

Milwaukee Deputy Sheriffs' Association
Constitution & Bylaws

Milwaukee Deputy Sheriffs' Association
Constitution

PREAMBLE

We the members of the Milwaukee Deputy Sheriffs' Association in Milwaukee County, Wisconsin, employed by Milwaukee County, the State of Wisconsin, the United States Government and the political subdivisions of Milwaukee County, do hereby associate ourselves for the following purposes:

To support and defend the Constitution of the United States and the State of Wisconsin: to inculcate loyalty and foster impartial enforcement of law and order: to improve the individual proficiency of our members in the performance of their duties: to encourage social, charitable, and educational activities among all law enforcement officers: to create a tradition of esprit de corps, insuring fidelity to duty under all conditions and circumstances: to cultivate a spirit of fraternalism and mutual helpfulness between our membership and the people we serve: to provide labor relations assistance and collective bargaining services to the law enforcement community of Milwaukee County who are represented by this Association to increase efficiency of the police profession and thus more firmly establish the confidence of the public in the service that is dedicated to the protection of life and property.

ARTICLE I
Name

This organization will be known as the Milwaukee Deputy Sheriffs' Association and its offices and meeting places shall be in Milwaukee County, Wisconsin. Whenever the term Organization or Association is used in this constitution or in the By-laws, it shall mean the Milwaukee Deputy Sheriffs' Association.

ARTICLE II
Purpose

Section 1: The purpose of the organization is to provide legal negotiating to represent the deputy sheriffs in the lawful conduct of business with duly authorized personnel of the county government: and to establish, maintain and administer a general fund and investment fund for the general welfare of its qualified members: and to provide various social activities for the members and their families.

Section 2: The Milwaukee Deputy Sheriffs' Association is an organization of professional law enforcement personnel dedicated to enforce the law under all circumstances. Our purpose shall be to promote professionalism among all law

enforcement officers: to influence the youth of our community in an effort to combat delinquency: to further public relations by informing the citizens of our community of the problems of law enforcement and to harness and mobilize the manpower of the law enforcement profession and by doing so, to assist in the building of a bigger and greater Milwaukee County.

ARTICLE III Administration

This Association shall have the power to enact and adopt By-laws for the proper administration of its affairs.

Section 1: The Executive Board shall have the power to carry out the purpose of the Association to the fullest extent, and to conduct business properly. The Association shall have the power to create offices and elect officers to administer its affairs.

Section 2: The Association shall have the power to levy and collect annual dues, all initiation fees and assessments. The amount and method of collecting same are to be more fully described in the By-laws.

Section 3: The Association shall have the power to discipline its members by temporary suspension or expulsion for failure to comply with the rules and regulations as laid down in this constitution and By-laws, or for conduct deemed inappropriate by the average person or for any other reason more fully described in the By-laws.

Section 4: The funds of the Association shall be set asides in the following funds:

- a) General Fund
- b) Investment Fund
- c) PAC Fund
- d) Savings Account

ARTICLE IV Amendments

This Association shall have the right to amend and revise its constitution and By-laws or any part thereof, at any regular and a special meeting called to facilitate 2nd and 3rd shift members, by a two-thirds (2/3) affirmative vote of members, in good standing, at such a meeting; provided, amendment or revision has been given at the previous meeting, and posted on the bulletin board of every division for fourteen (14) days. All such amendments and revisions are to be submitted in writing.

MILWAUKEE DEPUTY SHERIFFS' ASSOCIATION
BY-LAWS

ARTICLE I
Officers

Section 1. The elected officers of this Association shall consist of a President, Vice President, Secretary, Treasurer, and eight (8) Trustees. Said Trustees are to be the Committee on Finance.

Section 2. The officers named above shall be known as the Executive Board and shall have duties and authority as prescribed in the By-laws.

Section 3. Only active members in good standing, and not on probation at the time of the nomination for election, shall be eligible for any elective office. All officers shall be elected by ballot system, except when there is only one nominee; the nomination ballot may be voted the elected ballot.

Section 3a. Unless otherwise specified, for the purposes of these By-laws, "active members" shall refer to members of the Association who are not retired.

Section 4. Nominations for the office of: President, Vice-President, Secretary, and Treasurer will be made at the regular meeting in November. The President and Secretary shall be nominated and elected one year and the Vice-President and Treasurer nominated and elected in the following year. The aforementioned officers shall be elected for a three (3) year term. Every election shall be for a three (3) year term, with election being held in December. The newly elected officers shall assume on the first of January following the election. Trustees shall be elected for a two (2) year term, to follow in natural sequence, with nominations in November and elections in December. Newly elected Trustees shall assume office on the first of January following the election.

Section 5. There shall be no voting by proxy. Only votes of active members in good standing shall be counted. Absentee ballots, provided by the Secretary, shall be accepted in the cases of illness, out of town absences, and other approved extenuating circumstances, up to the Friday before the election meeting. Ballots will be received by any executive board officer who is not up for re-election.

Section 6. For the faithful performance of their duties, the President, Vice-President, Secretary, Treasurer, and Trustees shall be reimbursed at the following rate, at the end of the term of office each year or quarterly at the discretion of the officer.

President	\$2500.00
Vice-President	\$2400.00
Secretary	\$2300.00
Treasurer	\$2300.00
Trustees (each)	\$ 700.00

Section 7. Any officer of the Association may resign by giving two weeks (14 days) written notice to the Executive Board. Vacancies caused by the resignation, death, suspension, or expulsion shall be filled by the Executive Board until the next succeeding election, and at such election the members shall elect a member to fill the unexpired term of such deceased, resigned, or disabled officer.

