

DC Police Union

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MEMORANDUM

TO: All Members

FROM: Gregg Pemberton
Chairman

DATE: May 17, 2021

RE: Announcement of Modification to Update the By-Laws of the Fraternal Order of Police, Metropolitan Police Department Labor Committee, DC Police Union

OVERVIEW

As noted in the May 12, 2021, Notice of Special Membership Meeting, a Special Membership Meeting of the Fraternal Order of Police, Metropolitan Police Department Labor Committee, DC Police Union will take place on Wednesday, June 2, 2021. This referendum is for the membership to vote on the ratification of the modifications to the DC Police Union's By-Laws. The voting on By-Laws will be done by ballot. The voting will take place from 0500 to 2100 hours on June 2, 2021, at the FOP Lodge #1, 711 4th St NW.

Per Article 28 of the By-Laws, a minimum of 250 members must vote. This is your union and you must participate in order for us to succeed.

BACKGROUND

The DC Police Union's By-Laws have not been modified in more than 30 years. In an effort to modernize our organization and streamline the internal processes that are required to bring you the highest level of service we can provide, your Executive Council voted to make the below modifications to the By-Laws. Your support is needed to approve these new policies so they can begin to work for you. As your new Chairman and on behalf of the Executive Council, I encourage you to approve the below proposed changes described in this memorandum.

The necessary amendments to the By-Laws are detailed below. They include procedural changes that will allow the Union to function more effectively and efficiently. Again, these are the changes that your Union leadership has voted to endorse.

PROCEDURE

Article 28 of the By-Laws requires any modification to the By-Laws or Charter to be made through a motion at a meeting of the Executive Council of the DC Police Union. Such motion must be approved by a two-thirds majority of the Executive Council. Any modification approved by the Executive Council must then be ratified by a two-thirds vote of the General Membership at a special or general membership meeting with at least 250 members present and voting.

Pursuant to Article 28 of the By-Laws, on January 26, 2021 the Executive Council of the DC Police Union approved the modifications to the By-Laws.

If ratified by the membership on June 2, 2021, the modifications to the By-Laws will become effective June 6, 2021.

MODIFICATIONS TO THE BY-LAWS

Below is a list of the changes to the By-Laws along with a brief explanation for each change. A copy of the updated By-Laws as approved by the Executive Council is attached hereto. The terms Labor Committee, Union, and DC Police Union are used below synonymously.

- Section 1.1 – Name. The full name of the Labor Committee “Fraternal Order of Police, Metropolitan Police Department Labor Committee” was inserted in place of the abbreviated version and the alternate name “D.C. Police Union” was added to make clear that both names refer to the same organization and to help alleviate confusion with references to the Lodge. This change does not interfere with the Labor Committee’s relationship with the FOP Lodge.
- Section 1.5 – Notice. The current by-laws permit any required notices to be given via MPD Teletype, first class mail, postage prepaid or by posting on MPD bulletin boards. In light of the increasingly common use of certain technologies, the updated by-laws expand upon this list by adding electronic mail and other forms of digital communication as permissible forms of notice.
- Section 1.6 – Affiliation. The updated by-laws delete the statement that the Labor Committee shall not be affiliated with any other organization or union other than the

Jerrard F. Young Lodge #1. The language was unnecessarily restrictive and created potential problems for the Union working with other non-police unions in the city, attending national meetings with other major city police unions, and membership in non-affiliated entities. The Labor Committee often collaborates with IAFF Local 36, NAGE, AFSCME, the AFL-CIO and many other unions on legislative lobbying and other public endeavors. This new language makes it clear that this is a permissible activity. The by-laws and the District certification make it clear that the Union is a member of the Lodge and National Fraternal Order of Police.

