

**BYLAWS OF THE
MICHIGAN STATE POLICE
TROOPERS ASSOCIATION, INCORPORATED**
As last amended on October 14, 2014

ARTICLE 1 – NAME AND LOCATION

Section 1 The name of this organization shall be the Michigan State Police Troopers Association, Incorporated (hereinafter called the “Association”).

Section 2 The principal office of the Association will be located within the greater Lansing area, unless or until another location is determined by the Executive Board.

ARTICLE 2 – MEMBERSHIP

Section 1 Any enlisted employee of the Michigan Department of State Police identified in Article 1, Section 2 of the current MSP/MSPTA Collective Bargaining Agreement is eligible for membership in this Association.

Section 2 A member as defined in Section 1 above shall be in good standing upon payment of Association dues. Members in good standing are eligible:

- a. To hold office as an Association officer or representative.
- b. To be afforded all rights and responsibilities under the collective bargaining agreement.
- c. To be considered for appointment to committees.
- d. To speak at open meetings.
- e. To nominate candidates for office and to vote for elected officers and representatives of the Association.
- f. To vote for ratification of negotiated contracts.
- g. To receive official Association publications.
- h. To inspect official records of the Association except:
 - i. Records pertaining to contract negotiations.
 - ii. Records pertaining to individual grievances.
 - iii. Records pertaining to discipline.
 - iv. Any other issue deemed confidential by the Executive Board.
- i. To present motions and resolutions.

- j. To insist on the enforcement of Association policies and parliamentary procedure.
- k. To have a hearing before the Executive Board on all complaints about the Association or against an Association representative or employee.
- l. To exercise any other rights or privileges given to Association members by the Association's Constitution, Bylaws, or policies of the Association; or by the Executive Board.
- m. To receive, if requested, a copy of the Constitution or Bylaws of the Association; or to receive a copy of any official minutes of the Association.

Section 3 Fair Share Member:

Any enlisted employee of the Michigan Department of State Police identified in Article 1, Section 2 of the current MSP/MSPTA Collective Bargaining Agreement who elects not to be a member of this Association and who has chosen instead to pay fair share fees to the Association shall be entitled to all rights and responsibilities under the collective bargaining agreement, as well as those guaranteed to them by the Constitution of the United States, the Constitution of the State of Michigan, or the laws of the State of Michigan.

A fair share fee payer may not exercise any other rights or privileges given to Association members by the Association's Constitution, Bylaws, or policies of the Association; or by the Executive Board. Fair share members are not eligible to:

- a. Hold office as an Association officer or representative.
- b. Be considered for appointment to a committee.
- c. Nominate candidates for office and voting for elected officers and representatives of the Association.
- d. Inspect official records of the Association except the Associations annual financial report.
- e. Present motions and resolutions.
- f. Insist on the enforcement of Association policies and parliamentary procedure.
- g. Receive a copy of the Constitution or Bylaws of the Association, or a copy of any official minutes of the Association.

ARTICLE 3 – EXECUTIVE OFFICERS

Section 1

President:

- a. The President shall be the Chief Executive Officer of the Association. The President shall be the Chairperson of the Executive Board and is subject only to the order and direction of the Executive Board.
- b. The President shall be charged with conducting the day to day business operations of the Association. This includes the execution of personnel policies, except that the President may delegate execution of these duties, in whole or in part, to another Executive Officer or Association staff member.
- c. The President shall serve as an ex-officio member of all standing Association committees.
- d. The President shall act as judge of and declare the results of elections.
- e. The President shall appoint all standing and special committees of the Association, subject only to the approval of the Executive Board.
- f. The President shall direct the use of the corporate seal.
- g. The President shall be bonded and have the authority to conduct necessary financial business in the absence or disability of the Secretary/Treasurer.

Section 2

Vice President:

- a. In the absence or disability of the President, the Vice President shall be the Chairperson of the Executive Board and perform all other duties and exercise the powers of the President.
- b. The Vice President shall perform all other duties as the President or the Executive Board shall prescribe.

Section 3

Secretary/Treasurer:

- a. The Secretary/Treasurer shall keep the records of the Association and the minutes of the Executive Board.
- b. The Secretary/Treasurer shall receive and deposit to the credit of the Association all appropriate monies belonging to the Association.

