

CONSTITUTION AND BY-LAWS  
ROOF GARDEN LODGE # 98  
FRATERNAL ORDER OF POLICE  
AS OF  
JANUARY 2010

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**BY-LAWS  
ROOF GARDEN LODGE NO. 98  
FRATERNAL ORDER OF POLICE**

**ARTICLE 1  
NAME**

**SECTION 1:** The organization shall be known as the Roof Garden Lodge of Somerset County and Bedford Borough and Everett Borough in Bedford County. A subordinate lodge of the Grand Lodge and the Pennsylvania Lodge of the Fraternal Order of Police.

**ARTICLE 2  
CONSTITUTION**

**SECTION 1:** The Roof Garden Lodge of Somerset County hereby adopts the constitution of the Grand Lodge and the existing constitution of the Pennsylvania Lodge of the Fraternal Order of Police.

**SECTION 2:** The Roof Garden Lodge also hereby adopts the by-laws of the Pennsylvania Lodge of Fraternal Order of Police as well as any future amendment to said by-laws of the Grand Lodge and the Pennsylvania Lodge of the Fraternal Order of Police.

**ARTICLE 3  
MEMBERSHIP**

**SECTION 1:** There shall be two classes of membership: ACTIVE and HONORARY.

**A. ACTIVE MEMBERSHIP;**

- 1) Shall include actively employed police officers in good standing.
- 2) Shall include retired officers in good standing. Retired members may have the same rights as an active member.

**B. HONORARY MEMBERSHIP:**

- 1) Shall be comprised of individuals recognized by the Grand Lodge, State Lodge or Subordinate Lodges for exceptional service or contribution to the nation, the state or political subdivision, the law enforcement community or the Fraternal Order of Police.

**SECTION 2:** Any regularly appointed or elected Law Enforcement Officer, who is full time employed and actively engaged in law enforcement by a Borough or Township of Somerset County or Bedford Borough and Everett Borough in Bedford County, not covered by another lodge may be eligible to apply for membership in Lodge # 98 subject to the provision of the constitution, by-laws of the order and this section. Conemaugh Township and Windber Borough in Somerset County is not included.

- 1) **“Full-time employed”** shall mean law enforcement officers that are engaged in such employment as their full-time and primary occupation resulting in their primary means of income.
- 2) **“Regularly appointed law enforcement officer”** shall mean, for the purposes hereof, any law enforcement officer who meets the minimum statutory requirements to become a police officer, has received training required by the United States, the state, the political subdivision or agency by which they are appointed, possesses a Municipal Police Officer Education and Training Commission (MPOETC) certification and number and is granted arrest powers. The majority income of a part time officer’s salary must come from law enforcement for that officer to become or maintain his or her membership in the lodge.

**SECTION 3: MEMBER IN GOOD STANDING:** is hereby defined to be a member who has paid all dues and assessments due and payable to or for the Grand Lodge, State Lodge and Roof Garden Lodge #98, who is not more than thirty (30) days in arrears of such payment as of the date specified for the payment thereof.

**SECTION 4:** Any member in arrears of payment of dues or assessments more than thirty (30) days and less than ninety (90) days shall be deemed to be delinquent and not a member in good standing.

**SECTION 5:** Any member in arrears of payment of dues or assessments more than (90) days shall be and hereby automatically suspended.

**SECTION 6:** Any member delinquent or suspended, may be reinstated and restored to good standing by payment of all amounts due, and, in addition thereto, the payment of dues for the whole current year in which such reinstatement is made.

