

**TOWN of OSWEGO  
VOLUNTEER FIRE  
DEPARTMENT**

**CONSTITUTION AND BY-LAWS**



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## **PREAMBLE**

Whereas, proper rules are essential and necessary for the preservation and good conduct of any well-regulated organization, therefore, we, the members of Town of Oswego Volunteer Fire Department, INC. of the Town of Oswego, New York, resolve that, in order to define duty, establish discipline, and maintain perfect harmony among ourselves, do ordain and adopt the following constitution and by-laws for our mutual regulation and government.

## **CONSTITUTION**

### **ARTICLE I - NAME**

This fire department shall be known and designated as the Town of Oswego Volunteer Fire Department, INC.

### **ARTICLE II - PURPOSE**

The purpose of the department shall be that of protecting the lives and property of the citizens of the Town of Oswego, Oswego, New York. The department shall assist in any disaster, emergency, or occasion for which it may be properly equipped and for which it is called by the proper authorities. Fire prevention education shall be carried on to the extent that is practical.

### **ARTICLE III - DEFINITIONS**

- Bylaws – the official rules governing the operation of the OTVFD. Bylaws identify the process for organizational decisions such as the selection of Officers, the creation of Committees and the conduct of Business Meetings.
- Policies – defines the plan of action adopted by the department, an organized group or committee. Policies under consideration will be brought before the membership for discussion at the monthly business meeting before being approved by the Executive Board. Policies will be enforced by the Executive Board.

## ARTICLE IV - MEMBERSHIP

SECTION 1 - Membership in the Department shall consist of eight (8) classifications.

I. Active Firefighter/ EMS member/Fire Police:

The active membership of the Department shall consist of volunteers at least eighteen (18) years of age, who appreciate the responsibility vested in them and who are willing to serve when called. They must be able to devote the necessary time to drills, meetings, and any other time required for the welfare of the Department.

II. Active Firefighter with Restrictions:

This classification will be for those members that are 16 and 17 years of age, who appreciate the responsibility vested in them and who are willing to serve when called. They must be able to devote the necessary time to drills, meetings, and any other time required for the welfare of the Department. Those members in this category will follow the Standard Operating Guidelines for the Explorer Post of Oswego Town Fire Department and all rules and regulations adopted by the Explorer Post Advisors. An Active Fighter with restrictions will automatically move up to the "Full Active classification upon reaching the age of 18, no additional voting required.

III. Active Coffee Squad – Persons wishing to become a Coffee Squad member must submit an application to the Department to initiate the approval process. Coffee Squad members must be eighteen (18) years of age or older. Active Coffee Squad members must also be approved by the Fire District. Active Coffee Squad members are not counted toward the active membership limit. In order to maintain Active Coffee Squad member status, the member should participate in at least one coffee squad request in a calendar year. Active Coffee Squad members do not have the right to vote on any or all matters of the Fire Department. The Line Officers and Executive Board will consider Active Coffee Squad members for invitation to each of the Department's Social functions based on the Active Coffee Squad member's contribution to the Department in the months preceding the Social function.

- IV. Active-Probationary - This classification will be for individuals that are interested in joining the fire department. Probationary members will serve a 6 month probationary period. During this time, these members will not have any rights to voting at meetings. At the first monthly meeting of the fire department, after the completion of a minimum 6 month probation period, the individual shall be brought to the general membership for a vote. At the time, the membership has the option to grant or deny full active status to the individual.
- V. Corporate - The Corporate membership of the Department shall consist of volunteers at least eighteen (18) years of age, who are concerned with the financial well-being of the Department and are willing to aid in the fund raising activities and the internal operation of the business of the corporation.
- VI. Social - The Social membership of the Department shall consist of people desiring to remain in contact with the Department but are not interested in the rigorous requirements placed on membership in other classifications.
- VII. Honorary - The Honorary membership of the Department shall consist of persons who aid the Corporation in any manner to such an extent that the Executive Board should desire to give them special recognition for their efforts.
- VIII. Lifetime - Any member accumulating 20 years as an (active, corporate or a combination of both) member of the Oswego Town Fire Department will be awarded Lifetime status. A Lifetime member may also serve as an active or corporate member provided that they meet all of the requirements of an active or corporate member as established by the Fire Department Constitution and Bylaws. A Lifetime member is not required to attend monthly business meetings unless they choose to participate in the voting process. Should the Lifetime member choose to vote, they need to meet the attendance requirements for corporate members. Lifetime members who do not maintain their corporate status will not be considered for membership limits. Any member of the department, injured in the line of duty and not able to continue in active status, shall be granted Lifetime member status. Lifetime members, not maintaining corporate or active status,