- Section 2.3 – Off-Site Facilities. The updated by-laws allow the Union to contract with secure off-site facilities for storage and other purposes upon approval of the Executive Council. The ability to contract with off-site facilities is necessary because of the limited space available at the Union’s principal office. The use of off-site facilities is a less expensive alternative to utilizing valuable space at the principal office that is suitable for other purposes or paying higher rates for sites in the District.
- Section 3.2 – Members’ Rights. The updated by-laws specify that members have the right to vote in elections as provided for in the by-laws and on other matters by referendum, ballot, voice vote, secured electronic voting or other designated means. This right expands upon the current right of members to vote by allowing the use of additional voting methods, and in some cases giving members the opportunity to participate in votes without requiring attendance at membership meetings. The definition of the term “secure electronic voting” is explained as well as establishing the logistical and legal requirements of online voting.
- Section 3.3 – Dues. The updated by-laws increase the revenue for the Union by changing the dues deduction from 1% of a starting officer’s salary to 1.5% of a starting officer’s salary. This is a long overdue modernization that puts our organization in a better place to defend our members and their rights as employees. The last permanent dues increase was done in the late 1980’s when it went from .75% to 1%.
- Section 3.5 – Reinstatement. The updated by-laws provide that if a member leaves the bargaining unit and later returns to the bargaining unit and seeks to rejoin the Labor Committee, the reinstatement is subject to approval by the Executive Committee. The updated by-laws prohibit reinstatement of anyone who was found liable for an unfair labor practice against the Labor Committee or any member. This section applies to demoted lieutenants, former IAD agents, and others that may have left the bargaining unit.
- Section 3.6 – Assessment. Membership approval of special assessments may be determined by ballot in addition to voting at meetings. The minimum quorum requirement is extended to include votes cast by ballot as well as members present at the meeting. Throughout the updated by-laws, changes have been made to allow voting

by ballot in order to allow members to participate in votes without requiring meeting attendance.

- Section 5.3 – Election of Chief Stewards. The updated by-laws contain a restructured list of the organizational groups represented by the Chief Stewards due to changes in department organization. The new section also clarifies the procedure for the removal of a Chief Steward during his term in the event of death, resignation, incapacitation, or other event necessitating a removal. These events are not specifically addressed in the current by-laws, but referenced in the Charter, and are added here to eliminate any confusion on the issue. The updated by-laws also add a provision indicating that the organizational elements are subject to review and adjustment every odd year by 2/3^{ds} vote by the Executive Council to account for changes in the Department's size and structure.

- Section 5.4 – Election of Shop Stewards. The updated by-laws contain a restructured list of the organizational groups represented by the Shop Stewards and reallocate the number of Shop Stewards representing each group due to changes in department organization. The updated by-laws also add a provision indicating that the organizational elements and allocation of Shop Stewards are subject to review and adjustment every odd year by the Executive Council. The new section also provides for the removal of a Shop Steward during his term in the event of death, resignation, incapacitation, or other event necessitating a removal. These events are not specifically addressed in the current by-laws, but referenced in the Charter, and are added here to eliminate any confusion on the issue. The term “Stewards” is changed to “Shop Stewards” in all instances for consistency. The restructured alignments are as follows:
 - **Patrol Districts (44 Shop Stewards)**
 - First District (7)
 - Second District (5)
 - Third District (6)
 - Fourth District (5)
 - Fifth District (7)
 - Sixth District (7)
 - Seventh District (7)

 - **Specialized Units (25 Shop Stewards)**
 - Special Operations Division (5)
 - Youth Investigations Division (3)
 - Criminal Investigations Division (5)
 - Narcotics and Special Investigations Division (3)
 - School Security Division (3)

- Joint Strategic & Tactical Analysis Command Center (2)
 - Headquarters (2)
 - Training Division (2)
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- Section 5.6 – Nominations – This updated section changes the date in which the nominations for regular elections of officers shall be held. Specifically, the new nominations meeting will take place at a general membership meeting held no fewer than thirty (30) days preceding the date of the General Election. The old bylaws mandated that the nominations take place at the regular general membership meeting in the quarter preceding the election. This new language allows the Union to shorten the time frame between the date of the election and the date in which the winners of that election take office. This reduces the transition period between two terms.
 - Section 5.9 – Separation of Council / Steward Elections. Section 5.9 is added to permit Executive Council elections to take place separately from Shop Steward elections, and that the Executive Council elections must occur before the Shop Steward elections. The remaining sections are renumbered.
 - Section 5.11 – Special Election. The updated by-laws add incapacitation, or other events necessitating a removal of an Executive Council or Shop Steward as instances where a special election will be held. This change is intended to fully cover the instances in which a vacancy might occur requiring a special election. The updated by-laws also specify that, if only one member is nominated to fill the vacant office, the member shall assume the office without a special election.
 - Section 6.1 and 9.2 – Committee Chairs. The current by-laws refer to committee chairs as “Chairmen.” In the updated by-laws, the position is referred to as a “Chair” to eliminate any confusion in references to Committee Chairs and the Chairman.
 - Section 6.6 – Duties of Chief Stewards. The updated by-laws add that the Chief Stewards shall also perform such other duties assigned by the Executive Steward or the Chairman.
 - Section 7.10 – Organizational Element Adjustment. A new Section is added to require biannual reviews of the organizational elements of the MPD so that representation can be adjusted to coordinate with departmental organization. In the event of changes in departmental organization, the Executive Council may vote to change the representation structure and allocation of Shop Stewards accordingly.
 - Section 9.1 – Committees. The name of the Publications Committee is changed to the Communications Committee to more accurately reflect the duties of the members within that committee.