- c. The Secretary/Treasurer shall make an accounting of all monies received and spent. This includes a written financial report which shall be submitted to the Executive Board and the membership annually.
- d. The Secretary/Treasurer shall be bonded in an amount to be determined by the Executive Board.
- e. The Secretary/Treasurer shall perform all other duties as the President or Executive Board shall prescribe.

Section 4 Emergency Powers:

- a. For the purpose of emergency powers, the descending line of authority of the Association shall be:
 - i. President
 - ii. Vice President
 - iii. Secretary/Treasurer
- b. From time to time, Association officers, Executive Board members, and other elected persons, with the exception of the President, may charge a designated representative to act in their stead, granting either limited or broad powers of authority and responsibility.

ARTICLE 4 – EXECUTIVE BOARD

Section 1 Members:

The Executive Board shall consist of the Executive Officers of the Association, the District Representatives, and a Sergeant and Detective Sergeant Representative from each region as herein defined.

Section 2 Duties of Executive Board Members:

- a. Each Executive Board member is expected to attend all meetings of the Executive Board.
- b. Each Executive Board member shall perform such duties as the President or Executive Board shall prescribe.

Section 3 Duties of the Executive Board:

- a. The Executive Board shall conduct itself in keeping within the powers and limitations prescribed by the Association's Constitution and Bylaws in carrying out Association business.
- b. The Executive Board shall keep a record of all of its formal actions and decisions.
- c. The Executive Board shall determine the number of representatives for each district and the worksites for which each representative is responsible.

Section 4 Installation of the Executive Board:

- a. Executive Officers and Executive Board members shall be installed and take office at the Quarterly business meeting held annually in the month of January.
- b. If an Executive Officer or Executive Board member is filling a vacancy as prescribed in Article 6, Section 5 of these Bylaws, the Officer or Executive Board member need not wait to be installed in January, but shall be installed as soon after appointment or election as practical.
- c. Executive Officers and Executive Board members may not enter upon their duties prior to formal installation, which includes administration of the Oath of Office.
 - i. For the annual installation of the Executive Board, the Oath of Office is administered at the end of the first business day of the January Executive Board meeting.
 - ii. Following a special election to fill an Executive Board vacancy, the Oath of Office will be administered as soon as practical.

Section 5 Oath of Office:

Each member of the Executive Board shall be required to take the following Oath of Office:

"I [state your name], swear that I will support the Constitution of the United States and the Constitution of the State of Michigan and will perform faithfully and to the best of my ability, the duties imposed upon me as a member or officer of the Michigan State Police Troopers Association, so help me God."

ARTICLE 5 – POST AND UNIT REPRESENTATIVES

Section 1 Each post or work unit with 1 – 39 MSPTA members will have one representative. Each post or work unit with 40 – 59 MSPTA members will have two representatives. Each post or work unit with 60 or more MSPTA members will have three representatives. The count for MSPTA members will take place on August 1 of each year.

- a. Any post which consists of a region of four or more counties shall have the option of electing at least two representatives, even if the post does not have 40 MSPTA members.

Section 2 Post and Unit Representatives shall attend and preside over meetings of the members of their post or unit.

Section 3 Post and Unit Representatives will keep records of pertinent Association business and make proper accounting of all Association property in their possession to their District or Regional Representative.

ARTICLE 6 – ELECTIONS

Section 1 Term of Office:

- a. The term of office for an Executive Officer of this Association shall be two (2) years.
- b. The term of office for other members of the Executive Board shall be two (2) years.
- c. The term of office for a Post or Unit Representative shall be one (1) year.

Section 2 Eligibility:

- a. Any member in good standing is eligible to hold or vote for the office of:
 - i. President
 - ii. Vice President
 - iii. Secretary/Treasurer
 - iv. Post or Unit Representative
- b. The seat of District Representative shall be held by a trooper in the respective district and elected by members in that district holding the rank of trooper at the time ballots are received.

- c. The seat of regional Sergeant and Detective Sergeant Representative shall be held and elected by members of similar rank from within the respective regions as follows:
 - i. Region 1 shall be defined as that area described by the Michigan State Police as Districts 1, 5, and 6.
 - ii. Region 2 shall be defined as that area described by the Michigan State Police as Districts 2, 3, 7, and 8.
- d. No member shall be eligible to hold more than one elected office or seat at a time. If elected to more than one office or seat, the member must immediately declare which office or seat to hold. This choice must be made in writing to both the President and the chairperson of the Elections Committee.