will not be eligible to an elected office in the corporation. Lifetime members will:

- Be invited to all Department functions (I.e. Installation Banquet, Christmas Party, Family Picnic, etc.)
- Receive Department communications
- Be allowed to attend monthly business meetings
- Be allowed to purchase official Department apparel

Lifetime members shall be presented with a Lifetime member pin at the annual installation banquet following their 20 year anniversary date. If a Lifetime member continues in active or corporate status, they shall continue to receive 5 year incremented service award pins.

No persons may be denied membership by reason of race, color, creed or sex.

SECTION 2 - The active membership of the Department must be approved by the Fire District Commissioners.

SECTION 3 - The following limits on membership shall be invoked:

Active and Active with Restrictions (combined) - 55, with the exception of Explorers turning 16 years of age and members returning from military leave,, the 55 maximum may be exceeded. Corporate - 50% of Actual Active Members, with the exception of members moving from Active to Corporate, the 50% maximum may be exceeded.

After enrollment has reached the designated maximum, additional applicants shall be placed on a waiting list for the classification requested and acted upon in order of receipt as vacancies develop.

SECTION 4 - Should a reduction in Active membership or a movement from Active to Corporate status create a violation of this article, no reductions in other classifications will be made. However, a freeze shall be placed on all classifications, until the proper relationships have been attained.

SECTION 5 - The procedure for making application shall be as follows:

- A- Complete application and submit to an active, or corporate member who will present application to the Membership Committee. After research the Membership Committee, after a majority vote of the committee can forward a probationary active application on to the Chief for presentation at the next fire district meeting. Corporate or Social applications will be forwarded on to the President.
  
- B- Vote by the Fire District Commissioners for a probationary period for the proposed active member.
  
- C- Active members, after a 6-month probationary period, will be presented to the department membership for approval. A majority of the active members of the applicants requested classification present and voting in a secret ballot at a regular business meeting shall be required.

SECTION 6 - Any candidate rejected by vote of the membership shall wait sixty (60) days before resubmitting an application. If said applicant is defeated a second time then said applicant shall wait not less than one year before re-applying for membership.

SECTION 7 - Any candidate rejected by the District Fire Commissioners shall wait not less than one year before re-applying for membership.

SECTION 8 - The dues for each classification shall be as follows:

- Active - None
- Active with Restrictions - None
- Active Probationary - None
- Corporate - None
- Social - \$10.00
- Honorary - None
- Lifetime - None
- Active Coffee Squad - None

All dues are payable prior to the January business meeting.

SECTION 9 - Failure to pay dues within thirty (30) days of the appropriate meeting shall imply a lack of interest in the department. All members not paid within the specified time period will be brought up for expulsion at the February Business meeting, according to the provisions of Article IX of the by-laws of this corporation.

## **ARTICLE V - ELECTED OFFICERS**

SECTION 1 - The line officers of the organization shall consist of a Chief, First Assistant Chief, Second Assistant Chief, Captain, 5 Lieutenants, Engineer and Assistant Engineer. It is the Chief's option to organize elected line officers as he / she sees fit. The line officers should meet at least monthly. One person may not hold the office of Chief for more than five (5) consecutive years.

