

CONSTITUTION
JOSEPH A. HOLMES SAFETY ASSOCIATION

ARTICLE I
NAME

Section 1:

This organization shall be known as the Joseph A. Holmes Safety Association, as stated in its certificate of incorporation filed pursuant to the laws of the District of Columbia, dated the 19th day of February 1926. The duration of this corporation shall be perpetual.

ARTICLE II
PURPOSE SHEET

Section 1:

- A. The Joseph A. Holmes Safety Association is organized exclusively for charitable, educational and scientific purposes, including, the making of distributions to organizations under Section 501 (c)(3) of the Internal Revenue Code (or the corresponding section of any future Federal tax code).
- B. The Joseph A. Holmes Safety Association, in accordance with applicable law, may accept tax deductible contributions from individuals, corporations and associations in the mineral extractive industries for the purpose of funding any scholarship program established or supported.
- C. No part of the net earnings of the Joseph A. Holmes Safety Association shall inure to the benefit of, or be distributable to its members, trustees, directors, officers or other private persons, except that the association shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of Section 501 (c)(3) purposes. No substantial part of the activities of the association shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the association shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of, or in opposition to, any candidate for public office.
- D. Notwithstanding any other provision of these articles, the Joseph A. Holmes Safety Association shall not carry on any other activities not permitted to be carried on (1) by a corporation exempt from Federal income tax under Section 501 (c)(3) of the Internal Revenue Code (or the corresponding section of any future Federal tax code) or (2) by a corporation, contributions to which are deductible under Section 170 (c)(2) of the Internal Revenue Code (or the corresponding section of any future Federal tax code).
- E. Dissolution. Upon dissolution of the Joseph A. Holmes Safety Association, assets shall be distributed for one or more exempt purposes within the meaning of Section 501 (c)(3) of the

Internal Revenue code (or the corresponding section of any future Federal tax code) or shall be distributed to the Federal government, or to a state or local government, for a public purpose.

ARTICLE III
OBJECTIVES

Section 1:

The object of the Joseph A Holmes Safety Association, founded in the year nineteen hundred and sixteen, shall be to commemorate and perpetuate the safety efforts of Joseph A. Holmes, the first Director of the Bureau of Mines, United States Department of the Interior, and originator of the slogan "SAFETY FIRST."

Section 2:

The Association promotes the development of safety methods in the mineral-extractive industries, by:

- A. Making awards to individual persons, corporations or associations, who originate, develop or install meritorious safety methods, appliances or devices in the mineral-extractive industries;
- B. Making awards to operating personnel, companies and others who attain meritorious safety records;
- C. Making special awards to individuals in recognition of personal heroism in the face of grave personal risk in saving or attempting to save lives of others in the mineral-extractive industries; and;
- D. Establishing and supporting scholarship programs at accredited educational institutions for undergraduate students enrolled in mining technology and mine safety programs.

Section 3:

The Association shall arrange and hold safety meetings, conduct safety campaigns, and provide for organized cooperative effort to encourage:

- A. The prevention of fatalities and injuries and the improvement of the health conditions of all persons connected with mining, metallurgical, petroleum, natural gas, quarrying, and allied industries whether at work, in and about their homes, on public highways, or in public places.
- B. The dissemination of information and instruction on subjects related to the promotion of health and safety in the prevention of plant or mine fires, explosions, or disasters from other causes.

- C. The promotion of training in first aid, self-contained breathing apparatus, and other forms of protection and rescue and recovery operations.
- D. The closest cooperative relations with existing organizations, including labor, management, and state and federal agencies that promote health and safety in the mineral and allied industries.
- E. The promotion of educational, social and recreational activities in the mineral and allied industries, including cooperation with local and state school authorities, and other institutions in the advancement of health and safety education.

ARTICLE IV
PLAN OF ORGANIZATION

Section 1:

The Joseph A. Holmes Safety Association shall consist of a National Council, state councils, district councils, and local chapters.

Section 2:

State councils shall be assisted and directed by the National Council, state councils may adopt their own bylaws which shall not conflict with this constitution nor the bylaws of the National Council and they shall adopt the name of the state in which they are established.

Section 3:

District councils which are formed in a state having a state council shall be directed and assisted by the state council. Where there is no state council, the National Council shall render such assistance as is practicable. District councils may adopt their own bylaws which shall not conflict with this constitution nor the bylaws of the state council to which it is subordinate nor the bylaws of the National Council. Each district council shall adopt a suitable name.

Section 4:

Local chapters that are formed in a territory in which there is a district council shall be aided and advised by the district council. Where there is no district council, the state council or National Council shall render such assistance as is practicable. Local chapters may adopt their own bylaws, which shall not conflict with the constitution nor the bylaws of the district and/or state council to which they are subordinate nor the bylaws of the National Council. Each chapter shall adopt a suitable name.

