall be given to the importance of the subject matter raised for discussion, its complexity, and other pertinent factors in fixing such time limitations.

Article 8
Immediate Past President

Section 1. The Immediate Past President shall provide a written report to the Secretary - Treasurer no less than thirty (30) days prior to any Bi-Annual Meeting if he feels it necessary. He shall provide a written report prior to every Board Meeting if he feels it necessary.

Section 2. The Immediate Past President shall carry out such duties as directed by the President or the Board.

Article 9
Past Presidents

Section 1. Each Past President shall provide a written report to the Secretary – Treasurer no less than thirty (30) days prior to any Bi-Annual Meeting if he feels it necessary. Each shall provide a written report prior to every Board Meeting if he feels it necessary.

Section 2. Each will carry out the duties as directed by the President or the Board.

Article 10
Vice President

Section 1. The Vice President shall submit a written report to the Secretary - Treasurer no less than thirty (30) days prior to any Bi-Annual Meeting if he feels it necessary. He shall provide a written report prior to every Board Meeting if he feels it necessary.

Section 2. The Executive Vice President shall carry out the duties as directed by the President or the Board.

Article 11
First Vice President

Section 1. The First Vice President shall submit a written report to the Secretary – Treasurer no less than thirty (30) days prior to any Bi-Annual Meeting if he feels it necessary. He will provide a written report prior to every Board Meeting if he feels it necessary.

Section 2. The First Vice President will perform such duties as directed by the President or the Board.

Article 12
Second Vice President

Section 1. The Second Vice President shall submit a written report to the Secretary - Treasurer no less than thirty (30) days prior to any Bi-Annual Meeting if he feels it necessary. He will provide a written report prior to every Board Meeting if he feels it necessary.

Section 2. The Second Vice President will perform such duties as directed by the President or the Board.

Article 13
Secretary - Treasurer

Section 1. The Secretary – Treasurer shall provide all financial accounts, books and records of the Lodge to the Board for the purpose of any called audit. He shall maintain minutes of each Board meeting and the Bi-Annual Meetings.

Section 2. The Secretary – Treasurer shall provide a report of his activities to the Bi-Annual Meetings and at each Board Meeting.

Section 3. The Secretary – Treasurer shall police the use of the name, insignia or emblem and mark, trademark or service mark of the Lodge and the Fraternal Order of the Police in order to protect the same.

Article 14

Sergeants at Arms

Section 1. Either of the Sergeants at Arms shall submit a written report to the Secretary - Treasurer no less than thirty (30) days prior to any Bi-Annual Meeting if he feels it necessary.

Article 15

State Trustee

Section 1. Except as otherwise provided, the State Trustee shall have charge of and be responsible for all property of the Lodge and to attend all state trustee meetings and vote as he deems fit for the benefit of the Lodge

Article 16

Removal from Office

Section 1. Any officer of the State Lodge shall be automatically dismissed from office without a hearing for any of the following:

- A. Indictment or arrest for the commission of a felony.
- B. Failure to maintain membership in good standing.

Section 2. Any Officer of the Lodge may be suspended and temporarily removed from office pending a hearing for any of the following. The suspension will commence upon order of a majority of the members of the Board.

- A. Failure to carry out the duties of the Office as specified in the Constitution and By-Laws.
- B. After determining that there is probable cause to believe that the petition for removal from office is valid.

Section 3. A petition for removal of an officer must be made in writing by not less than four (4) members of the Board. Upon receipt of a petition for removal, the Board shall investigate and consider its merits within thirty (30) days. The accused officer will be notified that the petition has either been dismissed or that the officer is suspended from office pending a hearing.

Section 4. When a petition for removal is sustained by the Board, a hearing will be ordered within forty-five (45) days. The officer shall be notified in writing no less than thirty (30) days prior to the hearing and shall be provided with all the facts concerning the petition in order to develop a defense and retain counsel if desired. An extension of the hearing date must be agreed to in writing by both the concerned officer and the Board.

Section 5. The hearing shall be held by the Board at a meeting of the Board. A two-thirds (2/3) vote of those members of the Board present shall be necessary to sustain a petition for removal from Office.

Section 6. A decision for removal of an officer by the Board can be appealed to the members at a Bi-Annual Meeting, to the State Lodge, and finally to the National Lodge in that order. (Suspension from office will remain in effect until all appeals have been exhausted.)

Article 17

Rules and Procedure for Conducting Disciplinary and Appeal Hearings

Section 1. To conduct the investigation and hearing of a complaint against a member or officer, the Board shall:

- A. Require that the complaint be made under oath and in writing.
- B. Serve the member, by registered United States Mail, a written copy of the complaint detailing the allegations.
- C. After receiving the complaint, a hearing date will be set for not less than thirty (30) days after the date the complaint was mailed to the member.
- D. The hearing will be confined to the allegations listed in the complaint.

- E. The hearing will be conducted in the following manner:
1. The complainant shall adduce the evidence in support of the specific allegations.
 2. The accused will then provide such evidence as he may wish to offer in defense of the allegations.
 3. The complainant may offer evidence in rebuttal.
 4. The hearing and the production of evidence shall be governed by the general rules for the burden of proof and rules of evidence applied by the courts in civil cases. The complainant and accused will be allowed representation by legal counsel.
- F. The hearing shall be held at the next regular Board meeting or at a special meeting called for that purpose.
- G. A two-thirds (2/3) vote of those members of the Board present shall be necessary to sustain a complaint.
- H. The appropriate discipline will be decided by the Board.
- I. No hearing shall be necessary to suspend a member's membership due to arrest or indictment for any felony. No hearing shall be necessary to revoke a member's membership upon conviction of any felony.

Section 3. Decisions by the Board may be appealed to the State Lodge, and finally to the National Lodge, in that order. (Decisions by the State Executive Board will remain in effect until all appeals have been exhausted.)

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