

**PENINSULA  
YOUTH  
UMPIRES  
ASSOCIATION  
CONSTITUTION  
&  
BY-LAWS**

PENINSULA YOUTH UMPIRES ASSOCIATION  
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**Article 1-The Association & Umpire Status**

**Section 1 - Title**

This organization shall be known as the Peninsula Youth Umpires Association (PYUA)

**Section 2 – Independent Contractors**

The Association's active umpires, and the Association's Officers, Executive Board Members and Assigning Secretaries are independent contractors and not employees of the Association. They shall comply with California State Guidelines for independent contractors. It is recognized that as such they may not be able to seek and collect worker's compensation for injuries sustained while performing, or traveling to and from officiating assigning or officiating-related or assigning-related work. Each such person should obtain and maintain disability insurance for such injuries.

**Section 3 - Work is Optional**

Each umpire participating in this Association may decide to accept or reject game assignments.

**Section 4 – Umpire Agreements**

Each and every working PYUA umpire must have signed and filed with the Secretary a current copy of the Association's Standard Umpire Agreement, as approved by the current year's Executive Board.

**Section 5 – Yearly Participation**

The participation of all working umpires in the Association is on a yearly basis, and this participation is renewable, provided such renewal is in accord with the provisions of Article 15 herein.

**Article 2 – Purpose**

**Section 1 – Umpiring Services**

The purpose of the Association is to provide qualified softball umpiring services.

**Section 2 – Informational Programs**

The Association shall provide ongoing informational programs regarding softball umpiring, and this material shall be made available to the Association's participating umpires for their use, benefit and information.

**Article 3 – Qualifications**

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**Section 1 – Personal Interest**

Any person with an interest in softball and a firm desire to officiate softball games may be considered as an applicant for membership in this Association.

**Section 2 – Membership Status**

Membership status in this Association must be in conformance with Article 15.

**Section 3 – Anti-Discrimination**

No person will be denied application for membership in this Association, or the achievement of membership in this Association, and no applicant or member of this Association will be denied access to membership rights within this Association and no applicant or member of this association will be a subject of disciplinary proceedings within this Association due to race, color, creed, religion, national origin, sex, sexual orientation, age or disability.

**Article 4 – Procedures**

**Section 1 – Parliamentary Procedures**

The rules contained in the current edition of Robert's Rules of Order Newly Revised (2011 Edition) shall govern the organization in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the organization may adopt.

**Article 5 – Office Holders & Selection Thereof**

**Section 1 – Office Holders**

The office holders in this association are four (4) officers, a President, Umpire-In-Chief, Secretary and Treasurer, and an Assigning Secretary.

**Section 2 – Qualifications**

Effective January 1, 2018, all office holders, whether elected or appointed, must be active members in good standing per Article 15, Section 7 or members on leave of absence per Article 15, Section 8 and they shall have held either or a combination of such membership continuously for at least two (2) years immediately prior to the beginning of their term, and if elected shall have had satisfactory attendance at General Meetings during the calendar year of their election, as stated in Article 14, Section 4.

**Section 3 – Selection Procedures**

When called for by this Article, the officers and/or Board Members shall be elected (by secret ballot, except as noted in Section 12 of this article) at the final General Meeting of the year for

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terms, as specified herein, beginning on January 1 of the New Year. All active members in good standing are eligible to vote for all Officers, unless prohibited from voting in accordance with Article 13 Section 4, except the Assigning Secretary who is appointed by the Executive Board.

**Section 4 – Nomination – Officers**

An active member, if qualified according to Section 2 of this Article, may be nominated for any of the four (4) offices specified in Section 1 of this Article.

**Section 5 – Assigning Secretary**

The Assigning Secretary is not elected. The Assigning Secretary is appointed each year in accordance with Article 10, Section 1. Assigning Secretaries may not concurrently be one of the four (4) Officers specified in Section 1 of this Article.

**Section 6 – Officers Separation**

The four (4) Officers specified in Section 1 of this Article must be four (4) separate individuals.

**Section 7 – Nominations**

Nominations will be heard and accepted at the final General Meeting of the year. Only active members in good standing may participate. A nominee must be eligible to hold office and the nomination must be seconded. To be nominated, an eligible member must be present at the final General Meeting of the year or have filed with the Secretary (prior to the final General Meeting of the year), a written statement confirming his or her willingness to hold an office in this Association.

Nominees present at the final General Meeting of the year shall have the opportunity to state their qualifications.

**Section 8 – Terms of Office**

The President, Umpire-In-Chief, Secretary, and Treasurer shall be elected for two (2) year terms by election every second year, beginning in January 2018. The President and the Treasurer shall be elected every odd year and the Secretary and the Umpire-In-Chief shall be elected every even year.

**Section 9- Executive Board Attendance**

If the attendance at Executive Board Meetings of any Officer is not satisfactory according to Article 11, Section 5, the office he or she currently holding, if not otherwise due for election, shall be replaced by appointment by the remaining board to finish out the term.

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**Section 10- Unopposed Election**

If any office to be elected has only one (1) nominee, said office shall be elected by show of hands.

**Section 11- Officers Elected by Majority Vote**

Whenever one of the four (4) Officers, as defined in Section 1 of this Article, is to be elected, it must be by the highest number votes in any particular ballot.

If there is a tie after the election, the Executive Board shall appoint from the candidates which were running for that office.

**Section 12- Vacant Office**

Except for the office of the President, if any office becomes vacant, the President with the approval of the Executive Board, shall fill it by appointment for the remainder of its term.

**Section 13- Presidency Vacancy**

If the office of the President becomes vacant, it shall remain vacant until the final General Meeting of the year, at which time an election will be held to complete its term. Whenever this office is vacant the powers and duties are assumed by the Secretary.

**Article 6- The President**

**Section 1- Duties**

The President shall preside at all General Meetings and also over the Executive Board. He or she shall appoint all committees, per Article 24, Section 1, and he or she shall perform such other duties as may be necessary for proper administration of the Association's affairs.

**Section 2- Presidency Vacant**

Whenever the office is vacant or the President is unable to perform his or her duties, the powers and duties of this office shall be assumed by the Secretary.

**Section 3- Work Supervision**

The President shall oversee the work of all Officers to insure they are addressing their responsibilities.

**Section 4- Contracts**

The President shall have in his or her possession copies of all current Contracts between this Association and all Organizations and/or Leagues for which this Association provides Umpiring Service

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**Article 7- The Umpire-In-Chief**

**Section 1- Duties**

The Umpire-In-Chief shall be responsible for making the Association Umpire Informational Programs for his or her sport available to the Association's participating umpires. This shall include presiding at any special meeting or clinic and performing such duties as may be assigned from time to time by either the President or the Executive Board.

**Section 2- Membership Recommendations**

At the November Executive Board Meeting, the Umpire-In-Chief shall report upon the progress of all applicants, and the Umpire-In-Chief shall recommend applicants deemed worthy of selection to become Active Members in accord with Article 15, Section 6. Each recommendation shall be based on the Umpire-In-Chief's evaluation of said applicant's umpiring as being good enough to warrant promotion to Active Membership Status, based upon some form of measure criteria known in advance by said applicant and by all applicants and which is consistent with the objectives and standards of this Association.