SECTION 2 - The elected Corporate Officers of the organization shall consist of the President, Vice-president, Treasurer, Secretary and Assistant Secretary. The elected Officers shall also be known as the "Executive Board" or "Board of Directors". They should meet at least monthly.

## **ARTICLE VI - APPOINTED POSITIONS**

SECTION 1 - Appointed positions of the Department shall be that of EMS Coordinator(s), CME Program Coordinator, Fire Police Captain and Fire Chaplain, who will be appointed by the Chief. The Chaplain shall be an ordained minister, priest, or rabbi and shall be required to attend one (1) business meeting per calendar year or banquet.

SECTION 2 - Appointed positions of the Department shall be that of Historian whom the President will appoint.



## **ARTICLE VIII - PROVISIONS - CORPORATION**

### **SECTION 1 - Dissolution**

In the event of dissolution, all of the remaining assets and property of the corporation shall after necessary expenses thereof be distributed to such organizations as shall qualify under section 501 (c) (3) of the Internal Revenue Code of 1954, as amended; or to the federal government, or to a state or local government, for a public purpose; or to another organization to be used in such a manner as in the judgment of a justice of the Supreme Court of the State of New York will best accomplish the general purpose for which this corporation was formed.

### **SECTION 2 - Non-Inurement**

No part of the net earnings of the corporation shall inure to the benefit of any member, trustee, director, officer of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation), and no member, trustee, officer of the corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets upon dissolution of the corporation.

### **SECTION 3 - Restrictive Legislation**

No substantial part of the activities of the corporation shall be carrying on propaganda, or otherwise attempting to influence legislation (except as otherwise provided by Internal Revenue Code section 501 (h)), or participating in, or intervening in (including the publication or distribution of statements), any political campaign on behalf of any candidate for public office.

#### SECTION 4 - Restrictive purposes and activities

Notwithstanding any other provision of these articles, the corporation is organized exclusively for one or more of the following purposes: religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, as specified in section 501 (c) (3) of the Internal Revenue Code of 1954, and shall not carry on any activities not permitted to be carried on by a corporation exempt from Federal income tax under section 501 (c) (3) of the Internal Revenue Code of 1954.

## **ARTICLE 1 - MEETINGS AND TRAINING**

SECTION 1 - The annual meeting of the Department shall be held on the first Thursday of December at a time and place to be decided by the District Fire Commissioners. It shall be limited to active classification.

SECTION 2 - The business meeting of this Department shall be held on the first Thursday of the month. In any case, should the above listed schedule conflict with a meeting of the Fire District Commissioners or a legal holiday, the meeting will automatically be rescheduled one week later.

SECTION 3 - Order of Business, for the Business Meetings shall be as follows:

1. Pledge of Allegiance
2. Moment of Silence for our departed Brothers and Sisters
3. Reading of Minutes
3. Treasurer's Report
5. Roll Call
6. Communications
7. Report of Committees
8. Proposals for Corporate Membership
9. Unfinished Business
10. New Business
11. Chief's Report
12. Good of the Organization
13. Adjournment.

Failure to answer Roll Call means no credit for attendance at the meeting.

SECTION 4 - A regular drill will be held at the discretion of the Chief.

SECTION 5 - Special meetings may be called by submitting a written petition to the President signed by a minimum of five (5) voting members and included in the petition shall be an agenda of topic(s) to be discussed. Meeting time shall be at the discretion of the President. However, all members must be notified at least two (2) days in advance.

SECTION 6 - Excuses for missing meetings/drills shall be granted if the firefighter is scheduled to work during the scheduled time of said meeting/drill. Excuses should be submitted via e-mail or hard copy. Excuses, however, do not count as attendance at said meeting/drill, but will be considered by the appropriate committee on attendance issues.

SECTION 7 - All meetings and drills shall be held at the Oswego Town Fire District Building on County Route 20, Town of Oswego unless otherwise specified.