Section 3 Nominations:

- a. Executive Board members shall be nominated by any member eligible to vote for the office or seat being nominated. Nominations shall be made at the Quarterly Executive Board business meeting held in October.
- b. Nominations for Post or Unit Representatives shall be made by any member of the post or unit represented. Nominations shall be made to the respective District Representative no later than August 31 of each year.
- c. An incumbent officer or representative does not need to be re-nominated. An incumbent is recognized as seeking re-election unless that incumbent declares their intention not to seek re-election.

Section 4 Elections:

- a. Elections for members of the Executive Board shall be conducted by the Elections Committee. Members eligible to vote will receive an election ballot mailed to their home address of record. Nothing in these Bylaws shall prevent the use of electronic (internet) voting in lieu of paper ballots upon approval of the Executive Board.
- b. Election ballots will be mailed no later than November 10.
- c. Election ballots will be tabulated by the Elections Committee no later than the first business day following November 24.
- d. The following seats shall be elected in the odd numbered years:
 - i. President
 - ii. 1st District Representative

- iv. 3rd District Representative
 - v. 5th District Representative
 - vi. 7th District Representative
 - vii. Region 1 Sergeant Representative
 - viii. Region 1 Detective Sergeant Representative
- e. The following seats shall be elected in the even numbered years:
- i. Vice President
 - ii. Secretary/Treasurer
 - iii. 2nd District Representative
 - iv. 6th District Representative
 - v. 8th District Representative
 - vi. Region 2 Sergeant Representative
 - vii. Region 2 Detective Sergeant Representative
- f. Post or Unit Representatives elections shall be conducted by the incumbent representative during the first week of September each year.
- i. If any member assigned to the post or unit for which the election was held challenges the validity of the election, the appropriate District Representative will investigate.
 - ii. The District Representative's findings will be reported to the Chairperson of the Elections Committee. The Chairperson of the Elections Committee will determine if a repeat ballot election is necessary.
 - iii. If a repeat ballot election is necessary, the Elections Committee will direct the appropriate District Representative to conduct the election as required.
 - iv. This process will be completed prior to October 1, or as soon as practical.
- g. Persons elected to the position of Post or Unit Representative shall be sworn in by the appropriate District or Regional Representative as soon as practical.
- i. Immediately thereafter, the District or Regional representative shall notify the President or their designee of the election results.
- h. All elections shall be by majority vote of those returning ballots.

Section 5 Filling Elected Position Vacancies:

- a. Upon the death, resignation, retirement, disqualification, or recall of the President or during any period of suspension of the President, the Vice President shall assume the duties of the President.

- b. Upon the death, resignation, retirement, disqualification, or recall of the Vice President, Secretary/Treasurer, a District Representative, or a Regional Representative, the President may appoint a member to assume the duties and responsibilities of the position until an election can be held.
 - i. Nominations of eligible candidates to fill the vacant Executive Board position will be accepted at the next District or Quarterly meeting, whichever occurs first.

- c. Upon the death, resignation, retirement, disqualification, or recall of a Post or Unit Representative, the District Representative may appoint a member to assume the duties and responsibilities of the position until an election can be held.

Section 6 Runoff Elections:

- a. Elections must be won by a majority vote. A majority is defined as the number by which votes for one candidate is more than those for all other candidates that appear on the ballot combined (50% plus 1).

- b. In the event that an election has more than two candidates appearing on the ballot and a candidate does not receive a majority of votes, a runoff election shall be conducted between the two candidates receiving the highest number of votes.

ARTICLE 7 – ASSOCIATION MEETINGS

Section 1 Post and Unit Meetings:

- a. It is recommended that official meetings of each post or unit be held in the months of February, May, August, and November.

- b. Post or unit meetings shall be chaired by the Post or Unit Representative or their designee.

- c. Special meetings may be called at the discretion of the Post or Unit Representative, or upon the request of a majority of Association members at the post or unit.

- d. Post or Unit Representatives shall be required to give sufficient advance notice of their meetings to their members.