**Section 3- Fee Recommendations**

The Umpire-In-Chief, in conjunction with the Assigning Secretary shall be responsible for presenting to the Executive Board recommendations regarding all officiating fees for which are to be established by per Article 12, Section 1.

**Section 4- Contract Development**

The Umpire-In-Chief, in conjunction with the Executive Board shall be responsible for the development of and compliance with all Contracts between this Association and all Organizations and/or leagues for which this Association provides umpiring service. All contracts shall be written.

**Section 5- Assigner Supervision**

The Umpire-In-Chief shall oversee the work of the Assigning Secretary.

**Section 6- Umpire Training**

The Umpire-In-Chief shall be responsible for the scheduling and supervision of PYUA Umpire Training Sessions, and it shall be an expectation that each PYUA softball umpire attend.

The Umpire-In-Chief shall be responsible for the distribution of the current year's ASA Rules Book, and ASA Umpire Manual to each PYUA softball umpire.

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The Umpire-In-Chief shall be responsible for distribution of the current year's ASA Umpire Test to each and every PYUA softball umpire. The Umpire-In-Chief shall establish a due date for completion of said Umpire Test which shall be completed in an unsupervised and open book format by each and every PYUA softball umpire and returned prior to said due date to the Umpire-In-Chief or to the Umpire-In-Chief's Testing Officer. Compliance with this provision shall also include answering correctly a satisfactory percentage of the questions, as designated by the Umpire-In-Chief.

The Umpire-In-Chief shall schedule and conduct the Umpire Training Sessions at their discretion but in accord with existing governing rules and standards especially those standards from the Amateur Softball Association, among others.

Additional Training Sessions may be scheduled at the discretion of the Umpire-In-Chief for which attendance may be optional, expected for particular applicants and/or members or expected for all applicants and/or members.

Additional meetings and/or Training Sessions exclusively for Applicants may be scheduled by the Umpire-In-Chief.

All necessary notifications pursuant to the various provisions within this Section shall be in accord within Article 8, Section 5.

An umpire, whose compliance with any provisions within this Section is expected, as stated herein, must comply unless he/she is excused by the Umpire-In-Chief. See Article 14, Section 6.

The Executive Board, in accord with Article 12, Section 4 may authorize specific maximum fines for any PYUA applicant or member's non-compliance with any specific provision stated herein.

Any disciplinary action under this Section must be in conformance with Article 22.

## **Article 8 - The Secretary**

### **Section 1 - Assumes Presidency**

The Secretary shall assume the powers and duties of the President in addition to those of his or own office, whenever required by provisions of Article 5, Section 16 and/or Article 6, Section 2.

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**Section 2 - Duties**

The Secretary or his or her designated replacement shall keep the Minutes of all Executive Board Meetings and all General Meetings and such Minutes shall be presented for approval at or prior to the next scheduled Executive Board Meeting or General Meeting. The secretary has the authority to exclude an individual's personal matters from the minutes if that is so desired by the individual. The Secretary at his/her discretion shall make these submittals by regular mail, by e-mail, the PYUA Website posting, or by distribution at the meeting. All approved PYUA minutes shall be made available by the Secretary to the membership at his or her discretion, as noted herein. He or she or his or her designated replacement shall either take or call the roll of the membership at any General or Special Meeting. He or she shall read all communications and papers when requested to do so. He or she shall maintain custody of all papers and documents and attach his or her signature alone, or in connection with that of the President to all of the acts, orders and proceedings of the membership and of this Association.

**Section 3 - PYUA Address**

The address of this Association shall be established by the Secretary with approval of the Executive Board, shall be considered as the office of this Association, and all communications, letters, etc. shall sent thereto.

**Section 4 - Meeting Notice**

The Secretary shall notify all PYUA applicants and members when and where all meetings, clinics, etc., are to be held, except those the Umpire-In-Chief, by agreement with the Secretary, may assume this responsibility.

The Secretary shall notify all applicants and members when nominations and elections are to be held, and he or she shall prepare the ballots in order of the nominations for the election meeting.

**Section 5- Rules Violation Notices**

The Secretary shall have the responsibility of notifying in writing any applicant or member who alleged to have violated any of the Association's rules where a disciplinary action may result. Notification will be as set forth in Article 22. Article 22 notifications may be delegated by the Secretary in accord with Article 22, Section 13.

**Section 6 - Account Reconciliation**

The Secretary shall reconcile all bank statements in conjunction with the Treasurer.

**Section 7 - PYUA Website**

The Secretary or his or her designated representative will oversee the operations of and the information posted on the PYUA Website.

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**Article 9- The Treasurer**

**Section 1- Duties**

The Treasurer shall oversee the financial operations of the Association. He or she shall give a report at each Executive Board Meeting and at each General Meeting about the amount of money in the treasury, any collections and/or disbursements, and any other information pertinent to the financial condition of the Association. He or she shall maintain records and receipts of all transactions which shall include up to date file (three years minimum) of all invoices prepared by the Assigning Secretary, per Article 10, Section 12, and arrange for the annual audit of the association by a certified public accountant. He or she shall, at his or her discretion, deduct dues, assessments, fines or any other monies due this association from the checks due the Association's applicants and members. He or she shall be responsible for notifying the Assigning Secretary whenever an applicant or member does not have liability insurance as provided in Article 12, Section 8. He or she shall be responsible for collecting the Association's Registration Fee from each PYUA umpire and for the determination and collection of any late Registration Fees, as provided in Article 12, Section 13.

**Section 2 - Tax Requirements**

The Treasurer shall be responsible for complying with the tax laws of all federal, state and local authorities, including but not limited to the issuance of 1099 Forms to all applicants and members and timely and proper filing of the required tax returns for the Association.

**Section 3 – Budget**

The Treasurer shall be responsible for providing an annual budget to the executive board at the November board meeting.

**Section 4 - Account Reconciliation**

The Treasurer shall reconcile all bank statements in conjunction with the Secretary.

**Section 5 - Payment and Collection of PYUA Funds**

All checks of the Association must be signed by the Treasurer and by at least one other officer authorized to do so by the President. If the Treasurer is unavailable, two officers authorized by the President may sign Association checks should their immediate issuance be deemed by the President necessary. All PYUA funds are to be kept by the Treasurer, and all transactions of said funds are to be by the Treasurer or by his or her authorized representative. Any check or money order payable to PYUA and issued to an individual member or applicant of PYUA shall be noted "Payable to PYUA" and signed over and delivered, as soon as possible to the Treasurer. In no event shall such member or applicant cash said check or money order wherein the payee is PYUA shall deliver as soon as possible said check or money order to the Treasurer. In no event shall such member or applicant cash said check or money order. The proper transaction of any check or money order wherein PYUA the payee is to make Peninsula Youth Umpires Association or PYUA the payee on said check or money order and deliver said check or money order directly to the Treasurer.



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**Section 6 – Check Signatures**

All Checks of the Association must be signed by at least two officers authorized to do so by the Executive Board.