## **ARTICLE II - QUORUM**

A Quorum for the transaction of business shall consist of a minimum of thirty five percent (35%) of the members of the classification in question as well as an Administrative Officer. If a quorum is not met for a period of three (3) consecutive regular business meetings, then the members present at the third (3) meeting shall be considered a quorum.

## **ARTICLE III - ELECTIONS**

SECTION 1 - The Chief officers of the Department shall be elected at the annual meeting as prescribed by Town Law governing same and shall hold office for a period of one (1) year beginning at midnight on the day following the Fire District Commissioners approval. A simple majority of the Active Firefighters present and voting shall be necessary to elect.

SECTION 1A - The elected Fire line officers of the organization shall be elected at the annual meeting in conjunction with the Chief officers of the Department and shall hold office for a period of one (1) year beginning at midnight on the day following the Fire District Commissioner's approval. A simple majority of the Active members present and voting shall be necessary to elect line officers and chief officers.

SECTION 2 - The Executive Board of the Corporation shall be elected at the December business meeting, and hold office for a period of one (1) year beginning at midnight on the last day of December. A simple majority of members of the Corporation present and voting shall be necessary to elect the Executive Board.

SECTION 3 - No member shall serve in the positions of Chief or Assistant Chief and President or Vice President at the same time.

SECTION 4 - To be nominated for any executive office, a nominee must be present at the election or have turned a letter of intent for the office in question over to the Secretary, have been a member in good standing for at least twelve (12) months and have attended at least six (6) business meetings during the previous fiscal year. Being on report does not exclude an Active Member's eligibility for Executive Office as long as the Active Member satisfies the minimum requirements of a Corporate Membership.

SECTION 5 - To be nominated for any line officers position, a letter of intent must be submitted one month in advance of the annual meeting, and a nominee must have been a member in good standing for at least twelve (12) months and have attended at least six (6) business meetings during the previous fiscal year.

## ARTICLE III A - QUALIFICATIONS

SECTION 1 - The Chief should have a minimum of five (5) years in the fire service. First and Second Assistant Chiefs shall have a minimum of three (3) years in the fire service. The Chiefs shall have as a minimum, training and proficiency in the following areas:

- a) Firefighter 1
- b) Firefighter 2
- c) Pump Operators
- d) Fire Officer 1
- e) C.P.R.

SECTION 2 - The Captain should have a minimum of two (2) years in the fire service plus as a minimum, training and proficiency in the following areas:

- a) Firefighter 1
- b) Firefighter 2
- c) Pump Operators
- d) C.P.R.

SECTION 3 - Lieutenants should have a minimum of two (2) years in the fire service plus as a minimum, training and proficiency in the following areas:

- a) Firefighter 1
- b) Firefighter 2
- c) Pump Operators
- d) C.P.R.

SECTION 3 A - Engineer and Assistant Engineer should have a minimum of one (1) year in the fire service plus as a minimum, training and proficiency in the following areas: Firefighter 1 and Pump Operators.

Training for Chief (Captain, Lieutenant, Engineer or Assistant Engineer) shall be New York State curriculum or equivalent. Equivalency shall be determined by the line officers by review of documentation, which describes the curriculum, and their approval of that curriculum.

Proficiency shall be determined by demonstration of skills in the above courses. The demonstration of skills shall be approved by the line officers and documented.

SECTION 4 - All Line Officers must be qualified to operate in self-contained breathing apparatus in any firefighting situation, with the exception of chief officers who have been previously qualified.

SECTION 5 - All Line Officers must be NIMS compliant to the Oswego Town Fire District current standards prior to being elected to an officer's position.

SECTION 6 - In the event, not enough letters of intent are received to fill all Line Officers positions, the unfilled positions will be voted on at the January business meeting using letters of intent from any active members, in good standing, received a week prior to this meeting.

#### **ARTICLE IV - DUTIES**

SECTION 1 - Duties of the Chief and Assistant Chiefs shall conform to those set forth in Section 176 -A of Town Law, State of New York.