Section 8. Any officer of the Association who shall fail to attend three (3) consecutive meetings of the Association without a legitimate excuse shall forfeit his office and a vacancy shall be declared by the President, except when the officer is the President. The vacancy shall then be declared by the Vice-President. Upon inaction of the proper officer to declare a vacancy, it shall be placed before the Executive Board to carry. Vacancies thus created shall be filled as outlined in Section 7 of this article.

Section 9. In order for a member of the Executive Board to be recalled, the following requirements must be met:

- a) A recall petition, supplied by the Secretary, and signed by at least 50 members in good standing, shall be submitted to the Executive Board and verified by the same. Upon verification of the recall petition, by the Executive Board, an announcement of a recall ballot shall be made at the next regularly scheduled monthly membership meeting. Said recall shall be scheduled for the following month. Notice of such a recall ballot shall be posted in all Divisions of the Department for at least fourteen (14) days prior to the scheduled vote. Recall ballots for Trustees shall be signed by only members from the Trustees Bureau of election.
- b) The required vote for removal of an Executive Board member is the affirmative vote of a two-thirds (2/3) of the active members present at the recall ballot with a minimum required vote equal to two-thirds (2/3) of the vote cast at the affected person's last election. Vacancies created by a recall ballot shall be filled as outlined in Section 7 of this Article.
- c) Subject to the above procedural requirements, the active members of the Association who are present at the voting meeting have complete discretion to recall an Executive Board member of the Association and the purpose of such recall shall be for cause.

ARTICLE II

President

Section 1. It shall be the duty of the President to preside at all meetings, preserve order and have general supervision of the affairs of this Association, including the various committees, subject to the approval of the Executive Board. He/she shall be an ex-officio member of all committees.

Section 2. The President shall decide all questions of parliamentary law submitted to him/her, such decisions to be binding on this Association until reversed by the Executive Board, or his/her decision be appealed by a majority of members present.

Section 3. The President shall sign all orders of the treasury.

Section 4. At the beginning of his/her term of office, the President shall appoint the standing committees, each to consist of at least three (3) members, and three (3) committees to be chaired by the eight (8) Trustees:

Committee on Constitution and By-laws
Committee on Grievances
Committee on Entertainment
Political Action Committee
Other committees that the Association deems necessary

ARTICLE III

Vice-President

Section 1. The duties of the Vice-President shall be as follows: in case the office of President shall become vacant, the Vice-President shall take charge of and perform the duties of that office until such vacancy shall be filled by election.

Section 2. In case of absence, illness, or disability of the President, the Vice-President shall take charge of and perform the duties of the office of President until such absence or disability shall be removed.

Section 3. Shall assist the President in preserving order, cooperate with and perform such other duties as may be prescribed by the Executive Board.

Section 4. The Vice-President, in case of absence, illness, or other disability of the President, shall sign all orders of the treasury.

Section 5. The Vice-President shall attend to all grievances for the purpose of coordination, representation, advisement, et. al; With the assistance of a trustee representing the particular bureau from which the grievance is assigned; The Vice-President may request help from other Executive Board members due to job conflict, personal conflict and/or volume.

ARTICLE IV

Secretary

Section 1. The duties of the Secretary shall be to keep correct record of all the proceedings of this Association and of all the meetings of the Executive Board and standing committees thereof, and to read all communications, petitions, bills, etc. presented to this Association.

Section 2. Shall have charge of the seal belonging to the Association. Shall sign all documents and papers that require his signature, and where necessary, attach the seal to properly authenticate the same.

Section 3. Shall collect dues, initiation fees, and all other assessments whenever so ordered by the Association and shall turn the same over to the Treasurer and receive a receipt for the same.

Section 4. Shall hold his books, records, and accounts open to inspection by the Executive Board or auditors, and whenever required, make full report as to the financial condition of the Association.

Section 5. It shall be the duty of the Secretary to register with the Secretary of the State of Wisconsin at each session of the Legislature and receive all proposed bills to be introduced in said Legislature pertaining to: Sheriff's pension, Police and Civil Service; said registration to be made in the name of the Milwaukee Deputy Sheriffs' Association, and said cost to be paid by the Association.

Section 6. In case of his resignation, or removal from office at the expiration of his/her term, shall immediately deliver all money and property of the Association in their possession to the Business Manager.

Section 7. It shall be the duty of the Secretary to afford to each active member with a copy of the Constitution and By-laws of said Association. Hereafter, a copy of said Constitution and By-laws shall be given to each new member at the time of acceptance into the Association.

- a) Hereafter any amendment or repeals of the Constitution and By-laws and upon their adoption by the Association shall be posted on the Association bulletin board in each division within fourteen (14) days and made available in writing as soon as practical.
- b) Cost of printing is to be paid out of the general fund.

ARTICLE V

Treasurer

Section 1. The duties of the Treasurer shall consist of signing all checks for payment of bills, claims, demands, and requisitions against this Association that have been so approved by the proper officers of the Executive Board, providing such orders have first been signed by the President.

Section 2. Shall keep a correct account of all funds deposited by him/her or in the depositories of this Association, of all money withdrawn from same, and to compare the amounts so deposited or withdrawn with the record book of the Secretary, showing the amounts having been received and paid to the Treasurer by the Secretary. He/she is also to report any discrepancy to the President and the Executive Board. Whenever required by the Executive Board, shall make a report as to the financial condition of the Association.