**Article 10 - Assigning Secretary**

**Section 1 - Appointment**

Any member desiring appointment as Assigning Secretary may apply to the Executive Board. The Assigning Secretary for this Association shall be appointed by the Executive Board at the November Meeting or as soon as possible thereafter. The previous year's Assigning Secretary is not eligible to vote for these appointments.

**Section 2 - Duties**

The Assigning Secretary shall be responsible for all the assignments of this Association as determined by the Executive Board, and they shall be the Association's only Assignor. At the discretion of the Umpire-In-Chief and/or upon his/ her own request, an Assigning Secretary may assisted in making assignments by another individual or by other individuals, but only with the approval of the Executive Board. Assignments shall be made in accordance with Association rules and availability of officials.

**Section 3- Expenses**

The Assigning Secretary shall be paid for a separate PYUA phone (with recorder), which shall be provided by the Association.

**Section 4- Assigning Fees**

The Assigning Secretary shall be entitled to receive assigning fees from this Association, and these fees shall be determined by the Executive Board. Any and all such fees must be paid to the Treasurer of this Association, who in turn will remit those fees the Assigning Secretary.

**Section 5- Executive Board Membership**

The Assigning Secretary is a voting member of the Executive Board and must attend Executive Board Meetings. Failure to attend at least half of such meetings during a calendar year shall disqualify an Assigning Secretary from immediate selection to a new term.

**Section 6 - Assigning Reports**

The Assigning Secretary shall submit written monthly reports of any violations by applicants and members of PYUA rules regarding cancellation and/or fulfillment of assignments.

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**Section 7 - Available to Assign**

The Assigning Secretary shall be available seven (7) hours per week (minimum) to applicants and members for getting their assignments. Pursuant to this, the Assigning Secretary shall notify applicants and members of a general schedule for getting assignments.

**Section 8 - Assigning Lists**

The Assigning Secretary must assign off qualifications lists in accordance with any specific requirements of the Executive Board.

**Section 9 - List Published**

Any qualification list established by the Executive Board shall be published and provided to all affected applicants and members.

**Section 10 - Softball Tournaments**

Softball Tournaments shall be assigned from a preferential list of qualified umpires and on a rotation basis, unless specific exception is made by the Executive Board.

**Section 11- Limiting Assignments**

Any action of the Executive Board specifically limiting the assignment of any individual applicant or member shall be adhered to by the Assigning Secretary. Written confirmation of such action, if requested by an applicant or member, shall be provided by the Umpire-In-Chief, including therein the reason(s) for the action.

**Section 12 – Invoices**

The Assigning Secretary, by mutual agreement and/or in accord with approved Contracts shall, on behalf of all participating PYUA umpires, prepare invoices for payment for the officiating services provided, as independent contractors, by all participating PYUA umpires, by each and every Organization and/or League he/she assigns on behalf of PYUA. These invoices shall be presented for payment in accord with a payment schedule mutually agreed between PYUA and the entity being serviced. These invoices shall be immediately copied to the Treasurer and shall be kept by the Treasurer in an up to date file (three years minimum) per Article 9, Section 1.

**Article 11- Executive Board**

**Section 1- Membership**

This Association shall be governed and guided by its Executive Board, which shall consist of the four (4) officers, and an Assigning Secretary.

All Officers, Assigning Secretaries and Executive Board Members shall be exempt from association dues per Article 12, Section 3.

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**Section 2 - Meeting Quorum**

A quorum for the transaction of any business at an Executive Board Meeting shall consist of three (3) members thereof, including the President or any presiding officer.

**Section 3 - Meetings**

The President shall set the agenda and preside over the Executive Board. Each year, the incoming Executive Board shall meet in January and in each month wherein a General Meeting is scheduled and prior thereto. There shall be a minimum of seven (7) Executive Board Meetings each year. These, and any additional meetings he or she deem necessary, shall be scheduled by the President. The proceedings of the Executive Board shall be recorded by the Secretary.

**Section 4 - President Absent**

In the absence of the President, The Secretary shall preside over the Executive Board. If neither the President nor the Secretary is present, the Executive Board shall mutually agree upon a presiding officer.

**Section 5 - Attendance**

Roll shall be taken by the Secretary (or designated replacement) at all Executive Board Meetings, and current year's attendance record (to-date) of each member thereof shall be announced at the third General Meeting and updated at the final General Meeting of the year and before nominations are called for. This record shall include Meetings attended, Meetings excused from, and Meetings absent without excuse. All members of the Executive Board must attend and/or be excused from more than half of the Executive Board Meeting held while they are holding an office during the current year and prior to the final General Meeting of the year, including any meeting where a quorum is not present. Otherwise, their attendance is not satisfactory, and their office may be subject to replacement per Article 5, Section 9.

**Section 6 - Excused Absences**

The President, at his or her discretion, may excuse any Board Member from attending any particular Executive Board Meeting or Meetings. Otherwise, failure to attend any Executive Board Meeting is an absence without excuse. Any Board Member who arrives at any time during any Executive Board Meeting shall, upon his/her request, be excused.

**Section 7 - Meeting Minutes**

The Minutes of all Executive Board Meetings shall include when the Meeting begins, when it adjourns, the Board Members who are present, the arrival time of any Board Member who is late, excused time of any Board Member who leaves early, the Board Members who absence is excused by the President, and the Board Members who attendance is not excused.

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**Article 12 - Game Fee, Expenditures, Dues, Fines, Assessments**

**Section 1- Game Fees**

The Executive Board shall set the fees for all games to be officiated during the year. The fee schedule for the year shall be published and distributed to the membership at the first General Meeting of the year.

**Section 2- Expenditures**

The Executive Board shall approve all Expenditures for the Association.

**Section 3 - Yearly Dues**

The Executive Board shall determine yearly dues. All Officers and the Assigning Secretary are exempt from paying any association dues as specified herein.

**Section 4 - Fines**

All working applicants and members are subject to fines for violation of the Association's rules and regulations, whether as stated within this Constitution and By Laws or as published to all affected applicants and members as approved policies of the Association, said approval being given by the Executive Board upon recommendation of the responsible Officer and/or Assigning Secretary. Any fines to be levied shall be published as a maximum financial penalty for a specific violation, and this information must be made available to all applicants and members by mailing and/or by distribution at a General and/or Special Meetings.

Any alleged violation must be prosecuted as a grievance of the responsible Officer or Assigning Secretary against the alleged offender.

Any applicant or member prosecuting a grievance against any other applicant or member may include request for a fine as all or part of any requested penalty.

Any applicant or member whose total yearly fines are Fifty Dollars (\$50.00) or more may be called before the Executive Board.

**Section 5 - Maximum Fines**

No single fine shall exceed Twenty Five Dollars (\$25.00) except for unjustifiable failure to fulfill a game assignment, in which event up to the full game fee can be assessed, and if a standby umpire has been assigned on the date of said unjustifiable failure, up to the full amount of said stand by umpire's fee can also be assessed.

**Section 6 - ASA Fees**

Any PYUA softball umpire working in any ASA sanctioned game must have paid and all current ASA fees and assessments.

