

**EL PASO HIGH SCHOOL  
UMPIRES ASSOCIATION  
CONSTITUTION AND  
BY-LAWS**

**Effective May 14, 2018**

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## **ARTICLE I**

### **1.1 NAME**

This Association is an organization known as the El Paso High School Umpires Association, herein and after referred to as the Association. The Association is subject to the National Federation of State High School Associations herein, and after referred to as NFHS, Rules and Regulations, Association Constitution By-Laws, and Operating Procedures.

The Association is comprised of the Board of Directors, herein and after referred to as the Board, and the general membership.

## **ARTICLE II**

### **2.1 PURPOSE**

The purpose of the Association is to provide officials for all levels of baseball in the high school system by:

- 2.1a** Maintaining a membership consisting of capable and experienced umpires.
- 2.1b** Maintaining high standards of ethics between umpires and school personnel.
- 2.1c** Providing meetings for Association business, interpretation of the rules and mechanics, and conducting educational clinics.
- 2.1d** Coordinating the contracts between schools and the Association members.

### **2.2 AUTHORIZATION**

All members shall abide by the Constitution By-Laws and Board approved directives and procedures.

## **ARTICLE III**

### **3.1 MEMBERSHIP**

Members must be eighteen (18) years of age at the time of application in order to join the Association.

Application for membership in the Association must be approved annually by the Board.

Membership is from July 1<sup>st</sup> of current year to June 30<sup>th</sup> of the following year. (**Adopted:** 01/18/2016).

Any member in good standing must be free from financial obligation to the Association, and free of any penalty resulting in suspension. Members must have paid all applicable fees by set due date. Dues not paid by deadline shall be assessed a onetime late fee. Any member not in good standing may not participate in, nor receive consideration for the affairs or services of the Association.

All applicants for membership will be properly informed by the recruiter, of the criminal background check that is required by the University Interscholastic League, UIL. Should an applicant fail the background check, he/she will be automatically disqualified from membership in the Association, and all dues paid are nonrefundable. Disqualification can be determined by the UIL and/or by the Association. Reasons for disqualification include, but are not limited to the following. 1) Conviction of any felony offense is an automatic disqualification. 2) Conviction of a misdemeanor offense involving children may result in disqualification. In following privacy laws, the final determination will be made only by the President and Secretary.

If any member of the Association is reasonably suspected of drug, alcohol, and tobacco use based on a formal written complaint from fellow members, coaches, school officials. He/she shall be required to come before the board for a final disposition.

## **ARTICLE IV**

### **4.1 BOARD OF DIRECTORS**

The Board shall consist of the Executive Officers and Board Members at Large, each of whom shall be empowered to vote on matters before the Board.

The Board shall be elected and hold office as provided within the Operating Procedures.

All Board Members must be in good standing. \*See Addendum/Amendment on page 11.

The Board will establish guidelines and criteria within the Operating Procedures that members must comply with or meet; in order to officiate.

Negligence of duty by any member of the Board of Directors will be handled under the 4.8 Removal from Office (recall procedures).

The Board of Directors will appoint a board member to serve as Sergeant-at-Arms, who will enforce order during all meetings and to keep a record of all people wishing to speak at the meetings.

The Board will be responsible for appointing any committee. Committees will be made up of members in good standing who are willing to volunteer for the position. Should a member of any formulated committee need to withdraw, that committee may appoint a new member.

The Board shall nominate Training Coordinator and Rules Interpreter to be approved by the Board.

The Board shall appoint all third party investigation committee(s).

The Board will create a Grievance and Appeal Committee as established within the Operating Procedures (**Adopted:** 03/16/2015).

**4.1a** The Grievance and Appeals Committee, GAC, should be made up five members who volunteer, are in good standing and do not hold a position on the Board. Three members present will establish a Quorum. The GAC will appoint a spokesperson/leader.

Any member of the GAC who is involved with the Board on the original disciplinary action of a member, will be automatically recused from sitting on the GAC should that issue be brought up for appeal.

The GAC can only decide the following in regards to actions taken by the Board:

- A. **Can** “uphold” disciplinary action
- B. **Can** “reduce” disciplinary action
- C. **Can** “not sustain” (overturn) disciplinary action
- D. **Cannot** “increase” any penalty determined by the Board

Any aggrieved member of the Association, who wishes to appeal any disciplinary action taken by the Board, will have five (5) business days to inform the GAC and the Board, in writing, of their request to appeal. The GAC will have five (5) business days to respond, in writing, to the aggrieved member. Once an appeal has been accepted by the GAC, the Board must immediately provide all necessary information, regarding the disciplinary action, to the GAC. The GAC will then have seven (7) business days to provide their final decision, in writing, to the board and to the member.