Section 2 District Meetings:

- a. District Representatives shall hold official meetings of their respective districts.
 - i. The District Representative shall designate the location of district meetings.
 - ii. District representatives are required to notify the Association office as well as the Regional Representatives of the date, time, and location of their district meetings.
- b. It is recommended that these meetings be held during the months of March, June, September, and December.
- c. District meetings shall be chaired by the District Representatives or their designees.
- d. Special meetings may be called:
 - i. At the discretion of the District Representative.
 - ii. Upon the request of a majority of the Post or Unit Representatives within the district.
 - ii. Upon petition of 10% or more of the members within the district.

Section 3 Regional Meetings:

Nothing in this article should be construed to prohibit Regional Sergeant and Detective Sergeant Representatives from holding meetings for their constituents.

Section 4 Executive Board Meetings:

- a. The Executive Board of this Association shall meet four (4) times each calendar year at such times and places as designated by the Executive Board. The Executive Board may vote to waive not more than one of these meetings each calendar year if there does not appear to be sufficient business to come before the board at that Quarterly.
 - i. One (1) meeting shall be held in the month of January for the installation of the Executive Officers and the Executive Board.
 - ii. One (1) meeting shall be held on a weekend.

- b. Special meetings separate from those meeting the criteria listed in Section 4e of this article shall be held when called for by the President, or upon demand to the President by eight (8) or more Executive Board members.
- c. Meetings of the Executive Board shall be held at locations designated by the majority of the Executive Board except the January meeting, whose location is at the discretion of the President (“President’s Choice”).
- d. Written notice of the date, time, and location of Executive Board meetings will be provided to each member of the Association in a reasonable amount of time so that those members wishing to attend the meeting may do so.
- e. A special meeting of the Executive Board, whether in person or via teleconference, including executive session meetings, may be called by the President and the procedures established in sections 4, 5, and 6 of this article suspended to discuss and take action on contractual matters, to discuss and take action on personnel matters, and/or to discuss and formulate a budget for the Association.

Section 5 Executive Board Meeting Order of Business:

- a. Executive Board meetings will follow an agenda and order of business that should include as a minimum the following items:
 - i. Call to Order
 - ii. Invocation and Pledge of Allegiance
 - iii. Roll Call
 - iv. Secretary/Treasurer’s Report
 - v. President’s Report
 - vi. Vice President’s Report
 - vii. Legislative Report
 - viii. Committee Reports
 - ix. Proposals/Resolutions
 - x. Old Business
 - xi. New Business
 - xii. Good and Welfare
 - xiii. Future Quarterlies
 - xiv. Close of Business/Adjourn
- b. Minutes of Executive Board meetings shall be taken and recorded by the Secretary/Treasurer. Minutes will be submitted to the Executive Board by electronic mail for approval within 30 days of the meeting. Thereafter, approved minutes shall be submitted to Post and Unit representatives within thirty days. Minutes will be made available to all other members upon request.

Section 6 Attendance and Voting:

- a. Attendance at all meetings of the Association are open to all members, fair share fee payers, and associate members except those meetings listed in Section 4e of this Article, or when circumstances would justifiably exclude general attendance.
 - i. A non-member of the Association may attend a meeting if invited by a member or fair share fee payer if approval has been granted by the President or the Representative chairing the meeting.
- b. Voting in all meetings is restricted to the voting members of the post, unit, district, or region where the meeting is being held, and then only to those members who qualify to vote on a specific issue as described in Article 10 of these By-Laws. This section does not apply to Executive Board members attending Executive Board meetings.

Section 7 Meeting Expenses:

The cost of Association meeting expenses shall be covered pursuant to the Association Expense and Compensation Policy.

ARTICLE 8 – ASSOCIATION COMMITTEES

Section 1 Standing Committees:

The functions of the standing committees shall be implied by their respective names and as specified herein. It is the duty of each standing committee chairperson to keep minutes of its proceedings and to submit those minutes to the Executive Board at a regular or special meeting. A copy of these minutes will also be submitted to the Secretary/Treasurer.