Section 3. Shall make such lawful investments of the funds of the Association as may be ordered by the Executive may be ordered by the Executive Board and immediately deposit the securities in the vault or depository selected by the Executive Board.

Section 4. Shall permit the Executive Board and the auditors to inspect the books and accounts at any time and at all times have the same in readiness for examination by said officers.

Section 5. Shall deliver to the business manager in office all money, books, papers, and other property pertaining or belonging to the office and in his/her custody, but not before such successor has been duly qualified by giving the proper bond, unless the Treasurer be required to do otherwise by the Executive Board.

ARTICLE VI

Trustees

Section 1. A total of eight Trustees comprised of:

- a) Three (3) Trustees from the Detention Bureau
- b) Two (2) Trustees from the Police Services Bureau
- c) Two (2) Trustees from C & A Bureau
- d) One (1) Trustee from the Detective Bureau

Only members of a Bureau may vote for a Trustee of that Bureau. In the event of a transfer of a Trustee to another Bureau, the Executive Board shall declare the position vacant. Article I, Section 7 shall apply regarding filling of the position.

Section 2. The duties of the Trustees shall be as follows: Semiannually, or at any time when requested by the President or the Executive Board or by the Association when in session, to examine the records, files, and records of the Secretary and the Treasurer, and the accounts of the depositories designated by the Executive Board, and after such examination to certify and report the following facts and conditions to the Association:

- a) Whether the books of the Secretary and the Treasurer, or either are properly and accurately kept.
- b) Whether or not the cash balance as shown by the books and reports kept by the Secretary and Treasurer, or either agrees with the balance shown at the depositories credited to the Association.
- c) Whether or not all monies due to the Association has been received and credited to the proper funds and accounts, and deposited in the depositories designated by the Executive Board.
- d) Whether or not the expenditures have been charged proper funds or a accounts, and made with proper authority and in accordance with Constitution and By-laws.
- e) To make any recommendations they deem advisable to the Association as to the method of keeping the books, accounts, records, files, and also pertaining to the reports of the Secretary and Treasurer.
- f) Trustees shall be appointed by the President to chair specific committees. It shall be the duty of the Trustees to properly staff each respective committee, and to report back to the Executive Board and the Association at the regular monthly meetings. These committees shall meet as is necessary. The Trustees shall make such recommendations they deem advisable to the Executive Board.
- g) The President shall appoint one Trustee to assist the Treasurer. (The Intent of this language is that at all times there will always be two Individuals with a full understanding of the Association financial Policy and procedures.) The Trustee appointed shall be compensated Along with the Treasurer, for time spent on the balancing of the year end books.

ARTICLE VII

Executive Board

Section 1. The Executive Board shall consist of twelve (12) members: the President, Vice-President, Secretary, Treasurer, and the eight (8) Trustees. Whenever the Executive Board is mentioned in this Constitution and By-laws, it shall mean the body of the aforementioned officers.

Section 1a. In addition to the above, the President shall appoint a retired member of the Association to the Executive Board to serve as a non-voting member.

Section 2. The President and Secretary of this Association shall also be the President and Secretary of the Executive Board.

Section 3. Special meetings of the Executive Board may be called at any time by the President upon request by the majority of members of the Executive Board; the Secretary to issue all notices for same.

Section 4. Five (5) voting members shall constitute a quorum for the transaction of any and all business of said Executive Board.

Section 5. The powers of the Executive Board shall be as follows:

- a) To have general management of the Association subject to the Constitution and By-laws of this Association and subject to its direction.
- b) To authorize all necessary contracts for the carrying out and conducting the business of the Association. No contract shall be binding on this Association until it is so authorized or ratified. Any expenditure over ten thousand dollars (\$10,000.00) shall need the membership approval, by majority vote, at the regular monthly meeting.
- c) The Executive Board shall be the judge of refusals or disqualifications referred to in the preceding subsection.
- d) It shall have the power to allow, reject, or settle by compromise, any death or other claim referred to it.
- e) The Executive Board shall, by two-thirds (2/3) vote of said Executive Board, have the authority and power as may be necessary to represent this Association in any controversy and in the collection of debts due the Association and in the handling of investments and pay the cost thereof out of the general fund of the Association not otherwise appropriated. Furthermore, by two-thirds (2/3) vote, the Executive Board shall have within their power to recommend or disapprove allocation of funds at their discretion for the amount.

- f) It shall have charge of the property of the Association and provide for the care and necessary repairs to same.
- g) It shall direct the bargaining committee of the Association; said Committee shall consist of the President who shall be chairman, the Secretary of the Association, who shall be its Secretary and keep a record of the bargaining procedures, Vice-President, Treasurer, and how many other extra representatives necessary to encompass all classifications of Deputy Sheriff as defined in the contract. In the event that any member of the bargaining committee shall be unable to attend negotiating sessions or carry out the duties thereof, the Executive Board shall elect a substitute from among the membership. Any proposals the bargaining committee may negotiate with the County bargaining committee shall be referred to the Executive Board who will examine the same at a duly called meeting, and who shall by majority vote, either recommend adoption or rejection to the membership of the Association, or it may refer it to the membership without a recommendation.
- h) The active membership of the Association shall, by printed ballot, either accept or reject, by majority vote, any labor contract the bargaining committee may negotiate with the county after it has been submitted to the membership of the Association by the Executive Board with an affirmative, negative or no recommendation.
- i) The membership of the bargaining committee shall be reimbursed by the Association, out of the general fund, for any expense incurred during bargaining and for any time spent in negotiating when they do so at any time when they receive no remuneration from the County. Rate for each member shall be at the top hourly rate within the grade.

