

# BY - LAWS

LICKING AERIE

EAGLES #387



2008-2009

**Licking Aerie #387 Fraternal Order of Eagles, a non-profit Fraternal Organization instituted by authority of a Charter issued by the Grand Aerie of the Fraternal Order of Eagles, under the date of May 22, 1903.**

**Address - 52 Forry Street, Newark, Ohio 43055**

**Aerie By-Laws are valid, effective and operative only when presented to and adopted by the Aerie membership and when approved by the Grand Secretary, all in compliance with the Constitution and Statutes Of the Fraternal Order of Eagles.**

**Aerie incorporated under State or Provincial Laws Yes**

**Date of Incorporation May 22, 1903.**

## **MEETINGS**

**Section 1.1 The meetings of this Aerie shall be held on the First and Third Tuesday of the month at the hour of 7:00 PM.**

**Section 1.2 Special meetings shall be held in conformity with Section 72.2 Statutes for Local Aeries, or laws amendatory thereof.**

## **NOMINATION AND ELECTION**

**Section 2.1 The annual nomination, election, and installation of officers shall be as provided in Sections 91.1 to 91.5, inclusive, Statutes, F.O.E. Vacancies in office shall be filled as provided in Section 92.1, Statutes, F.O.E..**

**Section 2.2 The office of Worthy Conductor shall be filled each year by election.**

**Section 2.3 Election of Aerie Officers:**

**The election of officers shall be by printed ballot, the polls shall open not earlier than 8:00 AM, the polls shall close not later than 7:00 PM of the Aerie meeting on the date of the election. Members will be notified by public advertisement.**

**Section 2.4 Tellers shall be appointed by the Worthy President or the presiding officer. Each teller shall receive \$30.00.**

**Section 2.5 The term of office of the Secretary of this Aerie shall be for three years.**

**Section 2.5a. The term of office of the Treasurer of this Aerie shall be for three years.**

**Section 2.6 There shall be 4 elected Trustees, and they shall be elected for a term of three years each with the Junior Past Worthy President being a Statutory member of the board of Trustees.**

**Section 2.7 When there is an election of two or more Trustees, for the same Term, it will be awarded to the highest votes in that Office.**

**Section 3.1** The fee for membership by initiation shall be \$34.00, which includes \$24.00 dues credit. The re-enrollment fee shall be \$10.00.

**Section 3.2** The minimum age that members will be accepted into this Aerie will be 21 years of age on the date of initiation.

**Section 3.3** The fee for the issuance of a transfer card shall be \$1.00.

**Section 3.4** There shall be no fee for the deposit of cards.

**Section 3.5** Non-Beneficial Life Membership cards may be granted to members of this Aerie, and the fee for such Non Beneficial Life Membership shall be \$300.00.

**Section 3.6** There shall not be a Non-Suspended Member list established in this Aerie.

### **FUNDS:**

[A] The Benefit Fund: See Attached Investment Policy.

[B] The General Fund: See Attached Investment Policy.

[C] The Gambling Fund

[D] The Drawing Fund

**Section 4.2** The revenues of and disbursements from each of the Aerie Funds shall be in strict compliance with the laws of the order at all times as provided for in Sections 110.1, 114.3, Statutes for local Aeries, F.O.E.

**Section 4.3** By resolution the Aerie shall designate some banking institution in which each of the said funds shall be separately deposited. Such deposits made only in the name of the Aerie. Withdrawals therefrom shall be made only when approved by the Aerie and only by proper check duly authorized by the Statutes for Local Aeries and in compliance with Section 85.7 and 86.2 of the said Statutes for local Aeries.

### **DUES**

**Section 5.1** Dues of all Members shall be \$24.00 per year, payable in not less annual installments in advance, on or before the 15<sup>th</sup> day of September each year, (See Sections 71.1, 71.3, Statutes, F.O.E., or laws amendatory thereof.

**Section 5.2** Dues of all members shall be divided annually among the various funds as follows:

[A] Benefit Fund \$14.00 deposited at the rate of \$14.00 per year.

[B] General Fund \$10.00 deposited at the rate of \$10.00 per year.

**Section 5.3** \$24.00 dues of dual members shall be put in the General Fund.

All dues shall be paid in advance to the Local Aerie annually and the minimum period for which dues may be paid shall be determined by the Local Aerie By-Laws. Section 71.3, Statutes for Local Aeries.