**SECTION 7:** Any law enforcement officer desiring membership in this organization shall make application in writing to the Secretary endorsed by a member in good standing. All officers desiring membership must have completed a standardized probationary period with their primary law enforcement agency or in the absence of a standardized probationary period, have worked a minimum of 2080 regular shift hours (to exclude any court time) with their primary law enforcement agency prior to submitting an application to the Secretary. All applications for membership shall be turned over to the membership committee for investigation and recommendation at the next regular meeting. All applicants accepted and voted on shall be initiated before being accepted for membership, otherwise the acceptance shall be cancelled and all fees paid returned to the applicant. In the event that an applicant is rejected by the membership, he or she may reapply in writing for membership after six (6) months have elapsed from the original rejection. If an applicant is rejected for a second time, he or she is barred from again applying for membership in this organization.

**SECTION 8:** As of May 6, 2009, any Law enforcement agency currently belonging to Roof Garden Lodge No. 98, and its members, both current and future, who are in good standing and do not possess a Municipal Police Officer Education and Training Commission (MPOETC) certification and/or number shall be entitled to maintain their memberships in accordance with the By-laws of Roof Garden Lodge No. 98. After May 6, 2009 and in the future new member(s), who are not certified through MPOETC, shall be permitted to make application for membership in Roof Garden Lodge No. 98.]

**SECTION 9:** Any member who voluntarily or involuntarily, pending exhausting of all legal remedies, ceases active duty as a police officer with their primary law enforcement agency for any reason other than retirement from service or a service connected disability retirement may not retain membership in the Fraternal Order of Police. For the purpose of this section retirement is deemed to include vested retirement. Officers must provide the Lodge Secretary with documentation of their retirement/disability status for membership to continue.

**ARTICLE 4  
DUES AND ASSESSMENTS**

**SECTION 1:** INITIATION FEE: Initiation fee shall be \$ 10.00 and must be submitted with the application form requesting membership.

**SECTION 2:** REJECTION OF MEMBERSHIP: In the event any applicant should be rejected for a valid reason at the discretion of the lodge on a majority vote the initiation fee is maintained by the lodge for work done to research the application.

**SECTION 3:** DUES: The yearly dues for active members will be \$ 150.00 per annum, due and payable upon approval of The State Lodge.

**SECTION 4:** The dues of a retired membership shall be \$ 20.00 per annum becoming due and payable each November.

**SECTION 5:** ASSESSMENTS: No assessment shall be levied upon the membership body without first each member shall be notified in writing being voted on and approved by the members present.

**ARTICLE 5  
QUORUM**

**SECTION 1:** There must be a minimum of five members present at a regular meeting to establish a quorum to conduct any regular business.

**ARTICLE 6  
MEETING DATE**

**SECTION 1:** The Roof Garden Lodge shall meet on the first Wednesday of every month at 7:30 p.m. at the lodge hall in Berlin to conduct business.

**SECTION 2:** In the event that the monthly meeting becomes too conflicting with the various police departments, the day of the meeting may be changed by a motion from the floor, and a majority vote of the members present.

**SECTION 3:** The president or the vice-president, under the direction of the president may call an emergency meeting at any time, provided that they give the membership at least 72 hours notice but no less than 24 hours of the emergency meeting. Any active member shall have the right to request an emergency meeting to be called if such request is made for the benefit or advantage of the lodge.

**SECTION 4:** An emergency meeting shall be defined as any urgent business which must have immediate attention that cannot be delayed until the next regular monthly meeting date.

## **ARTICLE 7 DUTIES OF OFFICERS**

**SECTION 1: PRESIDENT:** The president shall preside over all monthly or special Emergency meetings, keeping such meetings in an orderly and business like manner. He shall be the ex officio member of committees. He shall appoint the majority of all committees, and shall direct said committees as recommended by the majority of the membership body. He shall keep the vice-president advised of all business pertinent to the lodge, in the event the vice-president should have to assume the duties of the president due to illness or police duties.

**SECTION 2: VICE-PRESIDENT:** The vice-president shall assume the duties of the President in the event of the president's absence at any of all meetings. He shall assist the President in conducting lodge business at the direction of the president. The vice-president shall appoint the minority of all committees. The Vice-President shall have the authority to call an emergency meeting in the event of the absence of the President, provided that the said meeting meets the requirement of Article Six, Section Four.