Section 6. The Executive Board shall be charged with authorizing the Treasurer, in writing, to convert to cash any and all securities, stocks, or bonds when so decided by majority vote of the membership at a regular or special meeting when in accordance with the Constitution and By-laws.

Section 7. The Executive Board shall protect the Deputy Sheriffs' pension laws, and shall supervise all actions taken by the Association. It shall also protect Deputy Sheriffs against any legislation, pay decreases, reclassification and guard its general welfare.

ARTICLE VIII
Committees and Their Duties

Section 1. The committee on Constitution and By-laws shall have referred to it for an examination and revision all proposed alterations and amendments to the Constitution and By-laws of this Association, and report thereon to the membership, with such recommendations as it may deem advisable.

Section 2. The Grievance committee shall receive and hear all complaints, in writing only, from members.

Section 3. The committee on Entertainment shall arrange all entertainment, subject to the approval of the Association.

Section 4. Political Action Committee shall be a committee of five (5) members, four (4) of whom shall be appointed by the President. The President of the Milwaukee Deputy Sheriffs' Association shall also be chairman of the Political Action Committee. No other member of the Political Action Committee may be a member of the Executive Board.

- a) The Political Action Committee shall meet as frequently as necessary and shall be responsible for any and all political contributions that are felt necessary for the betterment and welfare of this Association and its members.
- b) Effective May 25, 1989, an amount of \$.75 (seventy-five cents) from the bi-weekly dues of each member shall be designated for the purpose of funding the Political Action Committee.
- c) Any political contributions for the benefit of the Milwaukee Deputy Sheriffs' Association and its members shall be the sole responsibility of this committee. Any donation deemed beneficial by this committee shall be at the discretion of the Political Action Committee, and shall be by a majority vote of the committee members. Monies shall be kept in a segregated fund and used solely for the purpose described herein.
- d) The Political Action Committee Chairperson, will have the duty and authority to:
 - 1) Sign and distribute checks/drafts in accordance with existing By-laws.
 - 2) Be responsible for filing all government reports.
 - 3) Report to the Association at the regular monthly meetings of the Association, the status of the Political Action Account, reports and all disbursements.
- e) The Association Treasurer will continue to deposit the funds into the Political Action Committee account in accordance with the requests of the committee.

ARTICLE IX

Fees and Dues

Section 1. Any individual that becomes a Deputy Sheriff 1, Deputy Sheriff 1 Bi-Lingual or Deputy Sheriff Sergeant, of the Milwaukee County Sheriff's Department, shall automatically become a member of the Association. The initial membership fee of the Association, effective January 1, 2001, shall be \$50.00 and shall be placed in the general fund. Payment of the initial fee shall be made by payroll deduction in the first payroll period upon completion of the Training Academy.

Section 2. After January 1, 2001, the annual dues for membership in the Association shall be:

- a) For active members of the Sheriff's Department, effective January 1, 2001, \$15.00 biweekly of \$390.00 per year. Payment of dues shall be made through payroll (fair share) deduction.
- b) Effective January 1, 1988, all retired members of the Association, including those who retired before January 1, 1988, who have 15 years of service with the Department and who have been members in good standing of the Association for at least 15 years shall be granted a retired membership. In the event a member is placed on permanent duty disability as result of an injury received in the performance of his duties, the above mentioned 15 year requirement may be waived by a 2/3 vote of the membership at a regular monthly meeting.
- c) Whenever a member of the Association who is in good standing enters the military service of the United States during a state of emergency, said member shall be exempt from paying dues and assessments and shall be kept in good standing until discharge from the service
- d) Whenever a member of the Association who is in good standing, is granted a leave of absence from the Department for any reason, except as listed in subsection c, he/she shall remain in good standing in the Association but shall not be exempt from payment of dues and assessments while on such leave. He/she shall not be eligible to hold any office while on such leave.

ARTICLE X
Funds Benefits and Assessments

Section 1. An assessment may be proposed by a majority vote of the Executive Board. A notice of the proposal shall be posted in every Division of the Sheriff's Department for a period not less than two (2) weeks prior to the next regular meeting; at which meeting, by two-thirds (2/3) vote of the members present, a special assessment may be levied on the membership which assessment will be payable no later than three (3) months after the date of the assessment.

Section 2. All money voted as a special assessment shall be placed in the general fund. Any funds requested by the membership shall be presented to the Association and be posted in all divisions of the Sheriff's Department, thirty (30) days prior to voting for approval of said funds. Voting will be at a regular or special meeting.

- a) Exempt of the aforementioned section shall be the power and authority of the Executive Board as prescribed in Article VII, Section 5, subsection (e).

Section 3. The level of monies in the investment fund shall be maintained by the Executive Board. The Executive Board, by a two-thirds (2/3) majority vote, will be responsible for investing all monies.

The Investment Fund assets shall be invested in low risk funds, as defined and practiced by generally accepted principles within the finance markets.

The Executive Board shall only have authority to invest in the following and make an annual review of this requirement.

- U.S. Government securities
 - T Bills
 - T Bonds
 - T Notes
- Bank CDs
- Ginny Mae, Fannie Mae
- Commercial Paper AA rating only
(Short-term maturity)

Section 4. The Treasurer shall make such lawful investments of said funds as may be ordered by the Executive Board, and at once deposit the securities in the vault provided by the Association. All said stock and bonds, shall be held by the Treasurer in said vault.