ARTICLE V
JURISDICTION

Section 1:

State and district councils and local chapters shall be subject to the policies established by the National Council. No activity, other than those stated in Article II and Article III, shall be engaged in by state or district councils or local chapters, except upon approval of the National Council of the Joseph A. Holmes Safety Association.

Section 2:

Financial commitments of the local chapters and district councils shall be the sole responsibility of those subordinate units. The National Council shall not direct or control the expenditure or such funds nor shall the National Council be accountable for such monies. Each subordinate unit shall be responsible to comply with the laws of the state in which it is located and comply with any federal tax or other laws governing their activities. The tax exempt status of the Joseph A. Holmes Safety Association shall not be conveyed to any subordinate unit of this Association.

ARTICLE VI
REVOKING CHARTERS

Section 1:

The National Council shall have power to revoke any charter for just and sufficient cause and decide all disputed questions submitted to it.

ARTICLE VII
AMENDMENT TO THE CONSTITUTION

A. ***Amendment Proposal.*** The Constitution may be amended by submitting proposals and supporting rationale to the National Secretary before the National Meeting. All proposed amendments must include an endorsement by a member of the Executive Committee or receive official support of the Executive Committee or receive official support of a District Council with copies of the minutes sent to the National Secretary/Treasurer. All proposed amendments must reach the National Secretary/Treasurer by January 31 of each year. The Secretary shall mail copies of such proposals with a response form to the members of the Executive Committee and officers. The response form shall provide a means of showing support for or against the proposal, space for comments and be returned to the National Secretary/Treasurer by a specified date. If a majority of at least 20 of the responses show support for the proposal, the National Secretary/Treasurer shall cause the proposal to be published in the Holmes Safety Bulletin for two consecutive months before the National Meeting to allow comments from the membership. All comments received shall be copied and distributed to the members of the Executive Committee and officers at or before the Executive Committee session of the National Meeting. After any needed discussion, the President shall call a for a vote of the Executive Committee. With a majority vote of the

Executive Committee, the proposal shall be recommended for a vote by the members present at the National Council meeting.

- B. ***Voting of the Membership.*** Proposals recommended by the Executive Committee by paragraph (a) shall be accepted upon a two-thirds majority vote of those present at the annual meeting if at least 20 members of the Executive Committee are present. Such results shall be published in the next edition of the Bulletin.

BY-LAWS
NATIONAL COUNCIL
JOSEPH A. HOLMES SAFETY ASSOCIATION

Section 1. MEMBERSHIP

The membership of the National Council shall consist of authorized representatives of state and district councils and of chapters nonaffiliated with state or district councils of the Association; authorized representatives of management, labor, and state and federal agencies; insurance companies, suppliers, manufacturers, distributors, and others whose work involves promoting objectives consistent with those of the Joseph Holmes Safety Association.

Section 2. OFFICERS

The officers of the National Council shall consist of a president, first vice president, second vice president, third vice president, fourth vice president, and secretary/treasurer.

Section 3. EXECUTIVE COMMITTEE (REPRESENTATIVES)

- A. The National Council officers, together with representatives of participating organizations and representatives from each mining area having active state councils, district councils or chapters, shall constitute the Executive Committee.
- B. Members of the Executive Committee who, in the interim of their membership, retire (in good standing) from their position as an authorized representative of an interest group as specified in Section 10 (a) shall retain their post as Emeritus Member of the Executive Committee for the remainder of their elected term. Thereafter, such Emeritus Member's status of continued participation on the Executive Member's status of continued participation on the Executive Committee is welcomed and encouraged as an attendant and voting member and to serve in any capacity so appointed or assigned by the President, except for such post which explicitly calls for a duly authorized representative of an interest group as specified in Section 10 (a).

Section 4. ELECTION OF OFFICERS AND EXECUTIVE COMMITTEE

- A. Except for the office of Secretary/Treasurer, the officers and members of the Executive Committee shall be elected annually by a plurality vote of the members present at the regular annual National Council meeting.
- B. The Secretary/Treasurer shall be appointed by the Assistant Secretary for the Mine Safety and Health Administration under the U. S. Department of Labor.
- C. On or before March 31 of each year, State Councils, District Councils and members of the Executive Committee shall forward to the Secretary/Treasurer a Nomination Form for each person being initially recommended to serve on the Executive Committee. Nominations for

members who are currently serving as Executive Committee members may be recommended by statement in lieu of a completed form.

- D. All elected officers and Executive Committee members shall assume their positions at the conclusion of the annual National Council meeting at which time they were elected and shall serve for a period of one year.