- Section 9.7 – Communications Committee. Communications Committee duties are updated to more accurately reflect the responsibilities of the members within that committee. The methods of communications are updated to reflect social media, email, and other electronic methods.
- Section 10.2 – Increases the amount the Chairman is allowed to expend without Council approval from \$250.00 to \$500.00. Does not change that any expenditure by the Chairman must be reported to the Council at the next meeting.
- Section 12.2 – Right to Hearings. The updated by-laws provide that members of the Union that are not currently dues paying members in good standing are not entitled to a hearing and also adds that a hearing must be requested by the accused member.
- Section 12.3 – Notice of Hearing. Section 12.3 is changed to so that the notice must contain the name of the person making the charge or the nature of the violation and how the Labor Committee became aware of the violation. The updated by-laws also change the requirement that the Secretary serve a copy of the charges on the accused and the Chairman to the requirement that the Secretary submit a copy to the Chairman in a timely manner. Service upon the accused is now addressed in Section 12.4.
- Section 12.4 – Review of Charges. The updated by-laws require notification to the Secretary and the provision of a copy of the charges to the accused. The Section now requires that the Secretary serve a copy of the charges upon the accused after review by the Chairman within 10 business days.

Section 12.5 – Accused Rights. (Formally 12.6) The updated by-laws make clear that if the accused desires to have a hearing he must file a written response and request a hearing within 5 business days. The accused is required to include a response to the allegations, a list of all witnesses and the name of the representative to be used at the hearing in his written response. The updated Section changes the amount of time for a hearing to be scheduled from fourteen (14) days to (30) business days after receiving a response from the accused to accommodate an appropriate lead time to prepare for such a hearing for all parties. Section 12.6 also provides that, if the accused does not request a hearing, the matter shall be decided based upon the evidence contained in the notice of violations. The right for the accused to have counsel of his choosing is changed to the right to a representative. The restriction against the Labor Committee providing counsel for the accused is similarly changed to providing a representative. (Sections 12.5 and 12.6 were switched in order to clarify the chronology of the process).

- Section 12.6 – Hearing Committee. (Formally 12.5) The updated Section also reflects the time change for a hearing to be scheduled from fourteen (14) days to (30)

business days to accommodate an appropriate lead time to prepare for such a hearing for all parties.

- Section 12.10 – Secretary’s Duties. The provision that an appeal is to be included as an old business agenda at the next regular Executive Council meeting is changed to delete the word “regular” so that appeals will be on the agenda at the next meeting regardless of the meeting type.
- Section 12.11 – Decision on Appeal. The Section was changed to make clear that, if a member of the Executive Council is the accused, he shall not be permitted to vote on the appeal or attend the applicable meeting.
- Section 13.3 – Referendum Votes. The updated by-laws allow votes on any issue deemed necessary by the Chairman to be conducted by ballot or electronic voting and allows the Chairman to indicate dates and times certain for the opening and closing of voting periods. This change is similar to the other changes allowing voting by ballot for member convenience and to generate greater levels of participation.
- 17.1– Legal Representation. The updated by-laws clarify the situations and rights in which members receive legal services at the cost of the Union. It also clarifies that legal representation in the case of appeals will be at the discretion of the Labor Committee, and that free services may be provided for members in other matters where the purpose benefits the objectives of the Union at the Committee’s discretion.
- 18.1 through 18.6 – Disposition of Grievances. This new article clears up confusion and is consistent with current law that allows the Chairman to make determinations about the efficacy and likely success of grievances and designate which ones may be advanced to litigation or which ones may be dismissed. The remaining articles have been renumbered.
- Section 19.1 – Amendments. The updated by-laws provide that ratification may be by members present at a meeting or by secured electronic voting. The Section also adds that the current quorum requirement of 250 members may be satisfied by number of votes cast, not just attendance at the meeting. As with the change to Section 7.6, electronic voting allows members to participate in the vote even when unable to attend the relevant membership meeting.