Section 5. All future profits from any special event run under the direction of the Association shall be placed in the general fund and properly invested.

Section 6. Effective on or after March 24, 1952, upon retirement date, after having completed 15 years of service, each deputy in good standing in the Association, and has been a member of it for at least 15 years, shall, upon reaching a normal retirement age, receive a miniature badge of his office to be paid for out of the general fund. Effective January 1, 1988, each deputy, if qualified as above upon retirement, will be granted a retired membership with no payment of dues.

- a) Effective April 1, 1982, each dues paying member in good standing in the Association except those retired or resigned prior to January 1, 1982 shall be entitled to a death benefit in the amount of one-thousand Dollars (\$1000.00). Prior to January 1, 1982 and from January 1, 1977 shall be entitled to a death benefit in the amount of seven hundred and fifty dollars (\$750.00). Prior to January 1, 1977 and from March 24, 1953, shall be entitled to a death benefit in the amount of five hundred dollars (\$500.00). Said benefit shall be paid out of the welfare and benefit fund.
- b) Upon receipt of satisfactory proof that a benefit is payable, the Treasurer shall so report to the Executive Board. The Board shall have the power to approve or reject such claims. When the Board approves the claim it shall order the Treasurer to make such payment out of the general fund, and to file a written report to keep his files.

Section 7. Immediately upon learning of the death of a member in good standing, the Secretary or Treasurer shall send flowers to the member's home or the mortuary. Cost of said flowers shall not exceed the current rate available, and in the case of a death in the member's family, said member in good standing, the Secretary or Treasurer shall send flowers, cost not to exceed \$75.00 or its monetary equivalent to a charity of their choice.

Section 8. A member's family shall be construed as consisting of his immediate family residing with him/her, and his/her mother and father. However this does not exclude the Board from considering other family members, if deemed appropriate.

ARTICLE XI

Membership

Section 1. In case a dispute should arise on matters not specified in this Constitution and By-laws, Robert's Rules of Order, Revised, shall govern proceedings of the Association.

Section 2. Regular monthly meetings of the members of the Association shall be held on the fourth (4) Monday of the month at the time designated at the regular meeting place of the Association, for the transaction of business as may properly come before the members at such meetings.

Section 3. Special meetings of the membership of this Association may be called for any purpose at any time by the President upon written request by any member of the Executive Board, or majority of members of this Association, stating the purpose or purposes thereof. Such notice of the special meeting to be posted in every Division of the Sheriff's Department, as soon as possible, and no less than fourteen (14) days prior to any said special meeting.

Section 4. A quorum for any meeting of the Association shall be no less than fifty (50) members in good standing.

Section 4a. An exception to the above quorum is a recall ballot where the minimum membership participation shall be set forth in Article I, Section 9, of the By-laws.

Section 5. Any member who shall disrupt the order and harmony of a meeting of the Association by abusive, disorderly or profane language or shall refuse obedience to the presiding officer, will be escorted from the room, and later may be dealt within accordance with the By-laws.

Section 6. No member shall solicit funds or gifts on behalf of the Association unless he/she is authorized to do so by the Executive Board.

Section 7. Whenever a member is guilty of a violation of the Constitution and By-laws, or shall fail, refuse or neglect to comply with the provisions therein, or shall otherwise commit acts detrimental to the welfare of the Association, the complaining member shall set forth in writing the nature of complaint, and shall file same with the President, who shall forthwith refer the same with all evidence at hand to the Executive Board.

Section 8. Only members in good standing shall vote for election of officers, recall elections and other Association business.

ARTICLE XII
Financial Assistance

Section 1. Procedures for obtaining financial assistance from the Association by and for its members in good standing, as regards to lawsuits, complaints, grievances, or civil and criminal litigation, arising out of acts of Deputies in the lawful performance of their duties are as follows:

- a) In no instance shall the Association become voluntarily involved in lawsuits either as a party to the action or as an insurer of the Deputy involved.
 - 1) Exempt from the above are those individuals covered by Article XIV of the By-laws.
- b) The Association attorney must be utilized for all legal matters unless a conflict exists between the Association's attorney and the member. The Executive Board shall make the final determination as to whether a conflict does exist. This determination shall require a majority vote of the Executive Board members present to allow the member to seek outside counsel.
 - 1) If outside counsel is approved, it is with the caveat that the Association shall not pay more than the current rate charged by the Association's regular counsel.
 - 2) An itemized bill from the outside counsel shall be provided to the Executive Board. Said itemized billing shall delineate the specific time allocated to civil and criminal representation.
- c) Financial assistance, other than criminal litigation, will be provided in the same manner as that provided to the Association's currently contracted counsel. Financial assistance for matters involving criminal charges will be considered and reimbursed only upon completion of all litigation. (see "For Criminal Litigations")
- d) In the event a Deputy becomes financially involved and liable as the result of any lawsuit, complaint, grievance or civil or criminal litigation arising from the regular and conscientious discharge of his duties, and providing he/she was a member in good standing of the Association at the time of the incident which precipitated said lawsuit, complaint or grievance, he/she may petition the Association for assistance utilizing the following guidelines and procedures:

For Department Discipline

- 1) Association shall provide legal assistance unless deemed otherwise by a two-thirds (2/3) majority vote of the Executive Board.
- 2) Upon completion of the matter, the Association shall approach Milwaukee County for the cost of legal assistance.