SECTION 1A - It shall be the duty of the Engineer to oversee the maintenance on all vehicles and Fire and Rescue equipment owned by the Fire District.

SECTION 2 - President: It shall be the duty of the president to:

- a) preside at all meetings of the corporation and the executive committee, running same in accordance with recognized parliamentary procedure;
- b) call special meetings when in his judgment they are necessary or as outlined in Article I, Section 5.
- c) appoint all corporate committees.
- d) enforce the observance of the Constitution and by-laws.

The president shall not vote on any question other than the election of officers and members. He shall, however, cast the tie-breaking vote when required.

The president shall submit a report at the annual meeting and shall include therein such recommendations as he deems necessary for the welfare of the corporation.

SECTION 3 - Vice President: It shall be the duty of the Vice President to:

- a) assist the President in the discharge of his duties.
- b) in the President's absence or disability assume the position of president.
- c) be an automatic member of all committees.

SECTION 4 - Treasurer: It shall be the duty of the Treasurer to:

- a) Keep an accurate and regular account of all monies and funds belonging to the corporation.
- b) Make a report at each monthly meeting showing the monies received and disbursed and the balance on hand.
- c) Make a comprehensive annual report, showing the annual income and expenses, with copy placed on the bulletin board of the department for a period of thirty (30) days.

SECTION 4 A – Finance & Audit Committee. This Committee shall be appointed by the President, unless the President has check signing authority, and in the event, by the Board of Directors, and shall consist of at least three (3) Full Members. The Committee shall audit the books as often as the Board of Directors deems necessary, but no less than every other month. The books are to be audited and certified by the committee at least once a year before the annual election. A board member, who shall not have check signing authority for the Department, shall chair this committee and the Treasurer shall be a member thereof. The Committee shall complete the following tasks at least monthly and report that the same has been accomplished at the next Board meeting:

- a) Review all bank account statements to ensure that no checks were improperly written;
- b) Ensure that any person making a donation received a letter thanking them for donating a specific amount of funds;
- c) Ensuring that all deposits made were the full amount of the funds deposited. The committee will examine the deposit slip, and not just the receipt, indicating the amount deposited and the amount, if any, not deposited;
- d) Ensure that sales tax was withheld for all exempt purchases and not paid whenever reasonably avoidable as determined by the Board;
- e) Ensure that no person used the Department's sales tax exemption for personal purchases;
- f) Ensure that all checks match to receipts, bills, vouchers or other proof of expenditure.

An external audit may be conducted when requested by the majority of the corporate membership.



SECTION 5 - Secretary: It shall be the duty of the Secretary to:

- a) Keep a record of the proceedings of the corporation membership.
- b) Post the minutes of all business meetings within 2 weeks of the meeting.
- c) Keep a record of attendance of business meetings and participation at fund raising activities, and any other duties that may fall under the office of secretary.

SECTION 6 - Assistant Secretary: It shall be the duty of the Assistant Secretary to:

- a) Preserve order and decorum at meetings, limit access to the meetings by anyone who is not entitled to admission.
- b) Assist the Secretary in any way required.

## **ARTICLE V - MEMBERSHIP OBLIGATIONS BY CLASSIFICATION**

### **SECTION 1 - ACTIVE**

Part 1 - Active members in good standing have voting rights on all issues pertinent to the Department.

Part 2 - To maintain active membership, a member is required to respond to at least 10% of alarms for one of two consecutive quarters, attend at least three (3) drills, one (1) business meeting, one (1) scheduled work detail in each calendar quarter, and participate in Fund Raising Activities, commencing with the first full quarter after acceptance to the Department. If a member is actively participating in a state or county sponsored course, they are exempt from drill requirements for that period. If a member is actively participating in a state or county sponsored course that meets on a scheduled maintenance night they are exempt from the work detail requirement for that quarter. The Chief's office has the option of assigning alternate tasks in place of work details for those members that cannot attend scheduled nights due to work obligations.