**Section 5.5 All Aerie dues shall be paid in advance as follows: The dues year runs from September 1st to August 31st.**

**Section 5.6 As provided in Section 71.11, Statutes, F.O.E., or laws amendatory thereof, any qualified member may make application for a Golden Age Eagle Certificate and if such Certificate is issued, his dues shall be paid from the General Fund of this Aerie.**

## **DUTIES OF OFFICERS**

**Section 6.1 The duties of all officers of this Aerie shall be set forth in and required by the Constitution and Statutes, Rituals, of the Fraternal Order of Eagles and these By-Laws, or as the same may be hereafter amended.**

**Section 6.3 If any officer absents himself from three consecutive meetings of the Aerie, or duly called or stated officers, meetings without being excused by a vote of the Aerie in regular session, the office of such officer so absenting himself shall be declared vacant. If the Worthy President is absent from the city, town or village in which this Aerie is located for three consecutive meetings, he shall, unless excused by a vote of the Aerie, be considered as having vacated his office and the Worthy Vice-President shall succeed thereto and the office of the Worthy Vice-President shall be declared vacant.**

**Section 6.5 No Aerie Trustee, Auditor, or spouse or person living in a marriage like relationship with a Trustee, Auditor. May be employed by the local Aerie per Statues. [Sections 80.4, 89.2, 89.8 and 93.1, Statutes, as annotated.**

**Section 6.6 The Secretary of the Aerie shall serve as the Secretary of the Board of Trustees of this Aerie, and may receive for such services, the compensation as provided in Section 9.6 of these By-Laws in addition to the per capita compensation as provided in Section 9.2 of these By-Laws.**

**Section 6.7 The Chairman of the Board of Trustees shall be the Authorized signature on the Gambling license application.**

## **PROVISIONS BENEFIT PAYMENTS DISABILITY PAYMENTS**

**Section 7.1 Every member having Beneficial status shall receive as follows:**

**[a] For the first week of his disability after notice to the Worthy President or Secretary, nothing.**

**[b] At the rate of \$7.00 per week for the next 10 weeks, should such disability so long continue.**

## **FUNERAL BENEFITS**

**Section 8.1** On the death of a member having Beneficial status the sum of \$100.00 shall be paid from the benefit fund

**Section 8.2** On the death of a member, the Aerie shall provide a suitable Bible costing not to exceed the sum of \$35.00 to be paid from the General fund.

## **SALARIES**

**Section 9.1** For the faithful performance of their respective duties, all officers with the exception of the Secretary, shall each receive a sum not to exceed \$24.00 payable upon completion of each year, in addition to any other compensation as set forth in the By-Laws.

**Section 9.2** For the faithful performance of his secretarial duties, the Secretary shall receive a per capita compensation of 90¢ per member per month payable monthly, and based upon the number of members who are in good standing or who are not more than three months in arrears at the end of each month. Current serving Secretary is grandfathered to \$1.40 per member, per month for the first 1500 members, 90¢ per member, per month for all members above 1500.

**Section 9.3** For the faithful performance of his duties, the Treasurer shall receive \$200.00 per annum, payable quarterly.

**Section 9.4** The salary of the Aerie Auditor and Aerie Officers shall not be paid until such time as the duties required of them by the Laws of the Order and the by-laws of this Aerie have been fulfilled.

**Section 9.5** For the faithful performance of his or their duties each Trustee shall receive \$580.00 per annum reimbursement for expenses incurred in the performance of his duties, payable quarterly. No reimbursement for expenses incurred shall be paid to the Trustees until they have made their reports and shall have strictly complied with Section 89, Statutes, F.O.E., or laws amendatory thereof.

**Section 9.6** For the faithful performance of his duties as Secretary to the Board of Trustees, may receive the sum of \$60.00 per week in addition to any other compensation as set forth in the By-Laws. Current serving Secretary is grandfathered to the sum of \$85.00 per week in addition to any other compensation as set forth in the By-Laws.

**Section 9.7** For the faithful performance of the duties the Aerie Auditor shall receive not in excess of 10¢ per member, payable monthly, and based upon the number of members paid up and not more than 3 months in arrears at end of each month.