For Criminal Litigations

- 1) Members shall provide their own legal representatives:
 - a) If found guilty, there will be no financial assistance.
 - b) If found not guilty,
 - 1) The member shall first request assistance from Milwaukee County for payment of legal fees.
 - 2) If denied, the member may petition the Executive Board for financial assistance for payment of legal fees.
 - 3) He/she shall present to the Executive Board in writing an outline of the action against him/her and shall be present at the next meeting of the Executive Board to be interviewed regarding his/her petition for financial assistance.
 - 4) The Executive Board shall review and investigate the petition for assistance and shall reach a decision on the petition based upon a majority vote of the full Executive Board. The Executive Board shall place their decision on the agenda of the next regular meeting held under the By-laws of the Association, and at such meeting a full discussion of the petition and the decision shall be had. The membership may by majority vote refer the matter back to the Executive Board, once only. In the event the Executive Board shall meet and reconsider the matter and shall again post notice and inform the membership of their decision at the next regular meeting held under the By-laws of the Association, the Executive Board's decision shall be binding on the Association and the petitioning member of the Association subject to a veto by two-thirds (2/3) vote of the membership present at such a meeting and in such event, the vote of the membership shall be binding.

For Civil Proceedings totally arising out of scope of employment

- 1) Corporation counsel will represent.
- 2) Use Association lawyer for advice only with the permission of the Executive Board.

Section 2. The Executive Board of the Association shall, upon written notice of suspension without pay of any regularly appointed Deputy Sheriff in good standing with the Association, may waive the fair share agreement for the member, for the duration of his/her suspension.

- a) In the event the said member under suspension is denied the above action, said member may present their request at the next regularly scheduled meeting of the Association for a majority vote by the members present.
- b) Such finding, if approved and allocated by the Executive Board, shall be appropriated from the general fund, and under the auspice that the member shall not be required to reimburse said fund of the Association.

Section 3. Business Agent: The Executive Board shall have the authority to hire a business agent, duties and responsibilities to be defined by the Executive Board. The Board shall negotiate the salary up to pay range 22B. Any salary above pay range 22B must be approved per Article VII Section 5b.

ARTICLE XIII **Rules of Order**

1. All motions must receive a second before they can be entertained.
2. When a motion is duly made and seconded, the presiding officer shall state the same to the meeting before it can be discussed.
3. No motion shall be in order when a question is under debate, except to amend, postpone or lay on the table. A motion to lay on the table shall preclude any debate.
4. No member shall be interrupted while speaking, unless called to order, for an explanation.
5. A motion to reconsider shall not be entertained unless moved to a member voting in the majority; which motion must be made at the meeting in which the action is taken, or the next subsequent meeting; final action shall not be taken at the meeting in which the motion is given. The motion to reconsider shall be given in such a manner as to enable the membership of the Association to attend and consider the question.
6. Any member wishing to speak shall arise and address the chair, and confine his remarks to the subject under debate, and no member shall be allowed to speak for more than ten (10) minutes at one time, nor more than twice on the same subject, except by permission of the chair.

7. Any member called to order shall take their seat until the point of order is decided by the presiding officer, then may again proceed.
8. No member shall be allowed to use uncourteous language toward any member in debate.
9. If two or more members rise to speak at the same time, the chair shall decide which has the right to speak.
10. When adjournment is had, the members must remain seated until the chair announces the same.
11. Any member being dissatisfied with the ruling of the chair, may appeal to the members, and a majority vote shall decide the matter.
12. The question of appeal shall be taken without debate, except by the member taking the appeal, who may briefly state his reasons for taking the appeal, who may briefly state his reasons for taking the appeal, and the chairman, who shall have the like privilege, to state grounds of his decision.
13. When the chair shall order the door especially guarded, no member shall depart without permission of the chair.
14. Robert's Rules of Order shall govern all cases not provided for in these rules.

ARTICLE XIV

Indemnification

Section 1. Third Party Actions: The Association shall indemnify all members of the Executive Board, Officers, and Trustees of the Association who were or are a party or threatened to be made a party to any threatened, pending, or completed action, suit or proceeding whether civil, criminal, administrative, or investigative, including all appeals, by reason of the fact that he or she is or was a member of the Executive Board or an Officer of the Association, against expenses (including attorneys fees), judgments, decrees, fines, penalties, and amounts paid in settlement, actually and reasonably incurred by the member, officer, or Trustee in connection with such action, suit or proceedings, if such person acted in good faith and in a manner in which he or she reasonably believed to be in or not opposed to the best interest of the Association, and, in respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the Association and, in respect to any criminal action or proceeding, shall not, of itself, create a presumption that the person had reasonable cause to believe that his or her conduct was unlawful.

This indemnification is intended to include negligent conduct or lack of due care on the part of all members of the Executive Board, Trustees, or Officers of the Association, but is not intended to include intentional criminal acts.

Section 2. Derivative Actions: The Association shall indemnify and hold harmless any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action or suit, including all appeals, by or in the right of the Association or any group of members to produce a judgment in its favor by reason of the fact that he or she is or was a member of the Executive Board, Trustee, or an officer of the Association, against expenses (including attorneys fees) actually and reasonably incurred by such person in connection with the defense or settlement of such action or suit if he or she acted in good faith and in a manner he or she believed to be in or not against the best interests of the Association.

This indemnification is intended to include negligent conduct or lack of care in the part of the Executive Board, Trustees, or Officers of the Association but is not intended to include intentional criminal acts.