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**Section 7 - Liability Insurance**

Each PYUA applicant and member must have liability insurance, as determined by the Executive Board, and he or she shall, whenever necessary, be assessed the cost of obtaining it. Each year, the Executive Board shall publish to all affected PYUA applicants and members the required liability insurance for each and every aspect of PYUA umpiring. Each PYUA applicant and member is responsible for furnishing proof of his or her liability insurance compliance to the Treasurer and the Assigning Secretary. The assignments of any PYUA applicant or member discovered to be working without proper liability insurance shall be revoked immediately upon such discovery. For any game or games umpired by any PYUA applicant or member who did not have proper liability insurance at the time he or she worked it/them, said PYUA applicant or member is subject to a fine, as specified in Section 5 of this Article, for each violation. The Assigning Secretary, or any individual authorized to assign on behalf of or in lieu of an Assigning Secretary, shall not assign any PYUA applicant or member who has not provided him or her with acceptable proof of proper liability insurance. The Assigning Secretary, or any individual authorized to assign on behalf of or in lieu of the Assigning Secretary, is subject to fine, as specified in Section 5 of this Article, for any game he or she assigned to any PYUA applicant or member who did not have proper liability insurance at the time he or she worked it. The PYUA Officer specifically authorized to file grievances for violations of these provisions is the Treasurer. The PYUA's Directors and Officers (i.e., the four Officers and the Assigning Secretaries) must have Directors and Officers liability insurance, as determined by the Executive Board and which shall be a general expenditure of the Association.

**Section 8 - Association Assessments**

All working umpires shall be assessed to help the Association's operating expenses, as specified in Article 17, Section 5.

**Section 9 - Applicant's Assessment**

All applicants shall be assessed an applicant assessment fee for each softball game he/she umpires and which is assigned by and umpired for this Association. Junior Officials working per Article 15, Section 12, shall also be assessed this fee. A cap upon the total amount of this fee for each umpire can also be established. The current year's fee and any specified cap shall be in effect the following year unless a change is recommended by the Executive Board and ratified by the membership. Any such change must be ratified by the membership at the final General Meeting of the year.

**Section 10- Reassignment Fee**

All umpires returning assignments to the assigning secretary for reassignment shall be assessed a reassignment fee, and this fee shall be determined by the policy set by the Executive Board.

**Section 11 - Disciplinary Action**

Any disciplinary action under this Article must be in conformance with Article 22.

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**Section 12 - Umpire Registration and Late Fee**

Umpire registration for the current year shall include payment of ASA fees (see section 6 of this article), liability insurance (see section 7 of this article). These payments shall constitute the Association Registration Fee for the current year. A due date for payment of this Registration Fee shall be established by the Executive Board, and the due notice thereof shall be given to all prospective PYUA umpires by the Treasurer. Payment of this Registration Fee must be to the Treasurer on or before the due date. If the payment is late, a Late Registration Fee may be assessed at the discretion of the Treasurer, and in this event the umpire shall not be considered registered until said Late Registration Fee and the Association Registration Fee are both received. The amount of this Late Registration Fee, in each instance, shall be determined by the Treasurer, and the delinquent umpire shall be notified of said amount by the Treasurer. Said Late Registration Fee shall not exceed the maximum fine stated in Section 5 of this Article. Imposition and collection of this Late Registration Fee is not subject to the provisions of Article 22.

**Section 13 - Failure to Register**

If an umpire eligible to register for the current year fails to do so, said umpire's membership status shall be terminated at the end of the current year, unless said umpire has been granted a Leave of Absence in accordance with Article 15, Section 8 or the Executive Board grants an exception. There are no monies collectible by this Association for any reason from any umpire who fails to register. In accordance with Article 17, Section 7, no game fees are payable by this Association to any umpire who fails to register.

**Article 13 - General Meetings and Voting**

**Section 1- Meeting Quorum**

A quorum for the transaction of any business at any General or Special Meeting of this Association shall consist of ten (10) active members in good standing, including officers.

**Section 2 - Entitled to Vote**

Except as additionally specified within this section, only active members in good standing are entitled to vote. Voting upon general business matters shall be by open ballot with the right hand uplifted; contrary minded the same. Provided he/she is in compliance with any other applicable provision(s) of this Article, any applicant who has been promoted in accordance with Article 15, Section 6, but who is not yet an active member in good standing shall be entitled to vote.

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**Section 3 - Secret Ballot Required**

Voting in elections and upon special matters shall be by secret ballot, except as provided in Article 5, Section 10. The ballots shall be prepared by the Secretary (or designated replacement) and distributed to active members in good standing and entitled to vote.

**Section 4 - Election Tellers Section**

The counting of ballots in an election shall be supervised by the Treasurer (or designated replacement). There shall be at least three (3) tellers at all times.

**Article 14 Meetings & Clinics Attendance**

**Section 1 - General Meeting Schedule**

General Meetings shall be scheduled by the President with the approval of the Executive Board. There will be two (2) General Meetings scheduled for a calendar year. The dates of the General Meetings for the next calendar year will be announced by the President at the final General Meeting of the current year.

**Section 2 - General Meeting Attendance**

All PYUA applicants and all active members in good standing (M.I.G.S.) should attend the announced general meetings unless they are working an assignment for this Association or have been excused by the President for what he/she deems an acceptable reason.

**Section 3 - General Meetings Applicant Requirements**

Applicants are required to fulfill the following requirement to attain membership. An applicant must attend one of the two scheduled general meetings in a calendar year in order to be considered for membership.

**Section 4 - General Meetings Member Requirements**

Members are expected to attend all announced general meetings, except members that on leave of absence per Article 12, Section 12, are excused. Failure to attend one of the two scheduled meetings without an excused absence could result in a low priority status being designated by the President. Members in Good Standing who do not fulfill their meeting requirements (i.e. attending three (3) of four (4) scheduled General Meetings) do not lose their membership, but they cannot run for any office or for a board seat in that calendar year.

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**Section 5 - Special General Meeting**

The President, and only the President, may schedule a meeting for the entire association. If the President schedules a meeting for the entire association, this newly scheduled meeting becomes an additional General Meeting for that calendar year. If a decision which effects the entire association is required at the Special General Meeting, a quorum of at least ten percent (10%) of the M.I.G.S. at that time must be in attendance. The addition of a Special General Meeting does not raise the meeting requirement rule.

**Section 6 - Special Meeting & Clinic Attendance**

When Special Meetings or Clinics are scheduled, the President or Umpire-In-Chief shall designate the applicants and/or members who must attend, and they shall be notified per Article 8, Section 4. Any designated umpire may be excused, if for good cause, by the responsible Officer.

**Section 7 - Failure to Attend**

For unexcused failure to attend any Special Meeting or Clinic (when designated to do so), an applicant or member may be fined and/or placed on low priority status for assignments by the responsible Officer.

**Section 8 - Low Priority Status**

Low priority status means an individual cannot be assigned to a designated league unless all priority umpires have been contacted (or a reasonable attempt to contact them has been made), if they are generally available. If the Assigning Secretary has less than 48-hours to fill an assignment, he or she is not restricted by low priority rules but should abide by them, if possible.