**Section 9.9:** The Board of Trustees may, at their discretion, hire or appoint a Lead Bartender to assist with the bar operation and to carry out duties as assigned by the Board, and as such will receive an additional \$2.00 per hour in addition to any other compensation they are receiving from the Aerie.

**Bartenders:** Starting pay \$5.75 per hour, after 30 days \$6.00 per hour, after 1 year \$6.50 per hour. From 6-10 years of service, 6.80 per hour, from 11-15 years of service, \$7.20 per hour, from 15 years or more of service, \$7.50 per hour. Each bartender shall receive 10% of their individual gross sales for the week above their regular wages. Any new bartenders hired after 10/10/2006 will not be entitled to benefits. Temporary bartenders will receive \$6.50 an hour.

The Board of Trustees may, at their discretion, hire or appoint a Lead Bartender to assist with the bar operation and to carry out duties as assigned by the Board, and as such will receive an additional \$2.00 per hour in addition to any other salary they are receiving from the Aerie.

**Waitresses:** Starting pay \$6.00 per hour, after 30 days \$6.25, after one year \$6.50 per hour. Waitresses shall receive 10% of the gross sales that each waitress has each night that they work, above their regular wage. Any new waitresses hired after 10/10/2006 will not be entitled to benefits. Temporary waitresses will receive \$6.50 an hour.

**Janitorial Service:** Shall be by a (1) year contract effective upon approval by the Aerie at a regular meeting by the vote of its Members.

**Membership Clerk:** Ohio Minimum Wage per hour not to exceed 200 hours per year.

**Doorman:** Ohio Minimum Wage per hour.

**Sign-up Clerk:** Ohio Minimum Wage per hour

**Utility Person:** Will maintain the Grounds and Shelter area and other duties as per instructions from the Board of Trustees. The Board of Trustees shall enter into agreement with the Utility Person. The Utility person will not exceed 20 hours per week and not more than \$200.00 per week. This agreement shall be effective upon approval at a regular Aerie meeting by vote of its members.

**Maximum total hours per week:** Bartenders, 300 hours, Waitresses, 100 hours, Doorman, 20 hours, Kitchen hours not to exceed 70 hours.

All employees are subject to the 40-hour per week overtime laws.

Full time employees shall be entitled to 1 week vacation after 1 year's employment, 2 weeks vacation after 3 year's employment, 4 weeks vacation after 5 years employment, plus 1 days pay for each year above 3 years employment. Continuous employment is required for the above vacation allowance. Freeze-1 days pay for each year above 3 years employment to employees hired before 10/10/2006. Employees hired after 10/10/2006 are not entitled to 1 days pay after each year above 3 years. Continuous employment is required for the above vacation allowance.

Upon the death of an immediate family member, the employee may receive up to 3 days off with pay, if they were scheduled to work any of those days. No pay shall be paid if the employee was not scheduled for work any of those days.

**Full-Time Employees:** After 1 year's service, shall be entitled to 1 paid personal day off in addition to their regular vacation in that year.

After 1 year continuous service all Employees shall receive 3% increase in their hourly rate of pay.

**Employee:** You are eligible for coverage, under the present insurance policy, if you are an active full time employee working at least 25 hours per week on a regular basis and meet the eligibility requirements specified in the Employer Application.

A health benefit plan shall be made available to all eligible full time employees. Participation in the plan shall be optional for each employee, and agreement to participate shall authorize payroll deduction from the employee's salary for the pro-rated amount to cover 30% of the monthly premium. The Aerie shall pay 70% of the monthly premium for all participants. Coverage shall cease upon termination of employment, if still employed, or failure to pay 30% of the monthly premium. Any employee hired after 10/10/2006 are not entitled to any health benefits.

The Eagles Employee Pension Plan shall be made available to all eligible employees.

A Christmas Bonus will be paid each year during the first week of December. This bonus will be equal to 3% of the employee's yearly pay. The pay will be defined as the employee's earnings for all sources of salary. You must be a current employee with at least six (6) months of service to qualify. The pay shall be calculated from December of the previous year until the last week of November in that year.

All contracts and agreements shall be reviewed and signed by all parties annually.