Section 3. Advance of Expenses: Expenses of each person indemnified hereunder incurred in defending a civil, criminal, administrative, or investigative action, suit or proceeding (including all appeals) or the threat thereof, may be paid by the Association in advance of the final disposition of such action, suit or proceeding, as authorized by the Executive Board, whether a disinterested quorum exists or not, upon receipt of an undertaking by or on behalf of the Board member, Officer, or employee to repay such an amount if it shall be ultimately determined that he or she is not entitled to be indemnified by the Association.

Section 4. Purchase of Insurance: Notwithstanding the rights contained in this agreement, the Association may purchase insurance on behalf of any member of the Executive Board, Trustee, or Officer of the Association.

=

ARTICLE XV Amendments

Any constitution or By-laws amendments or rules adopted by the Milwaukee Deputy Sheriffs' Association prior to the adoption of this new Constitution and By-laws, which are in affect as of this date, are hereby repealed and declared null and void.

(Amended as of May 25, 1989)
(Amended as of November 13, 1989)
(Amended as of May 20, 1991)
(Amended as of February 19, 1992)
(Amended as of December 14, 1992)
(Amended as of January 25, 1993)
(Amended as of October 28, 1996)
(Amended as of October 23, 2000)
(Amended as of December 18, 2006)

MILWAUKEE DEPUTY SHERIFFS' ASSOCIATION RETIREE HEALTH TRUST BYLAWS
Approved by the membership December 18, 2006

Renamed from Article XV to Article XVI

SECTION 1. CREATION

The Milwaukee Deputy Sheriffs' Association Bylaws adopts all language contained in the documents entitled:

Milwaukee County Deputy Sheriff's Association
Retiree Health Plan

Milwaukee County Deputy Sheriff's Association
Retiree Health Trust

Signed by the Association Executive Board and Milwaukee County. VEBA is a benefit originating with the 2005-2006 Collective Bargaining Agreement. The Bargaining Agreement converted the existing language for longevity pay to language and funding for the Health Care Trust.

SECTION 2. INTENT

This plan is established to provide funds for post-employment medical benefits for the exclusive benefit of eligible "employees". The benefits are designed to bridge the void in health benefits between active employment and Medicare eligibility, lasting not more than 10 years.

SECTION 3. BOARD OF TRUSTEES

The governing VEBA Board of Trustees will be comprised of (3) members as follows:

- (1) Retiree Representative appointed by the Association Executive Board
- (1) Elected Active Employee Representative
- (1) Representative appointed by the Association Executive Board

Election for the above position will be held in conjunction with the Executive Board elections with nominations taken at the November meeting and elections in December.

Term for all Trustees will be five years in length. Trustees will not be appointed or elected in the same year.

- (1) Retiree Representative will be reappointed January 1, 2009 and then every 5 years thereafter.
- (1) Elected Active Employee Representative will be up for election January 1, 2010 and then every 5 years thereafter.
- (1) Representative appointed by the Association Executive Board will be reappointed January 1, 2012 and then every 5 years thereafter.

Board of Trustee positions are an unpaid positions.

SECTION 4. ADMINISTRATION OF FUND

The Milwaukee Deputy Sheriffs' Association will use Labor Association of Wisconsin as the Fund Administrator.

The Board of Trustees shall authorize all investments by a majority decision as follows:

25% in low risk funds, as defined, and practiced by generally accepted principles with the finance markets.

75% discretion of Board of Trustees and Fund Administrator.

SECTION 5. ELIGIBILITY

All members of the Milwaukee Deputy Sheriffs' Association as of January 1, 2006 is eligible for benefits following the guidelines set forth as follows:

Retire on or after January 1, 2007 with 1 year of service 20% of benefit
Retire on or after January 1, 2008 with 2 years of service 40% of benefit
Retire on or after January 1, 2009 with 3 years of service 60% of benefit
Retire on or after January 1, 2010 with 4 years of service 80% of benefit
Retire on or after January 1, 2011 with 5 years of service 100% of benefit

Members hired after July 1, 1995 are eligible to collect benefits for health, dental, and vision coverage.

Members hired prior to July 1, 1995 are eligible to collect benefits for dental and vision insurance.

Members who discontinue membership in the Milwaukee Deputy Sheriffs' Association may continue their eligibility by making contributions as the employer designated in the document titled Milwaukee County Deputy Sheriff's Health Trust. The contribution will be consistent with the most current Collective Bargaining Agreement. Contributions must be continuous up to date of eligibility. Benefits will commence with Pension eligibility from Milwaukee County, and end with commencement of Medicare, 10 years, or death, whichever occurs first.

SECTION 6. BENEFITS

Funds may only be dispersed for the payment of health, dental, and vision insurance. Proof of insurance coverage must be submitted for payment of benefit.

No benefit amount will exceed 80% of the total amount recommended through actuarial study by the Fund Administrator.

**LAW ENFORCEMENT OFFICERS’
BILL OF RIGHTS 164.05**

CHAPTER 164

**LAW ENFORCEMENT OFFICERS’
BILL OF RIGHTS**

164.01	Definition
164.015	Engaging in political activity
164.03	Recrimination
164.04	Rights not to be diminished

164.01 DEFINITION. In this chapter “law enforcement officer” has the meaning designated in s. 165.85(2)(c).

History: 1979 c. 351; 1979 c.361 s. 71.

