

## **Information You Can Use Regarding Lay-offs**

Many MPFFU Locals already have or will soon have members on lay-off status. Listed below are some answers to the questions that usually arise concerning the status of these laid-off members.

The two documents that should be consulted for your questions are the International Association of Fire Fighters Constitution and By-Laws and your own Local Union Constitution and By-Laws.

In the IAFF Constitution and By-Laws, there is a specific provision in **Article III (“Membership”), Section 5**. The second paragraph states that:

**“Any active member in good standing who is separated from employment due to a layoff may continue to be carried as an active member while remaining on a preferred rehiring list. “**

**“Payment of such member’s per capita shall be waived and he/she shall enjoy all rights of active membership except the right to vote in the local union on collective bargaining agreements.”**

Note the usage in all these quoted provisions of the word **“may.”** Locals are permitted to take any of the routes denoted by the IAFF’s CBL (withdrawal card, active membership, etc.), pursuant to the local’s own Constitution and By-Laws.

The Local President is usually the officer of the local charged with the authority and responsibility to interpret the local’s own CBL, to determine which path the local should pursue. (If the local’s CBL is silent, then the local president is best-advised to proceed in accordance with past practice.)

Note also the last phrase of the second sentence quoted above: if there is a “preferred rehiring list” and a member is laid off, the member is prohibited from voting on collective bargaining agreements (but is otherwise a full-member).

If members are paid-current on their dues, they should generally be allowed to vote.

**Article XIII of the IAFF Constitution and By-Laws also applies:**

### **Section 5. Membership Qualifications.**

Any person of good moral character who at the time of making application is engaged in service within the jurisdiction of this Association as set forth in Article II of this Constitution and By-Laws will be eligible for active Association membership in any local union serving the city or town in which such applicant is located. Any local union is authorized to confer honorary membership upon any person subject to the provisions of Section 3 of Article III.

Local unions may issue withdrawal cards only to those members who leave the fire service or EMS in good standing or who are precluded by law or local ordinance or contractually from maintaining union membership by virtue of their fire department position.

Former members holding withdrawal cards for the above reasons who become reemployed within the jurisdiction of any IAFF local union shall be subject to automatic reinstatement to active membership upon deposit of their withdrawal cards with the local union and resumption of dues. No reinstatement fee shall be charged upon reentry into the organization.

### **Section 6. Maintenance of Good Standing Membership.**

“Membership in good standing” includes any person who has fulfilled the requirements for membership in the local union and who has not voluntarily withdrawn therefrom, became ineligible for continued membership, or been suspended or expelled as provided in this Constitution and By-Laws or the valid provisions of his/her local union constitution or by-laws.

When any member in good standing aforesaid is separated from the service, local unions may allow said member to retain active membership or in lieu thereof, upon request of said member, shall issue a withdrawal card in accordance with Section 5 of this Article; provided, however, that a member who is duly elected as an officer of this Association, or elected or appointed as a representative of or to an affiliated labor organization, shall retain his/her active membership in said local union.

### **Section 7. Suspension of Delinquent Members.**

Members who fail to pay their dues and assessments as required by this Constitution and By-Laws will be considered delinquent and subject to automatic suspension from membership upon notification by the local union as provided in Section 4 of this Article. Members who are delinquent or under suspension are not entitled to any voice or vote in the local union or in the affairs of the Association.

### **Section 8. Membership Meetings and Rights of Members.**

Regular or special meetings of the local union shall be held as prescribed in the local union’s constitution or by-laws and every member in good standing of a local union shall have the right to attend any such meeting and to participate in its deliberations and voting, and to express at such meeting their views upon candidates in an election of the local or upon any business properly before the meeting, subject, however, to such reasonable rules as the local union shall establish pertaining to the conduct of its meetings including its right to enforce reasonable rules governing the responsibility of every member to their local union as an institution and prohibiting conduct which would interfere with the local union’s or this Association’s performance of their legal or contractual obligations.

Members shall also have the right to meet and assemble freely with other members and express their views, arguments or opinions provided, however, that in so doing they are not guilty of misconduct as set forth in this Constitution and By-Laws or as may be prescribed in the local union’s constitution or by-laws.

### **Additional Information**

If a laid-off member is an officer of the Local, he does not have to vacate office. He can remain an officer as long as he is a member in good standing of the local and the membership elects him.

A grievance that is filed relative to a violation of the CBA and affecting a laid-off member can be pursued through the process regardless of the status of the individual(s) that are part of the grievance. The laid off member/bargaining unit would still be entitled to any award that is a result of a successful grievance process.

Your local Collective Bargaining Agreement should be immediately reviewed concerning any recall language, continuation of health insurance coverage, seniority continuation, and other appropriate sections that may apply.

Laid-off members should immediately apply online for **Unemployment Insurance Coverage**. <http://www.michigan.gov/uia/0,1607,7-118--77962--,00.html> It is imperative to follow all instructions and timeframes to receive your maximum benefits.