## **CONVENTIONS, ZONE CONFERENCES, OFFICER'S OR COMMITTEEMAN'S MEETING, SCHOOL.**

**Section 9.10** Whenever the Aerie, by properly adopted resolution, sends its Junior Past Worthy President, or other accredited representative, to the Grand Aerie Convention as provided for in Section 1.3, Statutes for local Aeries, he may be allowed for his expenses as follows: Registration Fees and Convention Hotel room plus taxes, Per diem, travel, luggage handling, and hotel room plus taxes. Mr. & Mrs. Eagle Banquet tickets shall be purchased by the Aerie for both the Junior Past Worthy President and his companion at the Aerie expense. Tickets to the Men's Sports Banquet shall also be purchased by the Aerie for the Junior Past Worthy President at the Aerie expense. Per-diem shall be \$40.00 per day for 6 days, 1 day going, 1 day returning, and 4 days of sessions. Travel by air shall not exceed jet coach fare plus transportation to and from hotel and auto parking at airport. Travel by auto shall be \$.35 per mile, round trip, not to exceed jet coach fare. Luggage handling shall not exceed \$30.00. Hotel days shall not exceed 5 days. Any person accompanying the representative, who is not in any delegate status, shall receive \$200.00 plus jet coach fare if applicable

**Section 9.11** Whenever the Aerie has, by proper resolution, authorized its duly elected or appointed delegates or representatives to attend its State or Regional Convention, each delegate or representative may be allowed as his expenses the following: Per diem, travel, auto parking, Registration fees, and convention hotel room plus taxes. Per diem shall not exceed 4 days for State Convention if the convention meeting is under 100 miles one way, best route or 5 days if over 100 miles one way, best route. Per diem shall not exceed 1 day for the Regional Convention if the convention meeting is under 100 miles one way, best route or 2 days if over 100 miles one way, best route. Per Diem shall be \$40.00 per day. If any delegate is receiving a per diem from another source as a State Aerie or Grand Aerie Representative, he will be paid only the difference between Aerie #387 per diem schedule and the other per diem, if the other per diem is lower. Travel by auto shall be \$ .35 per mile round trip, Convention hotel room plus taxes. Hotel days shall not exceed 3 days at the State Convention if the convention is under 100 miles one way, best route or 4 days if over 100 miles one way, best route. Hotel days shall not exceed 1 day at the Regional Convention if the convention is less than 100 miles one way, best route or 2 days if over 100 miles one way, best route. Auto parking shall not exceed \$8.00 per day, if used. The number of delegates that may be appointed shall not exceed 7 for the State Convention and 5 for the Regional Convention.

**Section 9.12** Whenever the Aerie sends properly designated representatives to attend any approved Zone Conference, each may be allowed for his expenses as follows: per diem, travel, Registration Fee and Convention Hotel room plus taxes. Per Diem shall be \$30.00 per day for two (2) days. If any delegate is receiving a per diem from another source as a State Aerie or Grand Aerie Representative, he will be paid only the difference between Aerie #387 per diem schedule and the other per diem, if the other per diem is lower. Travel by auto shall be \$ .35 per mile round trip. Hotel shall not exceed one (1) night if the conference is under 100 miles one way, best route or two (2) days if over 100 miles one way, best route. Any delegate attending a Zone Conference less than 30 miles one way best route will receive per diem and mileage only. Anyone other than a delegate attending a Zone Conference will receive \$10.00 per meeting only. The number of delegates that may be appointed shall not exceed five (5).

**9.13,** Whenever the Aerie has, by proper adopted resolution, anyone other than an Aerie delegate attending any State Convention will receive Registration fees only.

**Section 9.14:** The estimated expenses in Sections 9.10, 9.11, & 9.12 shall be paid prior to departure to the function. The use of the Aerie credit card shall be to make and guarantee reservations only. Each representative shall be responsible for his reservations. Upon return from any of the above functions every representative must accomplish an expense voucher setting forth the specifics of his trip, including a copy of his hotel bills, and plane ticket, if appropriate.

**Section 9.15** All delegates attending any conference other than a Zone conference shall received banquet tickets paid for by the Aerie. If a delegate and/or escort do not attend the banquet, they will be responsible for reimbursing the Aerie for the cost of the tickets.