- a. Publications Committee: Oversees the publication of the *Michigan Trooper* magazine as well as any other official publications of the Association.
- b. Grievance Committee: Oversees and reports matters involving the application, interpretation, and enforcement of the collective bargaining agreement. Evaluates grievances for arbitrability.
- c. Elections Committee: Oversees, administers, and reports the results on all matters requiring a vote of the membership. This includes:
 - i. Executive Board elections (general and special).

- ii. Collective bargaining agreement ratifications.
 - iii. Constitutional amendments.
 - iv. Any other elections or votes as required by the Constitution or Bylaws.
- d. Bargaining Team: Has sole responsibility to determine bargaining issues and establish bargaining strategy based upon membership input as well as economic forecasts, trends, and factors at the time of bargaining.
- e. Associate Membership Committee: Oversees, makes recommendations, and reports on all matters concerning associate members (retirees) as defined in Article 14 of the Bylaws.

Section 2 Contractual Committees:

- a. Contractual committees shall include those committees established by the contract and shall function as prescribed by such.
- b. Unless the method for member selection to a contractual committee is specified in the contract, all appointments to contractual committees will be made by the President.

Section 3 Special Committees:

- a. From time to time, special committees may be needed to fulfill a specific purpose. The authority to create such committees lies with the President or the Executive Board.
- b. The duties, authority, make-up, and appeal process of a special committee shall be designated by the power creating the committee.

Section 4 Appeal of Committee Decisions:

- a. Any member may appeal a decision of the Publications, Grievance, Elections, or Associate Membership committees to the Executive Board.
- b. A majority vote of the Executive Board is necessary to overrule or alter a committee decision.

ARTICLE 9 – PARLIAMENTARY PROCEDURE

Section 1 Roberts Rules of Order will be used by all bodies of this Association unless they are inconsistent or impractical with the Associations Constitution, Bylaws, or other procedural rules in place.

Section 2 Executive Board members, except the President, who cannot attend an Executive Board meeting, may appoint a responsible constituent to act as

their proxy. No proxy may participate or vote as a member of the Executive Board until written authorization of proxy status from the member being replaced is presented to the Executive Board.

ARTICLE 10 – DUES

Section 1 Bi-Weekly Dues:

The bi-weekly dues for members of this Association shall not exceed one (1) hour of the maximum pay rate of a trooper, unless approved by a majority of the voting members of the Association.

- a. Annual dues and the method of payment for associate members shall be established by the Associate Membership Committee subject to the approval of the Executive Board.

Section 2 Additional Assessments and Fees:

Other than bi-weekly dues, no other assessment or fees shall be paid by Association members except on approval of the majority of Association members voting in any regular or special election that has been approved by the Executive Board for that purpose.

Section 3 Waiver of Dues:

- a. The Executive Board may waive the payment of dues or fair share fees of an individual member, including an associate member, for good cause shown. The exercise of this authority is also delegated to the President.
- c. Associate membership dues are automatically waived for surviving spouses of deceased retirees.

ARTICLE 11 – FEE REVIEW PROCEDURE FOR FAIR SHARE REPRESENTATION

Section 1 Request for Impartial Review:

Any member subject to and/or making fair share fee payments in lieu of full dues payments under the fair share fee provision of the Association's collective bargaining agreement, who objects or wishes to object to the expenditure of any portion of such payment for purposes of unrelated Association duties as the collective bargaining representative (called non-chargeable expenditures) shall have the right to object and request an impartial review of such expenditures in the manner set forth within this article of the Association's By-Laws.

Section 2 Agency Fee Year:

For purposes of the administration of the fair share fee policy, the Association agency fee year begins on January 1 of each year and ends on December 31 of the same year.

Section 3 Distribution of Financial Reports:

- a. On or before November 15 of each year, the Association shall prepare and provide to all fair share fee payers a statement of the Association's expenditures for the preceding fiscal year.
 - i. This statement shall be distributed to fair share fee payers via electronic mail or pre-paid first class US mail.
 - ii. Copies will also be available for inspection during regular business hours at 1715 Abbey Road, Suite B, East Lansing, Michigan.
- b. The financial statement will identify major categories of Association expenditures and the amount expended in each category which is relevant to the Association's duties as the sole collective bargaining representative or which is expended for purposes unrelated to its duties as the sole collective bargaining representative, as verified by an independent auditor.
- c. A copy of this policy and a summary identifying the amount of the fair share fee and the method of calculation will accompany each copy of the financial statement that is distributed by the Association to fair share fee payers.