Part 3 - Any member not fulfilling the quarterly attendance requirement shall automatically be put "on report" and will be required to appear before the Line Officers Committee or meet with a chief personally. A member must satisfy the attendance requirements for the next quarter to return to good standings. If attendance requirements for the second quarter are not met the member will have their privileges restricted as determined by the Chief's office, this could include SCBA status, driving status and any special qualifications previously approved by the Line Officers. If the attendance requirements are not met for three consecutive

quarters the members classification will automatically be changed to Corporate. A member can reapply for active status after six (6) months.

Part 4 - Active members placed "on report" will lose voting rights until reinstated.

Part 5 - Active (Interior) members are required to successfully complete "Firefighting Essentials", or Basic Firefighter course 91 within three (3) years of being accepted into the active classification with penalty of automatic expulsion. Active (Exterior) members are required to successfully complete a Scene Support Course within (3) years. Active E.M.S. members are required to successfully complete certified first responder, or above, within two (2) years, and maintain their certification to remain active. Fire police must complete the Fire Police course within one (1) year. IF extenuating circumstances exist, the Line Officers may grant by two-thirds majority vote one (1) extension until the next available school.

Part 6 - All new active members, except Active Coffee Squad members shall undergo a six (6) month probationary period, during which they shall have no voting rights. At any time during or at the conclusion of the probationary period, the Line Officers and/or the Membership Committee can, by two-thirds vote, have the probationer expelled from the Department for reasons of Neglect of Duty, failure to abide by the by-laws or bringing disgrace upon the Department. The membership committee, by two-thirds vote, may extend the probation period of a new member by one 3 month extension.

Part 7 - Members are responsible for all equipment issued to them. When membership in the Department is terminated, all Department property shall immediately be returned to the Chief's office. The Chief's office is empowered to take any action necessary under the law to see that Department equipment is returned without delay.

Part 8 - All members shall give strict obedience to the orders of the elected Line Officers.

Part 9 - Work at fires and drills shall be done in a quick, orderly and quiet manner. Unless excused by their officers, members shall return to the station with their apparatus and shall not leave until all equipment is properly placed in service.

Part 10 - Members answering an alarm should, in so far as possible make every effort to report to the station to see that the apparatus is properly manned to report to the scene of an emergency. They shall report at fires or emergencies properly equipped for duty.

Part 11 - Members answering an alarm using personal vehicles shall observe posted speed limits which are consistent with safety, considering traffic, intersections, weather and road conditions.

Part 12 - By direction of the officer in charge, only those members actually needed to effectively perform the duties required, shall enter a structure. Other members not engaged shall keep themselves in readiness to carry out orders as they occur.

Part 13 - Equipment belonging to the Department shall not be removed from the station for any private use unless permission is obtained from the Chief's office.

Part 14 - Each firefighter shall be issued a badge and ID denoting his affiliation and rank thereto. When appearing as a uniformed member of the Department, only approved or issued equipment shall be worn.

Part 15 - Members who move out of the district and who wish to continue active firefighters status must apply in writing 30 days prior to moving to the Chief for continuance of service and must be approved by a majority of the active membership present and voting, and shall also be subject to the board of Fire Commissioners approval.

## SECTION 2 - CORPORATE

Part 1 - Corporate members in good standing shall have voting rights on all issues pertinent to the Corporation, except during the first six (6) months of membership during which they shall have no voting rights.

Part 2 - To maintain corporate membership, a member is required to attend a minimum of one (1) business meeting per quarter with a minimum of six (6) business meetings per fiscal year required and actively participate in fund raising activities of the Corporation.

Part 3 - Any member not fulfilling the quarterly attendance requirement shall automatically be placed "on report" and will be requested to appear before the

Executive Committee. A member placed "on report" must satisfy the attendance requirement for the next quarter.

Part 4 - Corporate members placed "on report" will lose voting rights until reinstated. In addition, an Active member maintaining their Corporate obligations as described in Part 2 of this section shall have voting right on all issues pertinent to the Corporation.