## **BOND COVERAGE**

**Section 10.1** The Worthy President, Worthy Vice-President, Secretary, Treasurer, and each Trustee of this Aerie shall be bonded by a "Name Position" Bond, to be purchased by the Aerie, in the amount and according to the following schedule:

**Annual Gross Receipts:**

Classification Number.	All Funds	Amount of Bond	
[1].....	under \$10,000.00.....		\$1,500.00
[2].....	under \$20,000.00.....		\$3,500.00
[3].....	under \$40,000.00.....		\$6,500.00
[4].....	under \$60,000.00.....		\$10,000.00
[5].....	under \$60,000.00 and up.....	\$13,500.00[x]	

Other employees of the Aerie who handle moneys of the Aerie shall be bonded by individual Bonds, or by rider attached to the Officer's Bond in the same amounts as the above schedule. The Worthy President is charged with the duty and responsibility of seeing to it that all officers and employees required to be bonded shall have submitted their application for the required bond coverage prior to assuming their duties as such officer or employee.

## **MISCELLANEOUS**

**Section 13.1** In appreciation of services rendered by the retiring Worthy President, the Aerie may, by resolution adopted by the Aerie, present some suitable gratuity to the retiring Worthy President, at a cost not to exceed the sum of \$200.00, to be paid from the General Fund.

**Section 13.2** Where the Constitution and Statutes of the F.O.E. and the rules and regulations of the fraternity, and these By-Laws do not cover or control, then Robert's Rules of Order revised shall govern the actions and deliberation of this Aerie.

**Section 13.3** Neither these By-Laws or any House Rules or Section thereof shall be changed, altered, or amended except as in accordance with the provisions of Sections 6, 8, 115, 122.1, and 122.3 Statutes, F.O.E., or laws amendatory thereof, and as in Section 121.1 above provided.

**Section 13.4:** Each local Aerie shall be the sole judge of the persons who may be admitted as guests or members and of the qualifications and eligibility of members and guests. No new Benefit Membership shall be accepted. You must have your Official Receipt with you at all times to enter any Aerie. Newark Eagles #387 (white key card) shall be considered as proof that he/she is qualified to enter Aerie #387 when the doorman is not on duty and to sign up for drawings.

**Section 13.5:** There may be a R.E.A.C. Club established in accordance with the Constitutional Statutes.

**Section 13.6:** There may be a Past Worthy Presidents Club established in accordance with the Constitutional Statutes.

**Section 13.7: The Worthy President's Historian shall receive expenses not to exceed \$200.00 per Fiscal year.**

**Section 13.9: The Entertainment Chairman shall receive as Expenses the following: Mileage \$.35 per mile, and expenses of \$10.00 per night, not to exceed 2 nights, to shop for Bands. Mileage excluded if the Band is located in Newark, Ohio.**

**Section 13.10: All Earmarked Funds shall be self-supporting, unless already Aerie approved on or before April 2001.**

**Section 13.12: All annual Aerie Functions shall be allowed expenses, not to exceed \$1,500.00 for that function. The Annual Aerie Picnic expenses shall be determined, and approved by vote of its Members at a regular Aerie Meeting.**

## **MILITARY SERVICE CERTIFICATES**

**Section 14.1 Upon a vote of the Aerie in regular meeting, there may be issued to any member in good standing, who is in the Military Service, a Military Service Certificate. When such Certificate has been issued such member, during his term of Military Service and for 30 days thereafter, shall not be obligated to pay dues to the Aerie but shall be carried on the rolls of the Aerie as a member in good standing.**

**SUBMITTED BY THE BY-LAW COMMITTEE:**

**Leroy McGinnis** \_\_\_\_\_

**Wayne E. Carpenter** \_\_\_\_\_

**Charles L. Courson** \_\_\_\_\_

**Jack Fulton, Sr.** \_\_\_\_\_

**Proposed at the regular meeting held the \_\_\_\_/\_\_\_\_/, 2008**

**Second reading at the regular meeting held the \_\_\_\_/\_\_\_\_/, 2008**

**Adopted at the regular meeting held the \_\_\_\_/\_\_\_\_/, 2008**

**The Aerie was notified by an ad in the newspaper on \_\_\_\_/\_\_\_\_/, 2008**

**AERIE SEAL**

\_\_\_\_\_  
**Terry L. Allen, Aerie Secretary**

\_\_\_\_\_  
**Ralph Price, Aerie Worthy President**

**Approved \_\_\_\_/\_\_\_\_/, 2008**

\_\_\_\_\_  
**Grand Secretary, F.O.E.**