**Section 9 - Low Priority Term**

Low priority status for any individual shall be a specified one (1) month period. The responsible Officer, at his or her discretion may terminate an individual's low priority status if said individual meets specific requirements to satisfaction of said responsible Officer.

**Section 10 - Disciplinary Action**

Any disciplinary action under this Article must be in conformance with Article 22.

**Article 15 - Membership Status**

**Section 1 - Application and Initiation Fees**

Applications for membership in this Association shall be by properly written form issued by this Association upon request to the Secretary. The application shall be accompanied with an initiation fees as defined in Article 17, Section 2. Upon receipt of the application and initiation fee, the applicant shall receive association documents, which shall include a copy of the Association's Constitution and By-Laws. The umpire has applicant status for the current year when fees are paid per Article 12, Section 12.



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**Section 2 - Applicant Probation**

An applicant shall be on probation for one year from the date of his/her application's acceptance by the Secretary in accordance with Section 1 of this Article. He or she is expected to attend one (1) General Meetings during this year's period. For failure to comply, the Executive Board may void his or her application or waive this requirement.

**Section 3 - Applicant Testing**

The Umpire-In-Chief shall determine the means of testing for each applicant. A test mark of at least eighty percent (80%) shall be required to pass or the applicant may be dropped or be required to be on probation until another test is passed. Applicants who fail such test may be re-tested after attending additional clinics or by having personal counseling with appropriate training personnel.

**Section 4 - Applicant Assignments**

An applicant will be assigned games during his or her probation, and it shall be the Executive Board's responsibility to judge his or her performance and give its approval before he or she can become an active member. All applicants' assignments are at the discretion of the Assigning Secretary. Applicant's game fee will be one dollar less than the pay schedule. Applicants with past experience may request an evaluation to receive full pay

**Section 5 - Completion of Probation**

Upon completion of his/her probation, the Executive Board shall determine the status of an applicant as followed:

- A. Selection to active status per Section 6 of this Article;
- B. Rejection of applicant status in this Association.

An applicant who has been rejected completely (per "B" herein) can not re-apply for membership in this Association for a minimum period of one (1) year.

The Executive Board, at its discretion, will grant an applicant's request for reconsideration of his/her status. Decision of the Executive Board regarding the status of any applicant is final.

**Section 6 - Applicant Promotion**

Upon completion of an applicant's probation period, as specified in Section 2 of this Article, and upon approval by the Executive Board, which may be given either during or after the completion of his/her promotion, an applicant passes probation and becomes an active member in good standing in this Association.

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**Section 7 - Active / Good Standing Status**

An umpire has active member status for the current year, if he or she qualified per applicable provisions of these By-Laws. Until he or she has registered per Article 12, Section 12, an active member in good standing retains status, but he or she cannot participate in either work or affairs of the Association. Active members in good standing (M.I.G.S.) lose that status when they are granted a leave of absence, resign, retire, or are suspended per Article 16, Section 4 or expelled per Article 16, Section 3. An active umpire who loses active member status may regain it by decision of the Executive Board.

**Section 8 - Leave of Absence**

An active member's request obtain temporary inactive status by taking a leave of absence can only be granted by the Executive Board upon his or her written request.

**Section 9 - Leave of Absence Expires**

After one (1) year, a member on leave of absence must either resume his or her active status, resign, or retire (or be retired), unless granted an extension of said leave of absence by the Executive Board. At any time, during his or her leave of absence, an active member may request reinstatement to active status in accordance with Section 13 of this Article.

**Section 10 - Member Status**

All members are required to be full time members. All dues and assessments shall be paid as such.

**Section 11 - Seasonal Officials**

There shall be no seasonal umpires, except during the peak season if needed by this Association.

**Section 12 - Junior Officials**

Junior Officials who are not applicants or members of this Association may, with approval of the Executive Board, be assigned. If a Junior Official works games, he or she must pay the Association's dues and assessments.

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**Section 13 - Resignation and Active Standing Reinstatement**

Any active member or applicant may voluntarily resign or retire at any time by giving written notice, to the President, to the Secretary, or to the Umpire-In-Chief. Such notice can not be given to the Treasurer, or to the Assigning Secretary.

The resignation or retirement of any active member or applicant, if properly given, is immediately in effect unless a future date is specific or agreed to by the umpire. If a future date is specified or agreed to said resignation or retirement is in effect at that time.

Immediately upon his or her resignation or retirement being in effect, properly resigned or retired active member or applicant is no longer governed by the Association's Constitution and By-Laws, is no longer entitled or obligated to umpire any game or games assigned to him or her by the Association, and any other Association requirements are null and void and non applicable to said properly resigned or retired umpire.

If an active member or applicant peremptorily resigns or retires and thereby creates an exigent circumstance which damages the Association, the Association's only recourse shall be legal action under civil law.

If a properly resigned or retired umpire has unmet and undisputed fiduciary obligations to the Association, any monies due the Association shall be deducted from any check(s) subsequently sent to the umpire. Otherwise, the Association's only recourse shall be legal action under civil law.

The Officer(s) to whom an active member or applicant's resignation or retirement was properly given is/are responsible for notifying any affected person(s) within the association.

Any resignation or retirement shall be reported to the Executive Board and recorded in the minutes of the Executive Board Meeting wherein it was reported. At the discretion of the Executive Board, acknowledgement or confirmation of a resignation or retirement shall be made to the umpire by the Secretary.

If a resigned or retired umpire should, at any time, re-apply for membership in this Association, his or her application shall be treated the same as that of any other applicant and in accordance with Section 1 of this Article.

Any umpire, who, for any reason whatsoever, is not on the active service list, cannot be reinstated to active standing until he or she has been approved by the Executive Board.

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**Section 14 - Americans with Disabilities Act**

An applicant's probation, as specified in Section 2 of this Article, shall not include any period when said applicant cannot umpire due to a disability as defined in the Americans with Disabilities Act. An active member unable to maintain said status because of being unable to work, as specified in Section 7 of this Article, shall automatically resume active status when ready to do so if he or she was unable to work due to a disability as defined in said Americans with Disabilities Act. No disciplinary action may be taken against an umpire solely because of said umpire unable to work due to a disability as defined in said Americans with Disabilities Act.

**Article 16 - Suspension and Expulsion**

**Section 1 - Misconduct Penalties**

For failure to comply with established PYUA authority or regulations or for failure to pay dues, fines, or penalties, or any other assessments, or for any other conduct established to be contrary to the best interest of this Association, an applicant or member may be:

- A. Fined, and/or,
- B. Placed on Low Priority Status, and/or,
- C. Put on Probation, and/or,
- D. Suspended for a specified period but for not more than one year, or  
Expelled from this Association

**Section 2 - Accused Rights**

Proper opportunity shall be given the accused applicant or member to defend him or herself against all charges. Any applicant or member accused shall be granted due process, as provided in Article 22.

**Section 3 - Expulsion Procedures**

To expel a member, a majority of the total membership of the Executive Board must approve specific charges.

The approved Resolution of Expulsion shall be scheduled at an Executive Board Meeting of the Association.