**SECTION 3: RECORDING SECRETARY:** Shall keep a record of all business meetings. He shall report the minutes of the previous meetings and make a report of any and all unfinished business. He shall be responsible for all correspondence pertaining to Roof Garden Lodge. He shall meet the requirements and perform said duties as also are set down in the by-laws of the Pennsylvania Lodge of the Fraternal Order of Police. He shall have a petty cash fund in the amount of \$ 10.00 to cover expenses of postage and etc. He shall keep a record of said expenditures and may draw from the treasurer additional petty cash upon presentation of cash receipts disclosing the exhausted fund.

**SECTION 4: TREASURER:** Shall collect all monies and deposit same in the banking account of the Roof Garden Lodge of the Fraternal Order of Police. He shall safe guard all monies, bonds or other financial documents of the Roof Garden Lodge.

**SECTION 5:** The treasurer shall be bonded at the expense of the Roof Garden Lodge.

**SECTION 6: TRUSTEES:** Shall make a complete and comprehensive study of all business to be conducted by the Roof Garden Lodge. They shall make a report of their findings and make recommendations in the best interest of the lodge. They shall make investigations into deeds of properties that may be considered to be purchased by the Roof Garden Lodge. They shall investigate all possible methods to raise funds for the treasury of the lodge and report such findings. They may make recommendations as to how funds may be spent for the purpose of sponsorship or charitable donations. They shall safe guard in not permitting discrimination of any kind in such charities or sponsorship.

**SECTION 7: CHAPLAIN:** Shall have the responsibility of all religious matters of the Roof Garden Lodge.

**SECTION 8: CONDUCTOR:** Shall be responsible for maintaining order inside the meeting hall. He shall deliver messages to and from the floor at the direction of the president, vice-president or recording secretary. He shall also remove any disorderly person from the meeting to insure orderly meetings.

**SECTION 9: GUARD:** Shall inspect membership cards at the door and shall not admit any person into the lodge that is not a member in good standing. He shall also assist the conductor as required.

**SECTION 10: COMMITTEES:** All members are subject to be appointed and serve on committees as appointed by the president and vice-president in order to balance the work load of the entire lodge. If a member denies or rejects to serve on a committee, it is only fair to the entire membership that he or she states the reasons for such refusal. It is urged that all members serve faithfully on committees as appointed.

**ARTICLE 8  
RESIGNATIONS**

**SECTION 1:** Any officer may resign his office at any time, provided there are no charges existing against him; and in that case of the Financial Secretary or Treasurer, provided the trustees find his accounts correct.

**ARTICLE 9  
LAW AND ORDER**

**SECTION 1:** All points of law and order shall be guided by the constitution and by-laws of the Roof Garden Lodge, the Grand Lodge and the Pennsylvania Lodge of the Fraternal Order of Police. And where the same are silent, the current edition of Robert's Rules of Order Newly Revised.

**ARTICLE 10  
ELECTIONS AND TERM OF OFFICE**

**SECTION 1:** To be eligible to hold office or be elected to a delegate position within the Lodge a member must meet the following criteria:

- 1) Be an active or retired member who has been in good standing at the time of his nomination for at least four (4) consecutive years preceding the quadrennial election;
- 2) Member must have attended and continue to attend at least six (6) meetings in each calendar year.

The secretary shall certify each nominee before his/her name is placed on the ballot. Members nominated for an office will receive positions on the ballot by drawing.

**SECTION 2:** Candidates for office shall be nominated at the August meeting each Two (2) years on the odd number years. Their name shall then be placed on a ballot and distributed to all members in good standing at the September meeting.

**SECTION 3:** Election shall be held on the date of the regular meeting of the month of October following the nominations.

**SECTION 4:** An election committee shall govern the election and will count each ballot and tally each vote as the ballot states.