Section 5. VACANCIES AND MEETING ABSENCES

- A. All vacancies, occurring during the year through resignation, death, or removal of elected Officers, or members of the Executive Committee, shall be filled by the President by appointment for the unexpired term.
- B. Vice Presidents and Executive Committee members must actively participate in the Holmes Safety Association. Vice Presidents and Executive Committee members who fail to attend at least two consecutive Annual National Council meetings will be contacted by the Secretary/Treasurer by certified mail to determine their interest in remaining as a member of the Executive Committee. This matter, including the reason for their absence will be brought before the next scheduled meeting of the Executive Committee to determine if their membership should continue. Individuals will be notified by the Secretary/Treasurer of the decision of the Executive Committee.

Section 6. DUTIES OF OFFICERS AND COMMITTEES

The National Council through its officers and members of the Executive Committee, shall assist state councils, district councils, and local chapters. They shall assist with the organization of new councils and chapters, dissemination of information on the progress of the Holmes Safety Association, providing articles to the Bulletin and other matters of general interest within the scope of the Holmes Safety Association.

Section 7. PRESIDENT

The President shall call all meetings of the National Council and the Executive Committee and preside at them. The President shall appoint a nominating committee, a finance committee, an auditing committee and such other committees as deemed necessary for the proper functioning of the National Council, and assigns duties not otherwise provided for by the By-Laws of Constitution. The First Vice President of the preceding year automatically becomes the nominee for President.

Section 8. VICE PRESIDENTS

The four Vice Presidents shall represent each of the interest groups as specified in Section 10 (a) other than that interest group represented by the President. Except for resignations or death, the Vice Presidents shall rotate from Fourth Vice President to President, one position each year. Persons elected to fill a vacancy as Vice President shall be assigned from Fourth Vice President to President, one position each year. Persons elected to fill a vacancy as Vice President shall be

assigned the Fourth Vice President's position regardless of how the position vacated. The Fourth Vice President elected or otherwise appointed shall be filled by a person from a different state than that of the current Presidential and Vice Presidential officers. The Vice Presidents shall assist the President and other officers and committees in conducting the work of the National Council. In the absence of the President the highest ranking Vice President who is present at a meeting shall assume the duties of the President.

Section 9. SECRETARY-TREASURER

The Secretary/Treasurer of the Joseph A. Holmes Safety Association shall be the official contact person for all matters of business and shall provide all official responses to correspondence between meetings. The Secretary shall notify members of all meetings of the National Council and the Executive Committee; transmit all official communications of the Council; and keep record of all meetings and proceedings of the National Council and Executive Committee. Upon application of properly constituted state and district councils and local chapters, the Secretary shall cause to be issued all charters in accordance with the process approved by the National Council. The Secretary/Treasurer shall work through a liaison person designated by the Director, MSHA-EPD, to coordinate agreed upon tasks. The Secretary shall perform such other duties as may be properly assigned by the Executive Committee and the President.

Section 10. EXECUTIVE COMMITTEE FUNCTIONS

- A. ***COMPOSITION.*** The Executive Committee shall be composed of the following: representatives from each state council, representatives from district councils, at large representatives from each of the interest groups to wit: (1) organized labor, (2) industry management, (3) state enforcement agencies, (4) federal agencies, and (5) manufacturers, suppliers or insurance groups, academia and contractors.
- B. ***DUTIES.*** The Executive Committee shall be the overseer of the National Association. No business shall occur before the membership in the regular session until the Executive Committee has reviewed and recommended such. The Executive Committee shall hold at least one meeting each year at a designated time and place by the President. The Executive Committee shall plan and promote national accident prevention campaigns and provide suitable trophies for the winners. It shall supervise the activities of the Association. The Executive Committee shall have authority to employ such clerical and other assistants as may be necessary to carry out the responsibilities and duties of the National Council. At least one regularly scheduled meeting of the Executive Committee for conducting business shall occur before the regular annual meeting of the National Council. The designated time and place of the meeting will be selected by the President from the appropriate zone as noted in Section 10 (d). Other meetings of the Executive Committee may be called by the President, or at the request of any five members of the Executive Committee, held at a suitable time and place after written notice to its members at least thirty days before the meeting.
- C. ***QUORUM FOR BUSINESS.*** There shall be a minimum of twenty members of the Executive Committee present before any business of the Executive Committee shall be

deemed official. This shall not prevent the Secretary/Treasurer from paying any obligations of this Association which have been properly presented for payment when a quorum is not available.

D. **SELECTION OF ANNUAL MEETING SITE.** In order to reflect the national scope of the Holmes Safety Association, the Annual Society spring meeting location should be rotated among the following four zones listed below. Annual meeting site location will be rotated in the following order: Zone 1, Zone 2, Zone 3, and Zone 4. Each year, at the annual spring meeting, representatives from the following four zones may petition the Executive Committee to consider their particular location as a meeting site for the next meeting in their particular zone. Should no representative of a particular zone desire to host the next annual meeting, the annual meeting site will be rotated to the next zone.