A majority vote, by secret ballot, of the Executive Board members shall be necessary to expel any member.

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**Section 4 - Suspension Procedures**

The President has sole authority to file and prosecute a grievance requesting the suspension of any applicant or member of this Association, which grievance shall be for causes stated in this Article and/or Articles 12, 14, 17, 19, 20, and/or 21 or for any other reason that is detrimental to this Association and for any specific period but not exceed one (1) year.

The President may not be suspended, but he or she is subject to other penalties, including expulsion, as stated in this Article.

**Section 5 - Disciplinary Action**

Any disciplinary action under this article must be in conformance with Article 22.

**Article 17 - Payment and Collection of Money**

**Section 1- Dues Determination**

The dues for this Association shall be set by the Executive Board in accordance with Article 12, Section 3.

**Section 2 - Initiation Fee**

The Executive Board shall be determined the initiation fee for the Association to be collected as defined in Article 15, Section 1, and any changes thereof must be first ratified by the membership.

**Section 3 - Payments**

When due and payable, any and all dues, fines and/or assessments owed applicants and members of this Association shall be paid to and/or collected by the Treasurer in the name of the Peninsula Youth Umpires Association (PYUA).

**Section 4 - Check Deductions**

The Treasurer is authorized to deduct from any applicant's or member's check, at the time of issuance thereof, any dues, assessments or possible maximum fines which are not yet due and payable but which shall reasonably become due and payable during the current year.

If a possible maximum fine has been paid in advance by an applicant or member, and the amount of said fine is subsequently reduced or said fine is withdrawn or canceled, the Treasurer shall refund any monies due to the affected applicant or member.

The Treasurer is authorized to deduct from any applicant or member's check, at the time of issuance thereof, any dues, assessments or adjudicated fines which are currently due and payable.

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**Section 5 - Operating Expenses**

For operating expenses of this Association, monies from yearly dues shall be collected by the Treasurer by the first general meeting. The current year's annual dues shall be in effect the following year unless it is changed by the Executive Board per Article 12 Section 3. Any such change must be communicated to the membership at the final General Meeting of the year

**Section 6 - Delinquent Debts**

Any applicant or member who has been notified by either the Secretary or Treasurer that he or she is delinquent in payment of dues, fines, or penalties, and/or any other assessments shall be subject to suspension (per Article 16) if full payment of said dues or penalties, and/or other assessments is not received within twenty (20) calendar days of the issuance of said notice, verbal or written.

**Section 7 - Payment of Games Fees**

The Assigning Secretary and the Treasurer shall cooperate to make possible the prompt payment of applicants and members for games worked. Whenever practicable, leagues will be asked to either pay in advance or accept, and promptly pay, bills submitted during the progress of their season for games worked. No game fee shall be paid to any umpire unless and until said umpire registers for the current year per Article 15, Section 13. If an umpire works and subsequently does not register, any game fee(s) payable to said umpire are forfeited to this Association. If an unregistered umpire works and subsequently registers, any game fee(s) payable to said umpire shall be paid minus any deductions mandated by applicable provisions of these By-Laws.

**Section 8 - Unpaid Game Fees and Expenses**

This Association will do everything within its power to obtain any and all unpaid game fees, transportation fees and/or expenses for its applicants and members.

**Section 9 - Fees Paid**

All checks issued by this Association to the Association's participating umpires, Officers, and Assigning Secretary are for services performed by these individuals as independent contractors, as stated in Article 1, Section 2, herein.

**Article 18 - Return of Money**

**Section 1 - Membership Forfeiture**

In the event of a member being expelled or forfeiting his or her membership, any monies paid in advance of the current year will not be returned.

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**Section 2 - Inactive Waiver**

In the event an applicant or member being unable to work, the Executive Board, at its discretion, may waive his/her payment of dues and/or assessments due and payable for the time he/she is inactive and return any such monies paid in advance. Any umpire on leave of absence shall not be required to pay dues while on leave.

**Article 19 - Members - Restrictions**

**Section 1 - Membership in Other Umpire Associations**

Any applicant or member of this Association is free to belong to any other officiating organization; however, all dues and assessments must be paid in full to this Association as well.

**Section 2 - Umpiring in Leagues not Umpired by PYUA**

Any applicant or member of this Association may belong to another umpire association for the purpose of umpiring in leagues in good standing with but not doing business with the Peninsula Youth Umpires Association.

**Section 3 - Assigning Priorities**

When a PYUA applicant or member also belongs to another officiating organization, and a conflict in assignments results, the applicant or member must fulfill the first assignment he or she received. If this is not a PYUA assignment, the applicant or member is responsible for immediately notifying the PYUA Assigning Secretary. If this is the PYUA assignment, the applicant or member is responsible for fulfilling it unless he or she is allowed to cancel by the PYUA Assigning Secretary.

**Section 4 - Umpires Giving Clinics**

No applicant or member shall, in the name of or as a representative of this Association, conduct clinics and/or give rules and/or umpiring mechanics interpretations and/or instructions to any individual(s), group(s), and/or organization(s) without specific approval of the Executive Board.

**Section 5 - Umpires Soliciting Games**

No applicant or member shall, as an individual, solicit games for him or herself, or for his or her friends from any organization, or representative thereof, which is under contract with PYUA for providing exclusive umpire services for said games.

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**Section 6 - Working with Expelled or Suspended Umpires**

At no time shall any applicant or member of this Association umpire a contest with, or in conjunction with any umpire who has been either expelled or suspended from this Association.

**Section 7 - Umpiring Non -PYUA Games**

When an applicant or member is officiating outside this Association, he or she shall not wear the Association logo or otherwise specifically identify him or herself as representing this Association without permission of either an Assigning Secretary or the Executive Board.

**Section 8 - Degrading Colleagues**

No applicant or member while participating in any game shall degrade by any remark(s) or action(s) any applicant or member of this Association while said applicant or member is officiating in accordance with this Constitution and By- Laws.

**Section 9 - Grievance for Alleged Misconduct by PYUA Umpire**

Any applicant or member of this Association, because of any allegedly degrading incident that may have taken place while said applicant or member was officiating in accordance with this Constitution and By-Laws, may file a grievance against any applicant or member of this Association for alleged violation(s) of Section 8 of this Article, and pursuant to said filing, said applicant or member may request penalties as mitigation of said grievance in accordance with Article 16, Section 1.

**Section 10 - Disciplinary Action**

Any disciplinary action under this Article must be in conformance with Article 22.

**Article 20 - Members - General Obligations**

**Section 1- Assignor's Authority**

There shall be no disputes with the Assigning Secretary regarding the assigning of umpires. The Assigning Secretary has authority to change or cancel any assignment he or she has issued to any applicant or member, provided said Assigning Secretary has reason to judge such action is in the best interest of this Association. The Assigning Secretary has the authority to solicit qualified umpires from outside the association.