**SECTION 5:** In the event there is a tie among candidates when all ballots are counted, a secret vote shall be taken to break the tie.

**SECTION 6:** Each newly elected officer shall assume his duties of said office at the January meeting following the election..

**SECTION 7:** Each past officer shall make every effort to completely brief each new officer elect as to duties, responsibilities and all unfinished lodge business.

## **ARTICLE 11 LEGAL AID**

**SECTION 1:** Legal aid shall be granted in each instance where approved by majority Of The members (at regular scheduled meeting) who are in good standing of the Fraternal Order of Police for legitimate member related purposes connected with a member's employment with the municipality. Legal aid shall be restricted to arbitration costs, court costs and fees, Heart and Lung Act at 77P.S. Section 582, all matters of discipline and legal fees. Legal aid in the form of legal fees shall only be paid when a member incurs such fees from the lodge attorney or state legal counsel.

**SECTION 2:** All applications for legal aid must be made to the President. The President shall place the matter up for vote at the next regular scheduled lodge meeting.

**SECTION 3:** In the even an Officer in good standing needs emergency legal aid the Member shall notify a lodge officer for emergency relief.

**ARTICLE 12  
EXECUTIVE BOARD**

**SECTION 1:** There shall be an Executive Board consisting of the President, Vice-President, Secretary and Treasurer. If a member of the Executive Board attends less than four (4) meetings of Executive Board during a calendar year that position shall be declared vacant and an election shall be held in January of the following year, by a show of hands and the replacement shall serve for the remainder of the unexpired term. The officer vacating the position shall turn all papers, books, seals and any other Fraternal Order of Police property over to the newly-elected officer.

**ARTICLE 13  
MILEAGE REIMBURSEMENT**

**SECTION 1:** When a member utilizes his own personal vehicle for lodge business traveling to any police department or community to assist a Brother or Sister who are member(s) of our lodge or an officer paying bargaining costs into the Treasury of Lodge # 98, involving any negotiation, arbitration, unfair labor practice, grievance, discipline actions or other needs of our members will be compensated at the Federal rate per mile.

The member must complete a voucher and submit said voucher to the Treasurer for payment.

**ARTICLE 14  
DEATH BENEFIT**

**SECTION 1:** When the death of an Active or Retired Member of Roof Garden Lodge # 98 occur and a copy of the death certificate is forwarded to the lodge, the estate shall receive a \$1,000 check from the treasury of the lodge along with a bible. Payment shall be within ten days after receiving a copy of the death certificate.

**SECTION 2:** If an officer is killed in the line of duty he will receive a \$1000 normal death benefit plus another \$1000 making the total of \$2000 his/her estate will receive.

**SECTION 3:** This lodge Death Benefit Program will continue and remain in effect so long as and until such time as Roof Garden Lodge decides not to continue this program, and/or modify or effect changes to the program. It is unequivocally and expressly understood that the status of membership does not imply any guarantee or expectation of any continued rights under this program if the Lodge decides to discontinue this program at whatever time or for whatever reason.

**SECTION 4:** Persons to receive flowers from the lodge at the time of their death shall be as follows:

Active members;  
Associate members;  
Active member's wife;  
Active member's children;  
Active member's mother;  
Active member's father;  
Active member's father-in-law;  
Active member's mother-in-law;  
Active member's brother;  
Active member's sister;  
All active members of the FOP from other Police Departments in the immediate vicinity;  
Active member's foster children; and  
Active member's step-father and/or step-mother.

## **ARTICLE 15 REVISIONS AND AMENDMENTS**

**SECTION 1:** Alterations and amendments of these By-Laws shall be presented in writing at a regular meeting. Notice shall be given by the Recording Secretary and read at the next two consecutive meetings following the submission. A two-thirds (2/3) vote of the members present at the second reading shall approve the proposed change.

**SECTION 2:** All revisions and amendments are subject to approval of the Pennsylvania Lodge of the Fraternal Order of Police.