164.015 ENGAGING IN POLITICAL ACTIVITY. No law enforcement officer may be prohibited from engaging in political activity when not on duty or not otherwise acting in an official capacity, or be denied the right to refrain from engaging in political activity.

History: 1979 c. 351; 1979 c. 361 s. 71.

164.02 INTERROGATION. (1) If a law enforcement officer is under investigation and is subjected to interrogation for any reason which could lead to disciplinary action, demotion, dismissal, or criminal charges, the interrogation shall comply with the following requirements:

- (a) The law enforcement officer under investigation shall be informed of the Investigation prior to any interrogation.
- (b) At the request of any law enforcement officer under interrogation, he or she May be represented by a representative of his or her choice who, at the discretion of the officer, may be present at all times during the interrogation.

(2) Evidence obtained during the course of any interrogation not conducted in accordance with sub. (1) may not be utilized in any subsequent disciplinary proceeding against the law enforcement officer.

History: 1979 c. 351; 1979 c. 361 s. 71.

164.03 RECRIMINATION. No law enforcement officer may be discharged, disciplined, demoted or denied promotion, transfer or reassignment, or otherwise discriminated against in regard to employment, or threatened with any such treatment, by reason of the exercise of the rights under this chapter.

History: 1979 c. 351; 1979 c. 361 s. 71

164.04 RIGHTS NOT TO BE DIMINISHED. The rights under this chapter shall not be diminished or abridged by any ordinance or provision of any collective bargaining agreement. These rights may be supplemented and expanded by ordinance or collective bargaining agreement in any manner not inconsistent with this chapter.

History: 1979 c. 351; 1979 c. 361 s. 71

164.05 APPLICABILITY. This chapter applies only to law enforcement officers employed by 1st class cities or counties having a population of 500,000 or more.

History: 1979 c. 351; 1979 c.361 c.71

PREAMBLE TO INVESTIGATIVE REPORTS

On _____, 20____, I was ordered by _____
To submit this report. I submit this report at _____'s order as a
condition of employment. In view of possible job forfeiture, I have no alternative but to
abide by that order.

It is my belief and understanding that the department requires this report solely and exclusively for internal purposes and will not release it to any other agency. It is also my belief and understanding that this report cannot be used to incriminate me in any subsequent or pending criminal proceedings.

For any and all other purposes, I hereby reserve my right to remain silent under the Fifth and Fourteenth Amendments to the United States Constitution, and my other rights as prescribed by Wisconsin laws. Further, I rely upon the protection afforded me under the doctrines set forth in **Spevack v. Klein**, 385 U.S. 511 (1967); **Garrity v. New Jersey**, 385 U.S. 493 (1967); and **Odds v. Board of Fire and Police Commissioners**, 108 Wis.2d 143, 324 N.W.2d 161 (1982), that I can be discharged for failure to answer investigatory questions specifically, directly and narrowly relating to the performance of my official duties, but that my answers cannot be used against me in any criminal proceeding.

THE RIGHTS OF DEPUTY SHERIFFS

1. Keep calm and cool. It is a shock to be on the receiving end of interrogation which could lead to serious charges or even criminal prosecution and loss of your job. **KEEP COOL AND COLLECTED.**

2. Make this formal statement, witnessed if possible:

“I respectfully request that I be informed of the nature of the charges and/or complaints being made against me and who has made these allegations.”

IF THE REPLY TO THE ABOVE IS THAT THERE ARE NO CHARGES OR COMPLAINTS PENDING, THEN THE FURTHER QUESTION YOU SHOULD RAISE IS THIS:

3. “Why and for what purpose am I being questioned?”

IF INFORMATION IS THEN GIVEN YOU IN WHICH THERE IS AN ANSWER TO THIS QUESTION OR THE ONE PRECEDING THIS, YOU SHOULD MAKE EVERY EFFORT TO GET ALL THE PARTICULARS—WHO, WHAT, WHERE, AND WHEN—AND THAT THESE ARE THE TOTAL COMPLAINTS OR CHARGES THAT ARE PENDING ONCE YOU GET THIS DATA. (WRITE IT DOWN). YOU SHOULD GIVE THIS FURTHER STATEMENT.

4. “I respectfully request to consult my notes and witnesses so that I can refresh my recollection as to all the facts in question.”

IF THIS REQUEST IS TURNED DOWN, THIS NEXT STATEMENT SHOULD BE MADE FOR THE RECORD:

5. “Sir, may I have the opportunity to consult with my own attorney regarding these charges. I wish to make it clear that I seek only those rights granted to me under the law and for advice and counsel to protect my name and reputation and that of my family.”

MAKE NO FURTHER STATEMENTS OTHER THAN TO REQUEST THAT YOUR ATTORNEY BE PRESENT OR THAT YOU BE GIVEN TIME TO CONTACT AN ATTORNEY FOR ADVICE.

- a. Do not argue with your superiors or make any unkind remarks. They are also doing their job which may be distasteful to them.

- b. Be respectful at all times. No matter how you are treated or talked at, do not lose your head. Keep silent.
- 7. You are an active member of the Milwaukee Deputy Sheriffs' Association. Contact us at once for legal assistance. Contact your own attorney at once also and listen carefully to his advice.

The purpose of this card is to protect your interests. Harassment of Deputy Sheriffs by certain elements of the public is on the rise, and while few of the allegations are based on fact, your reputation and character can be damaged by poor judgment in statements made in anger or shock. Remember, you are never alone. The Milwaukee Deputy Sheriffs' Association is a brotherhood of fellow officers ready to aid you.