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**Section 2 - Fulfilling Assignments**

Whenever an applicant or member accepts a game assignment for this Association, it must either be fulfilled or properly turned back to the Assigning Secretary. The Assigning Secretary, with approval of the Executive Board, shall establish policies for the proper turn back of assignments, these policies shall be published and made available to all affected applicants and members. Failure to properly turn back a game assignment with notice of 48 hours or more is subject to a grievance which may include a maximum fine of the game fee(s) (plus standby, if applicable), as specified in Article 12, Section 5. Failure to fulfill a game assignment without any notification is subject to a grievance which may include a maximum fine of the game fee(s) (plus standby, if applicable), as specified in Article 12, Section 5.

**Section 3 - Discussion of Umpiring by other PYUA Umpires**

Any applicant or member who has witnessed any PYUA umpire calling plays or rendering decision contrary to the playing rules and umpire mechanic adhered to by this Association or conducting oneself on the field in any manner which might reflect adversely upon oneself or this Association, shall not advertise or discuss the incidents with any person or persons other than responsible Officers of this Association or those present at a meeting of this Association.

Any applicant or member concerned about umpiring of any other applicant or member may contact the Umpire-In-Chief.

Any applicant or member authorized to make an PYUA evaluation shall file said evaluation with the responsible Officer, and he/she shall discuss said evaluation except as authorized by said responsible Officer.

**Section 4 - Soliciting PYUA Business**

The solicitation of games or business for this Association shall be only be by committees appointed by the President unless required to do so by law or within the authorization of the Executive Board.

**Section 5 - Information re: Possible PYUA Business**

Any applicant or member having information regarding the securing of games or business for this Association will immediately report this to an Officer, or the Assigning Secretary.

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**Section 6 - PYUA Code of Ethics**

PYUA Code of Ethics

PYUA has adopted this Code and strongly urges its members and officials in general to adhere to its principles. By doing so, notice is given that we recognize the need to preserve and encourage confidence in the professionalism of officiating. This confidence must be first be fostered within the “community” of officials and then within the public generally.

PYUA believes the integrity of officiating rests on the integrity and ethical conduct of each individual official. This integrity and conduct are the very basis of the future and well-being of organized sports and effectiveness of this Association. The Association shall, by programs of education and other means, encourage acceptance and implementation of these Articles: To these ends PYUA declares acceptance of this Code.

Article I

Sports officials must be free of obligations to any interest other than the impartial and fair judging of sport competitors. Without equivocation, game decisions which are slanted by personal bias are dishonest and unacceptable.

Article II

Sports officials recognize that anything which may lead to a conflict of interest, either real or apparent must be avoided. Gifts, favors, special treatment, privileges, employment or a personal relationship with a school or team which can compromise the perceived impartiality of officiating must be avoided.

Article III

Sports officials have an obligation to treat other officials with professional dignity and courtesy and recognize that it is inappropriate to criticize other officials publicly.

Article IV

Sports officials have a responsibility to continuously seek self-improvement through study of the game, rules, mechanics and techniques of game management. They have a responsibility to accurately represent their qualifications and abilities when requesting or accepting officiating assignments.

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Article V

Sports officials shall protect the public (fans, administrators, coaches, players, et al) from inappropriate conduct and shall attempt to eliminate from the officiating avocation/profession all practices which bring discredit to it

Article VI

Sports officials shall not be party to actions designed to unfairly limit or restrain access to officiating, officiating assignments, or association membership. This includes selection for positions of leadership based on economic factors, race, creed, color, age, sex, physical handicap, country or national origin.

**Section 7 - Conflict of Interest**

No officer, Executive Board member, Assigning Secretary, member or applicant of this Association shall knowingly participate in any transaction of this Association wherein his/her personal institutional conflict of interest (herein called COI) might reasonably call in question, by a reasonable person, his/her ability to be impartial in the manner.

An Association transaction directly affecting an Office might be a COI for the Office Holder. Any person participating in a transaction might have a personal relationship, family or non-family, friendly or unfriendly, which might be a COI. Any such person might have a working association or a financial association with another person or with an entity affected by a transaction which might be a COI. Any such person might be the direct beneficiary of a transaction which might be a COI. These examples of but are not the only things which might be a COI.

No member or applicant of this Association shall knowingly accept an officiating assignment to this Association wherein his/her personal or institutional COI might reasonably call into question, by a reasonable person, his/her impartiality.

A working umpire might have a personal relationship, family or non-family, friendly or unfriendly, with a person directly or indirectly associated with a team which might be a COI. A working umpire might have a working association or a financial association with a person directly or indirectly associated with a team which might be a COI. A working umpire might be a recent graduate of a team's school or be an employee or an ex-employee of said school or have a direct relationship with an employee of said school which might be a COI. A working umpire might have any of the above relationships with somebody or something connected to another school that might benefit from the outcome of the game which might be a COI. These are examples of but are not the only things which might be a COI.

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An individual may voluntarily recue him/herself from participating in a transaction or from a game assignment, or an Assigning Secretary may recue an individual from a game assignment if there is a possible COI.

If otherwise unresolved, any possible COI shall be reported to the President who shall have the authority to recues an individual from participation in a transaction or from a game assignment.

The President shall report any COI decision to Executive Board. Any COI decision may be appealed to the Executive Board which would then have the final decision upon the matter.

Every member and applicant shall file a Conflict of Interest Statement with the Secretary, and this COI Statement shall be kept current. This COI Statement shall include information pertinent to possible COI issues, as outlined in this Section. The Secretary shall transmit COI Statements to the Assigning Secretaries and to other Office Holders on a need to know basis.

### **Section 8 – Disciplinary Action**

Any disciplinary action under this Article must be in conformance with Article 22.

## **Article 21 – Members – Work Obligations**

### **Section 1 – Uniform Requirements**

All applicants and members are expected to wear the approved uniforms of this Association.

### **Section 2 – PYUA Softball Uniform**

The approved softball uniform (unless specific exception is made by the Executive Board) shall be the same as noted in the Amateur Softball Association (ASA) Rules Book for the current year.

### **Section 3 – Required Equipment & Aids**

Umpires shall equip themselves with the tools of their trade, which include a timing device, an inside or outside chest protector, mask, shin guards, ball bag, plate brush, indicator, pen and Rule Books and Umpire Manuals, and use them as required.

### **Section 4 – Umpire Conduct**

Umpires shall not smoke, drink, or be under the influence of drugs or intoxicants while at the game site and immediately before, during and/or after a game.

### **Section 5 – Disciplinary Action**

Any disciplinary action under this Article must in conformance with Article 22.

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## **Article 22- Disciplinary Action and Due Process**

### **Section 1 – Grievance by PYUA Umpire**

Any applicant or member may file a grievance against another applicant or member for alleged failure to fulfill any of the requirements of Association membership, as set forth in this Association's Constitution and By-Laws and/or in approved and published policies of this Association.

### **Section 2 – Grievance by PYUA Officer**

Any Officer or Assigning Secretary, acting in accord with his or her responsibility and/or authority may file a grievance against any applicant or member for alleged failure to fulfill any of the requirements of Association membership, as set forth in this Association's Constitution and By-Laws and/or in approved and published policies of this Association.