Section 4 Persons Subject to Pay Fair Share Fees:

- a. As defined in the collective bargaining agreement, bargaining unit members who are not members of the Association are required to pay fair share fees under the terms and provisions stated in the agreement.
- b. Before utilizing compliance procedures under the agreement to compel bi-weekly dues deductions, non-members will be given notice of this policy with the summary of expenditures and method of calculation, and will be afforded an opportunity to object to the amount of fair share fees and receive an impartial review of the Association's calculation of fair share fees.

Section 5 Advance Reduction of Fees:

Effective January 1 of each year, the fees paid by fair share fee payers, shall be adjusted, as percentage of dues, to reflect the same proportion that

the Association's non-chargeable expenditures bear to the Association's total expenditures for its prior fiscal year.

Example: If five percent (5%) of the Association's expenditures in a given fiscal year are non-chargeable expenditures, the fair share fee payer's total annual dues would be reduced by five percent (5%).

Section 6 Impartial Review of Association Calculations:

- a. Any fair share fee payer who wishes to object to the Association's calculations and desires an impartial review of the allocation of Association expenditures (as described in the financial report provided under Section 3 of this article) shall notify the Association of such a request within the time period of November 15 to December 31 each year.
 - i. Requests may be made in writing or in person and are considered filed on the date that they are received at the Association office. If mailed, requests will be sent to the following:

Fair Share Fee Objection
Michigan State Police Troopers Association, Inc.
1715 Abbey Road, Suite B
East Lansing, Michigan 48823
- b. The fair share payer requesting an impartial review is encouraged to identify any perceived error in calculating the fair share fee. Although not required, this identification could facilitate resolution prior to any review proceeding.
 - i. Nothing in this policy shall be construed to prohibit the parties from taking measures to informally resolve any objection(s) to the mutual satisfaction of both parties.
- c. If one or more timely requests for impartial review have been received by the Association at the close of the objection period (December 31), the Association shall promptly seek an impartial review of its calculations by the following method:
 - i. The Association will file a letter of request to the American Arbitration Association, pursuant to the American Arbitration Association's *Rules for Impartial Determination of Union Fees*.
 - ii. If more than one objector seeks review during the objection period, all objections concerning review of the Associations calculations shall be consolidated into a single hearing.

- iii. It is understood that under the American Arbitration Association's *Rules*, the award shall be rendered by the arbitrator not later than thirty (30) days from the date of closing of hearings, or, if oral hearings have been waived, from the date of transmitting the final statements and proofs to the arbitrator.

Section 7 Escrow of Fees upon Filing of Request for Impartial Review:

- a. When a timely request for impartial review is received, fair share fees received from the requesting fair share fee payer shall be immediately placed in escrow by the Association into an interest-bearing escrow account (if an interest-bearing account is available) with an independent, insured financial institution (escrow agent). The fees of the fair share fee payer who filed a request for an impartial review shall continue to be paid into escrow until the decision of the arbitrator.
- b. Upon issuance of the impartial determination of fees and the transmission of the decision to the escrow agent, the escrow agent shall be requested to transmit to the fair share fee payer, the amount of their fees in escrow which the arbitrator deemed to be non-chargeable, plus interest attributable to the individual's non-chargeable fees if the escrow account was interest bearing. If the escrow account was not interest bearing, the Association shall pay the member(s) interest at the rate of 3%, compounded annually.
- c. After such distribution to all fair share fee payers who have filed a timely request for impartial determination of fees, the remaining amounts in escrow, plus interest, shall be released by the escrow agent to the Association.
- d. If any subsequent challenges to the decision of the impartial decision process are filed, all fees collected from the challenging fair share fee payer shall remain in the interest-bearing account until a final decision has been rendered in the matter.

ARTICLE 12 – ASSOCIATION EMPLOYEES

Section 1 Employees of the Association and persons or firms providing contractual services to the Association shall be under the immediate direction of the President or the President's designee.

Section 2 Complaint against an Association Employee:

When a member of this Association believes that they have a complaint against an employee of the Association, the complaint will be reduced to writing. The complaint will be signed and submitted to the President along

with any supporting documentation. Upon receipt of the signed complaint, the President will conduct an investigation of the allegation(s).