Part 5 - Members who move out of the District and who wish to continue corporate status must apply in writing to the President for continuance of service and must be approved by a majority of the corporate membership present and voting. All other requirements for corporate status must be maintained.

### SECTION 3 - SOCIAL

Part 1 - Social members have no voting rights in the Corporation.

Part 2- Social members may be invited to the Department Social events at the discretion of the Line Officers and the Executive Board. The Line Officers and Executive Board will consider/discuss Social Members for invitation to each of the Department's Social events based on the Social Members contribution to the Department in the months preceding the Department's Social event. The Social Members invitations will be discussed/identified during the regular scheduled Line Officer and Executive Board monthly meeting preceding the Social event. The names of the Social Members to be invited will be provided to the Committee Chairperson of the Social event for invitation purposes.

Part 3 - Social members may attend monthly Business meetings.

Part 4 - Social members may purchase official Department apparel.

### SECTION 4 - HONORARY

Part 1 - Honorary members must be nominated for inclusion to this classification by any eligible voting member of the department. Nominees will be presented to the Executive Board for consideration.

Part 2 - The nominee shall be approved by a majority vote of the Executive Board to the honorary classification.

Part 3 - Honorary members shall be non-voting members of the organization. Honorary membership is not dependent upon being a member of the corporation.

Part 4 - Honorary members will:

- a) Be invited to all Department functions (I.e. Installation Banquet, Christmas Party, Family Picnic, etc.)
- b) Receive Department communications
- c) Be allowed to attend monthly Business meetings
- d) Be allowed to purchase official Department apparel

## **ARTICLE VI - VACANCIES**

Vacancies in elected offices caused by any reason may be filled on an acting basis at the next regular business meeting by special election, with the exception of the President where the Vice President shall assume the position and the office of the Vice President filled.

## **ARTICLE VII - RESIGNATIONS AND LEAVE OF ABSENCES**

SECTION 1 - Active members in good standing may offer their resignation from the Department by submitting a letter so stating to the Chief for Active, or President for Corporate, or Social. The letter must clearly state the member's intent as to movement into any other classification. Absence of such statement will be recognized as a final resignation from all classifications

SECTION 2 - A member of the Department who takes Military Leave may be reinstated within one (1) year of discharge, or release of active duty. Members on Military Leave are not counted toward the active membership limit.

SECTION 3 - Active members in good standing may ask for a leave of absence from the Department by submitting a letter to the Chief, or to the President for corporate members. The letter must clearly state member's intent and a starting and ending date. The leave of absence should not exceed six (6) months. One (1) six (6) month extension may be requested in writing from the Chief (Active) or President (Corporate). An Active member returning from a Leave of Absence may need to re-qualify for any special privileges (SCBA, driving status, etc.) to be determined by the Line Officers Committee. Any member returning from a Leave of Absence may not request an additional Leave of

Absence until they have completed a minimum of one (1) quarter in good standing. A Leave of Absence extension may be granted by the Chief/President without department approval but shall be noted in the minutes of the next monthly Business meeting.

SECTION 4 – Any member, in good standing, may request an educational Leave of Absence if they are attending school out of the local area. Active members shall submit a letter to the Chief. Corporate members shall submit a letter to the President. The request must identify the starting and ending dates. Any member may return to Active/Corporate status if they are home for an extended period of time. The member must notify the Chief/President of their intent and receive their approval.

## SECTION 5

1. All firefighters injured in the line of duty shall be immediately placed on medical leave until approved for return to full duty by the district physician. The district physician may require consultation with the firefighter's attending physician in order to certify his/her return to duty. Return to duty must be in a full firematic status as either an interior or exterior firefighter, which would include fire police. Provisions of "light or limited duty" are set forth below.
2. Firefighters injured not in the line of duty may request medical leave based on submission of a note from their attending physician that they are not capable of performing the normal duties of a firefighter. Return to duty shall be under the same circumstances as set forth above for line of duty injuries.
3. Firefighters who are on medical leave may not participate in the following:
  - a) Emergency alarms
  - b) Work details
  - c) Drills involving physical exertion
  - d) Parades
  - e) Operate, drive, or ride in district vehicles except to funerals and permitted drills or classes
  - f) Athletic activities
4. Firefighters on medical leave may, providing they submit written authorization from their attending physician or district physician, participate in the following:
  - a) Attend department related meetings
  - b) Take advantage of all house privileges
  - c) Participate in social affairs such as installation dinner, holiday gatherings, etc.
  - d) Funerals
  - e) Drills, such as classroom work not involving physical exertion.