#### **4.2a EXECUTIVE OFFICERS**

The Executive Officers of the Association shall be the President, Vice President, Secretary and Treasurer.

Regarding Executive decisions, no officer or board member can make an executive decision that goes contrary to by-laws and policies established by the Association.

**4.2b** The President is the designated representative of the Association and shall preside at all meetings.

The President shall not act under his/her own power without the approval of the Board.

The President will only have a vote when the Board vote results in a tie.

The President may form any committee with the exception of the Grievance and Appeal Committee (**Adopted:** 03/16/2015).

The President and the Board have general responsibilities for all games officiated by members.

The President, with the approval of the board, will form a committee of 3 or 5 members for all financial audit purposes. This committee will not include the Treasurer.

The President can contact Athletic Director(s) to discuss concerns on baseball issues/games and bring these concerns before the Board.

**4.2c** The Vice President shall in the absence of the President, perform the duties of the President.

The Vice President shall perform any other duties as assigned by the President.

**4.2d** The Secretary shall in the absence of both the President and Vice President, perform the duties of the President.

The Secretary shall at the direction of the President or the Board, handle all correspondence on behalf of the Association.

The Secretary shall be responsible for the secretarial administration of the Association including, but not limited to, membership applications, membership rosters, rule testing, minutes of Board meetings and general membership meetings.

The Secretary will post minutes via email within 3 to 5 working days after a meeting, to all members in good standing. Minutes will be corrected and approved by a majority vote of members at the next meeting. All minutes will be kept on file for the current year. Any minutes reflecting disciplinary action shall be kept on file for one year after the disciplinary actions have been completed.

**4.2e** Treasurer shall maintain the financial history of the Association in a format acceptable to the Executive Board members.

The President and Treasurer are authorized to open bank accounts in the name of the Association from which the financial affairs of the Association will be maintained.

All Association checks will require two signatures, the President and the Treasurer.

The Treasurer shall collect all fees and fines as assessed by the Board.

The Treasurer shall give a beginning and ending financial report during the current season. A financial report from the Treasurer will be presented at every Board meeting and general membership meeting, and will be posted in the minutes. Financial reports will be available to members in good standing upon request and will not be discussed to those not in good standing nor a non-member of the association.

An internal audit will be conducted every year, by the financial committee.

An external audit will be conducted by an auditing agency with no conflict of interest in regards to the Association. The external audit will be conducted every 4 years or as deemed necessary by the Board and/or the financial committee.

The Treasurer will be responsible for providing any and all documentation required and be available to answer all questions of the finance committee during an audit.

### **4.3 BOARD MEMBERS AT LARGE**

The Board Members at Large shall consist of five (5) members. Board Member at Large Position Number 5 will be the representative for new officials. (Proposed and voted on by the general membership and Adopted: (05/08/17). The Assignment Secretary may hold a non-voting position on the board.

The Board Members At Large shall perform duties as prescribed by the President with the approval of the Board.

#### **4.4 ASSIGNMENT SECRETARY**

The Assignment Secretary (Assignor) may be a non-EPHSUA member. If the Assignment Secretary is selected from outside of the membership, that individual will be required to join the Association and must meet all the requirements needed to be a member in good standing. If the Assignment Secretary is selected from the membership, he/she must be a member in good standing. However, the Assignment Secretary may not hold any EPHSUA Board position during their term of appointment. The Assignor shall be approved by the Board and is responsible for all the assignments. (**Adopted:** 01/18/2016).

The Assignment Secretary will be required to sign a yearly contract/agreement, and will only be allowed to work in this capacity for a maximum of three years.

Once the stipulated amount of pay for the Assignor has been set, no additional funds will be paid in the form of turn back fees or bonuses without approval of the Board.

The Assignor may assign games to him/her self according to his/her classification.

The board will establish a specific procedure for assigning officials to games which are in response/request to a call from the UIL. As stated in the Operation Procedures, the Assignor shall assign games equally and fairly to all members in good standing.

The Assignor will provide, upon request from the Board, an audit regarding distribution of games as deemed necessary by the Board.

Any violation of the Assignor responsibilities or duties will/may result in disciplinary action by the Board including fines, suspension or removal from the position.

Assignments shall be made in accordance with Association rules and availability of officials.

The Assignor will bring attention to the Board on games being rejected or other related assignment concerns.

Assignor may be assisted in making assignments by another individual but only with the approval of the Board.