ARTICLE 13 – SUSPENSION OR REMOVAL OF AN ELECTED OFFICER OR REPRESENTATIVE

This article applies to the censure, suspension, or removal of elected Executive Officers, elected representatives on the Executive Board, and elected Post/Unit representatives (collectively referred to as “officers and representatives”).

Section 1 Just Cause for Suspension or Removal:

- a. Officers and representatives of this Association shall not be censured, suspended, or removed from office except for just cause, which shall require a showing of malfeasance, misfeasance, or nonfeasance. A request for censure, suspension or removal of an elected officer or representative of the Association may be initiated by any member of the Association. The request must be:
 - i. In writing.
 - ii. State the facts alleged to constitute malfeasance, misfeasance, or nonfeasance.
 - iii. Be signed by at least two (2) members of the Executive Board.
- b. The signature of an Executive Board member at this stage certifies only that the charge on its face appears to allege malfeasance, misfeasance, or nonfeasance and does not constitute a finding that the allegation(s) is meritorious.

Section 2 Review and Investigation of Charge:

- a. The petition shall be provided to the Executive Officers for review. In the event that the petition pertains to an Executive Officer, another Executive Board member, not including any Executive Board member who signed the petition, shall be selected by blind draw to participate in the review.
- b. In conducting their review, the Executive Officers may make any investigation that they deem appropriate, including contact with the complaining member(s) or the accused officer or representative.
- c. If at least two of the three Executive Officers reviewing the petition believe that there is probable cause to believe that the officer or representative has committed malfeasance, misfeasance, or nonfeasance, a formal charge shall be issued.

- d. After a formal charge has been issued by the Executive Officers, the accused officer or representative shall be:
 - i. Served with the written charge.
 - ii. Given a reasonable time to prepare a defense.
 - iii. Be afforded a full and fair hearing as described in section 3 of this article.

Section 3 Hearing on Charge of Malfeasance, Misfeasance, or Nonfeasance:

The following procedures shall be followed when a formal charge is filed against an officer or representative of this Association pursuant to section 2 of this article:

- a. The accused officer or representative shall be entitled to a fair and impartial hearing before the Executive Board. The hearing will be chaired by the President (or the Vice President if the charge pertains to the President). The hearing shall be held in private unless the accused officer or representative requests that the hearing be held in an open session of the Executive Board. The accused officer or representative shall be given an opportunity to be represented by a person of his or her choosing and respond to the charge and present evidence or call witnesses.
- b. Upon conclusion of the hearing, the Executive Board shall convene in open session. Any adverse action to be taken against the accused officer or representative shall be in the form of a motion and made according to Robert's Rules of Order unless those Rules conflict with the Association's Constitution or these Bylaws.
- c. Any of the following actions may be taken by the Executive Board at the conclusion of the hearing:
 - i. The hearing should be adjourned to obtain additional evidence.
 - ii. A finding that the charge was unfounded or not sustained and that it should be dismissed.
 - iii. A finding that the charge was sustained in whole or in part, and that the officer or representative should be removed from office.
 - iv. A finding that the charge was sustained in whole or in part, and that the officer or representative should be suspended from office for a period of time not to exceed 30 days.
 - v. A finding that the charge was sustained in whole or in part, and the officer or representative should be censured by the Executive Board.

- d. A motion under Section 3c of this article shall be decided by a roll call vote in a session open to the general membership. If a motion fails, any other motion consistent with this section may be made. If no motion is made or if no motion passes, the charge(s) shall be withdrawn.
- e. A three-quarters (super-majority) vote of the Executive Board is required to sustain a removal from office. A two-thirds majority vote of the Executive Board is required to sustain a suspension from office or a censure.
- f. An action by the Executive Board to censure, suspend, or remove an officer or representative from office shall be reported to the general membership.
- g. Except as provided in section 4 of this article, a motion to censure, suspend, or remove an officer or representative that passes shall take effect immediately and is final and binding on the officer or representative.

Section 4 Suspension or Removal of Executive Officer:

The President, Vice President, or Secretary/Treasurer may not be removed from office until the hearing procedure outlined in Section 3 of this article has been completed, and a vote of the entire membership passes with a two-thirds majority of those eligible to vote. This vote shall take place within 28 days of the action of the Executive Board.