5. All members on medical line of duty injuries shall be required to attend physicals to be performed by either the district's insurance carrier or the district's physician.
6. Failure or refusal of a firefighter to attend any physical directed by either the district's insurance carrier or the district itself may result in disciplinary action.
7. Firefighters on medical leave, whether for line of duty injury or outside circumstances, shall be considered members in good standing for purposes of department voting and may be nominated for office in the fire department provided their medical leave terminates prior to the effective date of the individual taking the office to which he/she has been nominated or elected.

## **ARTICLE VIII - REINSTATEMENT**

SECTION 1 - A former member of the Department, who resigned in good standing, may apply for reinstatement to their former classification within five (5) years by submitting a letter requesting reinstatement to the Chief or President. Approval shall be granted by a majority vote of the appropriate membership present and voting at the next regular scheduled business meeting.

SECTION 2 - Any former member rejected for reinstatement by vote of the membership shall wait a period of not less than three (3) months before repeating this request.

## **ARTICLE IX - SUSPENSIONS AND EXPULSIONS**

SECTION 1 - The Chief within the scope of his / her duties shall hold the active members and officers of the Department strictly accountable for neglect of duty, and may suspend or reduce in rank any member for improper conduct pending a hearing by the Line Officers Committee, per NYS General Municipal Law 209-1.

SECTION 1a - A line officer may be removed from their elected position if a majority of the chiefs feel they are not completing their assigned duties as defined in the line officers job descriptions. The chiefs will submit a written request detailing the issues to the president for discussion and vote at the next monthly business meeting.

SECTION 2 - Administrative charges may be brought against any member by submitting the charges in writing to the President and signed by five (5) voting members. A copy of the charges will immediately be distributed to all Executive Committee members. The member shall also be furnished with a copy of the charges and notified to appear before the Executive Board to answer the charges. After review the Executive Board may

choose to take disciplinary action or recommend expulsion by the Corporation at the next business meeting.

SECTION 3 - The written report of the Executive Board recommending expulsion of a member will be read at the next regular business meeting. The expulsion shall be by secret ballot, with a three-quarters majority of the members present and voting necessary to expel.

## **ARTICLE X - PROTOCOL**

SECTION 1 - No member shall appear at any meeting/drill or other duty session of the Department, in any state of intoxication, be guilty of disorderly conduct or otherwise bringing disgrace upon the Department under penalty of expulsion.

## **ARTICLE XI - AMENDMENTS**

SECTION 1 - This constitution and by-laws shall not be altered, waived or amended except as follows: written notice is to be given at a regular monthly business meeting, and such notice shall specify what amendment is proposed. Resolution shall be made at the next regular business meeting, a two-thirds concurring vote of the corporate and active members in good standing, present and voting for approval.

SECTION 2 - A complete and up to date copy of this Constitution and by-laws shall be available for review at all business meetings.

## **ARTICLE XII - OBLIGATIONS**

Every member of the Town of Oswego Volunteer Fire Department, INC. shall accede to the following oath:

"I most solemnly and sincerely affirm that I have read and thoroughly understand, the Constitution and by-laws of this Corporation and will abide by them, that I will not debate the proceedings or business of this Corporation outside the organization, that I will at all times abide by the decision of the majority, to which I pledge my honor and place my signature of approval."

The members signature affixed to the original document completes the application process and established the members name to the roll of appropriate classification.