#### **4.5 REQUIREMENTS FOR OFFICE**

All nominees for office must be members in good standing. Criteria are described within the Operating Procedures.

#### **4.6 TERM OF OFFICE**

All Members of the Board shall hold office for a two (2) year period. If there are no other members running for that position, that board member(s) will win by acclamation to office as unopposed for an additional two (2) year of office. Term of office shall begin July 1<sup>st</sup> following the elections held of the current year and end June 30<sup>th</sup> of the second year. **(Adopted: 01/18/2016).**

The President and the Board may nominate a member in good standing by majority vote to fill an Executive Officer vacancy and have that nomination brought to the board. Members must be given five days notice that a confirmation vote will take place.

All Board members elected will be allowed to serve two consecutive two year terms, with the exception of position #5, which is a one year term.

#### **4.7 ELECTIONS**

The elections will be held on odd and even years. The positions for President, Secretary, and Board Members at Large positions 1, 3 and 5 will be held on odd years. The Vice President, Treasurer, and Board Members at Large positions 2 and 4 will be held on even years.

A meeting shall be used to conduct nominations. The nominee will either accept or reject the nomination. The following week, speeches and voting will be held.

The elections of the Board shall be determined by a majority vote of the members present at the time of election. In case of a tie, the top two candidates will have a runoff.

Absentee voting is to be conducted in Arbiter with the President and Secretary having access. Absentee voting in Arbiter will be emailed to the Election Committee Chair with the President, Secretary and Chair on the same email.

Absentee votes may be emailed directly to the President, Secretary, and Election Committee Chair from any member in good standing.

An election committee will be appointed and approved by the Board and shall verify that all members present for voting are in good standing.

#### **4.8 REMOVAL FROM OFFICE**

To affect a recall vote, a complaint must be submitted to the Board with a petition signed by a majority of members in good standing. This must be submitted to the Board within (10) working days of the submission of the recall petition. The Board must then appoint an investigation committee to find all facts pertaining to the complaint and the chair person will either certify or reject the validity of the complaint to the Board. The investigation committee will announce their findings to the general membership. Should the findings be found valid, the required petition signatures shall then constitute a vote recall to be scheduled for the next business meeting.

At the next scheduled meeting, the members present who are in good standing will be verified. The affirmative vote of a majority of those members present shall constitute approval of the recall vote which will be effective immediately. Voting will be by secret ballot. Ballots will be verified and all documents pertaining to the vote will be kept on file for six (6) months.

Upon removal or resignation of any Board member, the Board shall fill the vacancy (ies) until the next election is held.

\*See Addendum/Amendment on page 11

## **ARTICLE V**

### **5.1 SPECIAL AUTHORITIES AND LIMITATIONS**

Except for specific powers and duties established within this Constitution and By-Laws, the Board shall approve any guidelines and policy directives of the Association.

The Board is authorized to enter into contracts for services or products with third parties as deemed appropriate.

The President and Treasurer shall be authorized to sign all deposit and checking accounts opened in the name of the Association.

Contracts for officiating services are between members in good standing, the Assignor and the participating schools. The Board is authorized to establish and collect periodic dues, surcharges and fines as prescribed in the Operating Procedures.

## **ARTICLE VI**

### **6.1 MEETINGS**

The Association will hold membership meetings at a time and location to be determined by the President. The President may modify these dates during the season and must give at least a four (4) day notification via e-mail.

The President may call a special meeting at any time. The President must call a special meeting if requested in writing by at least three Board members. Failure of the President to call the special meeting will give the Vice-President and/or the Secretary the authority to call the special meeting.

For any special meeting to be held there must be a quorum (minimum of 5 Board members) present.

Failure on the part of the President to call a special meeting at the request of the Board, without a valid excuse, will constitute dereliction on the part of the President, and subsequent disciplinary action will be brought by the Board.

Attendance will be taken for all meetings and shall be on file for three (3) seasons.



Request for a waiver of attendance at the mandatory clinic must be brought before the Board 48 hours prior to the clinic. Each request will be considered by the Board on a case by case basis in the form of a hearing.

## **6.2 QUORUM**

For Board meetings, an attendance of five (5) Board members excluding the President or its representative will constitute a quorum. The President shall only vote in case of a tie.

For membership activities, those members who are present in good standing shall constitute a quorum to conduct Association business.

## **ARTICLE VII**

### **7.1 FINANCES AND EXPENSES**

The Board shall have absolute jurisdiction over the payment of expenses necessary to conduct the affairs of the Association.