Section 5 Definition of Malfeasance, Misfeasance, and Nonfeasance:

Malfeasance: The intentional doing of something either legally or morally wrong which one had no right to do.

Misfeasance: The unlawful execution of some act that in itself is lawful and proper.

Nonfeasance: The failure to perform an act that is either an official duty or a legal requirement.

ARTICLE 14 – ASSOCIATE (RETIREE) MEMBERSHIP

Section 1 Eligibility:

- a. Retirees, or their surviving spouse from the enlisted ranks of the Department of State Police, regardless of their rank at the time of retirement, are eligible to become associate members of this Association, unless subject to the provisions of section 2 of this article:

- i. Regular retirees.
- ii. Disability retirees.
- iii. Deferred retirees.

Section 2 Membership Denial:

- a. Enlisted retirees of the Department of State Police who are otherwise eligible to become associate members of this Association may be denied membership at the sole discretion of the Executive Board for any of the following reasons:
 - i. The individual was terminated from the State Police for just cause and the termination was not set aside under any appeal process available to that individual at the time of the termination.
 - ii. The individual was properly charged for misconduct with termination proposed as the disciplinary action by the State Police, and resigned in lieu of termination.
 - iii. The individual holds employment with, or is affiliated with any entity, group, or organization which the Executive Board determines to have goals, objectives, or interests that conflict with those of the Association; or whose stated purpose is otherwise detrimental to the duty of this Association to its members.

Section 3 Membership Revocation:

- a. Associate membership may be revoked at the sole discretion of the Executive Board if after being accepted as an associate member, the Executive Board becomes aware that any of the issues listed in section 2(a) (iii) of this article have occurred.
- b. In the event that associate membership is revoked, pre-paid dues, if any, shall be refunded to the former member within 30 days. The refund will be sent by first class mail to the member's address of record on file with the Association.

Section 4 Appeal Process:

- a. Any former enlisted employee of the State Police who is otherwise eligible to become an associate member and whose application is denied or revoked by the Associate Membership Committee, will have the right to appeal the denial or revocation.
- b. Appeals must be made by written application to the Executive Board. The Executive Board, at its discretion, may review the

reasons for denial or revocation at its next regular or special business meeting. The Executive Board may also consider other pertinent information presented by the applicant and can either affirm or modify the decision of the Associate Membership Committee.

- c. The decision of the Executive Board is final and binding.

Section 5 Associate Membership Committee:

- a. The President of the Association shall have the authority to appoint an associate member as chairperson of the Associate Membership Committee. The chairperson will sit with the Executive Board in an advisory capacity only and has no voting rights. The chairperson may be removed from the position by the President upon the approval of a simple majority of the members of the Executive Board.
- b. The President of the Association shall appoint the members of the Associate Membership Committee. The Committee will be comprised as follows:
 - i. Four (4) individuals who are associate members or immediately eligible to become associate members.
 - ii. Three (3) members of the Executive Board.
- c. The Associate Membership Committee may review applications for associate membership and may approve or deny each application subject to the eligibility provisions in this article.
- e. All proposals or recommendations of the Associate Membership Committee will be reported in writing to the Executive Board by its chairperson. Proposals, recommendations, and any action on applications will take effect if approved by the Executive Board.

ARTICLE 15 – ASSOCIATION FISCAL YEAR

The Association fiscal year begins on July 1 of each year and ends on June 30 of the following year.

ARTICLE 16 – AMENDMENT OF BYLAWS

Section 1

In accordance with Article IX, Section 1 of the Association’s Constitution, the Executive Board of this Association may from time to time alter, amend, or repeal part or parts of these Bylaws. Such actions if needed will be done during a regular business meeting of the Executive Board.

Section 2 Amendments to these Bylaws requires a two-thirds (2/3) majority vote of the Executive Board.

These Bylaws (as amended) are approved and adopted by the Executive Board of the Michigan State Police Troopers Association, Incorporated, on October 18, 2014.

NATE JOHNSON, President

MITCHELL STEVENS, Secretary/Treasurer

WILLIAM EBERHARDT, Chairman, Constitution & By-Laws Committee