### **Section 3 – Due Process Forms**

The Secretary shall have available to all umpires in this Association a Standard Grievance Form, a Notice of Hearing Form, and a Disposition of Grievance Form. These forms shall be organized so as to facilitate the due process provisions of this Article, and their content shall be reviewed and approved by the Executive Board. The Executive Board may, from time to time, change these forms without the requirement of Amendment as stated in Article 23. The Secretary shall be responsible for the proper handling and transmission of these forms pursuant to this Article, but any alleged failure by the Secretary shall not be grounds for automatic dismissal of any action taken under this Article.

### **Section 4 – Filing of Grievance**

A grievance shall be stated upon the Standard Grievance Form and signed by the accuser. The grievance shall be considered filed when it has been transmitted to the Secretary and received by him/her. The grievance shall include the date, time and place of said alleged violation. The accuser must also state a requested penalty which shall not exceed the maximum penalty which can be enforced if the grievance is sustained.

### **Section 5 – Notice of Grievance**

The Secretary shall review the received Standard Grievance Form, and if it meets the requirements of this Article, the Secretary shall keep the original and transmit a copy to the accused applicant or member as soon as practicable. If the received Standard Grievance Form is not satisfactory, the Secretary shall inform the accuser and either take correction by phone or require re-filling of the form. Whenever a Standard Grievance Form is transmitted by the Secretary, the accused individual will be deemed to have received it five (5) days after its mailing.

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**Section 6 – Right to a Hearing**

Any accused individual has the right at his or her discretion to a hearing before an Association Grievance Committee or Executive Board. To exercise this right, the accused individual may request an Association Grievance Committee hearing or an Executive Board hearing by sending a notice of response to the Secretary within ten (10) days of receipt of a copy of the grievance. An Association Grievance Committee hearing shall be in accord with Section 7, 8 and 9 of this Article. An Executive Board hearing shall be in accord with Section 10 and 11 of this Article. It is strongly recommended the accused individual phone the Secretary to make certain said request has been received. If the accused individual fails to make a timely request for a hearing, said accused individual waives the right to a hearing and the grievance is sustained.

**Section 7 – PYUA Grievance Committee**

Each month, an Association Grievance Committee composed of at least three (3) participating active members in good standing shall be appointed by the President per Article 24, Section 1. Executive Board members are not eligible to be on the Association Grievance Committee, but the President or another board Member appointed by the President shall act as a neutral facilitator of the hearing.

**Section 8 – Grievance Hearing Scheduled**

The President shall determine the date, time and place of all Association Grievance Committee hearings, and he/she shall notify the Secretary, the facilitator and the attending Grievance Committee members.

**Section 9 – Procedures**

Upon receipt of an accused individual's request for an Association Grievance Committee hearing, the Secretary shall notify the President. The Secretary shall also send a Notice of Hearing form to the accuser who filed the grievance and to the accused individual, which Form shall contain the date, time and place of the hearing. If the accuser fails to appear at the hearing, the grievance shall be dismissed unless the Grievance Committee finds good cause to continue the hearing to another date. If the accused fails to appear at the hearing, the Grievance Committee shall sustain the grievance and determine the penalty to be enforced unless the Grievance Committee finds good cause to continue the hearing to another date.

If both parties are present, the accuser shall present any evidence and/or witness pursuant to the grievance, and then the accused may present any evidence and/or witnesses pursuant to the grievance. The Grievance Committee shall have latitude to ask questions of either party and/or of witnesses.

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After hearing the presentations of both sides, the Grievance Committee shall convene in private and determine whether the grievance should be sustained and what penalty should be enforced if the grievance is not dismissed. All decisions of the Grievance Committee shall be by majority vote. Anything not resolved by majority vote shall be dismissed.

The facilitator of the hearing shall fill out the Disposition of Grievance Form, keep a copy thereof and transmit the original to the Secretary. The Secretary shall, as soon as practicable, mail copies of said Disposition of Grievance to the accused, the accuser the Grievance Committee members, the Treasurer and the President.

**Section 10 – Appeal to Executive Board**

If a grievance is sustained by the Association Grievance Committee, the penalized individual may appeal the decision to the Executive Board by sending a letter to the Secretary within then (10) days of receipt of the Disposition of Grievance Form. The penalized individual shall be deemed to have received said Disposition of Grievance Form five (5) days after mailing by the Secretary. Upon receipt of the request for an appeal hearing, the Secretary shall notify the President who shall schedule the appeal hearing for either the next regularly scheduled Executive Board meeting or for the next meeting thereafter. The President shall notify the Secretary who shall mail a Notice of Hearing Form to both the accuser and accused.

**Section 11 – Executive Board Hearing**

The accused individual shall have a hearing de novo (a new hearing) before the Executive Board who shall act as the Grievance Committee of last resort and conduct the hearing as specified in Section 9 of this Article, except that the accused individual is not required to be present. If unable to attend, the accused individual may submit a letter to the President which must be read at the hearing. When the Executive Board is ready to deliberate, the accuser and the accused individual if present will be excused. Decisions shall be by majority vote of those members voting yes or no. The President (or presiding officer) shall vote only to break a tie. The President shall fill out the Disposition of Grievance Form, and the Secretary shall copy it to the accused, the Accuser and the Treasurer. The matter shall also be recorded in the Executive Board minutes, and the decision of the Executive Board is final.

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**Section 12 – Expulsion Hearing by Executive Board**

When a Resolution of Expulsion is authorized by the Executive Board, the due process provisions of this Article are carried out by the Executive Board of the Association per Article 16, Section 3. Both the accuser and accused must receive proper Notice of Hearing from the Secretary, and at the Executive Board Meeting at which the matter is heard, the accuser shall present any evidence and/or witnesses in support of the Resolution, the accused shall present any evidence and/or witnesses in rebuttal, there shall be discussion by the Executive Board, and a vote shall be taken which, as stated in Article 16, Section 3, shall be the final decision.

**Section 13 – Delegation of Notifications**

Any of the provisions of this Article which are specified in various Sections of this Article to be transacted by the Secretary may be delegated by the Secretary to the responsible PYUA Officer/Assigning Secretary in which said transaction shall have the same legitimacy as if said transaction had been executed by the Secretary. All Article 22 proceedings must be filed with the Secretary.

**Article 23 – Amendment Process**

**Section 1 – Presentation**

Due notice shall be made in writing of any proposed amendments to the Constitution and By-Laws of this Association.

**Section 2 – Signature Requirement**

The proposed amendments must be stated and signed by at least three (3) active members in good standing.

**Section 3 – Approval Process**

The proposed amendments may be read at one (1) general meeting or sent to the membership via email prior to the general meeting reading and then voted upon at a next general meeting.

**Section 4 – Voting Notice**

Due notice must be given to the members regarding said proposed amendments.

**Section 5 – Approval**

When a majority of the members present and voting at the final meeting concur therein, such amendments shall stand in lieu of the original.



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**Article 24 – Committees**

**Section 1 – Appointment**

Standing or special committees shall be appointed by the President as the membership or the Executive Board shall deem them necessary to carry on the work of the Association. The President shall be ex-officio a member of all committees except the Nomination Committee.

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PYUA Approval & In Effect

Original Approved by PYUA Executive Board, Pete Sakelarios, President  
August 1, 2015