The Board may grant the Treasurer limited authorizations to approve any expenditure up to a predetermined amount without receiving the prior approval by the Board. Expenditure approved by the Treasurer under this limited authorization must be reported to the Board at the next scheduled Board meeting.

### **7.2 OFFICIATING FEES AND TRAVEL ALLOWANCE**

At each Board meeting, the Board shall be accountable for preauthorizing and documenting authorization of payments and expenditures for the Association exceeding a limit as established in the Operational Procedures.

Miscellaneous refunds and routine operational expenses for the Association less than established limit in the Operational Procedures may be disbursed by the Treasurer by standing operational order of the Board.

All disbursement records will be reported by the Treasurer to the Board and submitted at each Board meeting.

## **ARTICLE VIII**

### **8.1 MEMBER OBLIGATIONS**

The Board may issue directives to its members. Failure of member to adhere to any Board directive may result in disciplinary action.

- 8.2 Any member may face disciplinary action such as verbal counseling written letters of reprimand, fines, probation, suspensions, or termination. The Board will decide the disciplinary action by the type and severity of the offense. No member will be permitted to discuss any Association business to non-members or members not in good standing.
- 8.3 Any member other than a Board member, who has any disciplinary action brought against them, may appeal to the Grievance and Appeals Committee. That decision will be final.
- 8.4 The basic uniform will include: 1) EPHSUA logo hat, 2) Black undershirt, 3) Pro black EPHSUA logo shirt, 4) Solid Black Belt, 5) Charcoal grey umpiring pants, 6) Black Socks, 7) Black shoes, 8) Protective equipment.

## ARTICLE IX

### 9.1 OPERATING PROCEDURES

The Operating Procedures are a set of guidelines used to compliment the Constitution and By-laws and are intended to ensure continuity of daily operations from year-to-year and may be amended by the Board.

### 9.2 AMENDMENT(S)

Proposed amendment(s) to these by-laws shall be submitted in writing to the Board by a member in good standing. Once the proposed amendment(s) have been reviewed, they will be presented to the membership for discussion. Once the discussion has been completed, and corrections have been made. The proposed amendment(s) will be brought up for a vote.

The vote will be conducted by a show of hands in favor or against by a majority vote.

Unless specified in the approved amendment, the adopted amendment shall take effect immediately upon ratification by the membership.

**The Constitution and By-Laws were accepted by the Board, with a vote of 7 to 1, at a special meeting on May 11, 2018, to be put before membership for final vote.**

**The Constitution and By-Laws were accepted and ratified by the members of El Paso High School Umpires Association, by majority vote on May 14, 2018**

## **Addendums/Amendments**

The following addendums/amendments were approved by a membership vote at the regular meeting held on Monday, April 29, 2019 by a vote of 43 for, 3 against and one abstain.

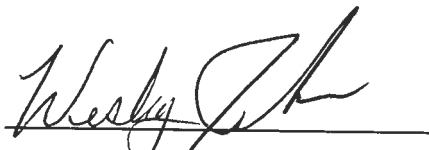
### **Addendum/Amendment to 4.1 Board of Directors paragraph #3**

All Board Members must be in good standing, as described in 3.1 MEMBERSHIP, paragraph #4. For Board Members this includes payment of both local and state dues. Failure to be in good standing will disqualify a member from serving on the Board. For any member who is already serving on the Board, failure to be in good standing will result in automatic dismissal from the Board.

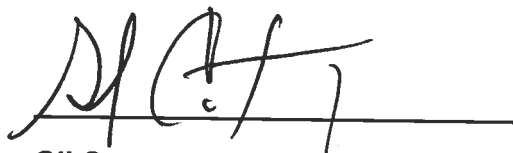
### **Addendum/Amendment to 4.8 Removal from Office**

Any Board Member who has two unexcused absences will be removed from the Board. For an unexcused absence to be issued, the Board Members present at the missed meeting will vote to excuse or unexcused the missing Board Member. Reasons for excused and unexcused status will be determined by the Board members in attendance at that meeting. The decided status will be recorded in the minutes of that meeting.

A vote to terminate must be based on a majority vote of the Board Members present at the meeting. The Board will inform regular membership of their vote to terminate at the first meeting following the decision or via e-mail during the off-season. The terminated member will be notified by certified mail and will be given the opportunity to file a grievance or appeal following the protocol under Section 4.1a. Once this process has been completed, the Board will accept nominations to fill the vacated Board seat.

  
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**Wesley Johnson, President**

8-28-19  
**Date Signed**

  
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**Gil Cartagena, Vice President**