ZONE 1

Mississippi	Louisiana	Arkansas
Florida	Tennessee	South Carolina
Kentucky	West Virginia	Alabama
North Carolina	Virginia	Georgia
Washington, D.C.	Maryland	

ZONE 2

Washington	Oregon	Idaho
Montana	Wyoming	North Dakota
South Dakota	Nebraska	Minnesota
Iowa	Alaska	Missouri
Wisconsin	Illinois	

ZONE 3

Michigan	Indiana	Pennsylvania
Ohio	New Jersey	Delaware
New York	Rhode Island	Massachusetts
Connecticut	New Hampshire	Vermont
Maine		

ZONE 4

California	Nevada	Utah
Arizona	New Mexico	Colorado
Kansas	Oklahoma	Texas
Hawaii		

SECTION 11. COMMITTEE FORMATION

The committee structure shall be presidential appointed consisting of five members from the Executive Committee, one of whom shall serve as chairperson. Committee members should represent each of the five interest groups (1) organized labor (2) industry management (3) state enforcement agencies (4) federal agencies and (5) manufacturers, suppliers or insurance groups, academia and contractors. Representation from each interest group shall be a primary consideration for all committee involvement. The president may appoint an appropriate number

of executive committee members to a specified committee as necessary, when representation of an interest group is unavailable. The president shall appoint the Committee with each member of the Committee representing a different state, and designate a chairperson.

SECTION 12. COMMITTEE DUTIES

A. **NOMINATING COMMITTEE.** The Nominating Committee shall review all nominations and recommend nominees for all elective offices, for members of the Executive Committee, and for representatives on the Board of Directors of the Joseph A. Holmes Association. All nominations shall be recommended by at least one member of the Executive Committee, a district council or a state council. Nominations shall be submitted to the secretary/treasurer on or before March 31. The secretary/treasurer shall forward all nominations to the chairperson and members of the nominating committee no later than April 15. The chairperson shall communicate with the members prior to the National Council Meeting and prepare a proposed slate for presentation to the Executive Committee. Upon the recommendation of the Executive Committee, the slate shall be presented to the National Council meeting for a voice vote and approval by a majority of those present.

Meetings of the Nominating Committee shall be called by the chairperson at a convenient time prior to the National Council Meeting.

B. **FINANCE COMMITTEE.** The Finance Committee shall conduct periodic reviews of the Association's actual and budgeted expenses, make recommendations for the investment of surplus funds, recommendations to reallocate budgeted funds, and any recommendations that may be deemed necessary to assure the fiscal integrity of the Association. The Secretary/Treasurer shall not be a member of the finance Committee but shall attend its meetings.

C. **AUDIT COMMITTEE.** The Auditing Committee shall at least once a year examine and audit the funds and securities belonging to the National Council and report thereon at the annual spring meeting of the National Council. The Secretary/Treasurer shall not be a member of the Auditing Committee but shall attend its meeting.

D. **SCHOLARSHIP COMMITTEE.** Scholarship for Mining Committee will administer the Scholarship Program through established procedures and guidelines, with the approval of the executive committee. The Scholarship program will be financed through specified donations to the scholarship for mining fund. The National Secretary/Treasurer will receive funds and maintain a separate account for this purpose and provide the executive committee with an annual report for review and approval.

E. **PROGRAM COMMITTEE.** The Program Committee is formulated to develop and coordinate the Annual National meeting in accordance with an identified zone outlined in Section 10 (d). The committee will arrange all appropriate accommodations as necessary in fulfilling safety educational objectives related to mining interests. The chairperson may delegate specific Program components of interest to committee members and strive in a

collective effort to accomplish informational goals. A committee representative shall report the Program Committee's strategies for the following national meetings.

- F. **REVITALIZATION COMMITTEE.** The Revitalization Committee shall plan, develop and promote meetings to encourage active membership throughout the states mentioned in Section 11 (d). Committee members are to assist in the promotion of safety educational emphasis by organizing, producing, and distributing informational media to enhance communications among interested parties. The committee will identify potential growth areas and provide assistance towards establishing new or reviving existing chapters and councils as necessary. A committee representative shall report the current status and future progression strategies concerning Revitalization efforts.

- G. **AWARDS COMMITTEE.** The Awards Committee shall review all referred award applications and recommend approval or disapproval according to their specified criteria. The chairperson is to correspond with the National Secretary/Treasurer and the committee members in disseminating award applications submitted. Each committee member shall respond to the chairperson as award applications are received and evaluated. The committee shall monitor award activities and may suggest potential improvements for the recognition of industry safety efforts as necessary.

- H. **CONSTITUTION COMMITTEE.** The Constitution Committee shall monitor all active committee activities in reference to existing Constitution guidelines. The chairperson along with constitution committee members may recommend amendment development to the By-laws or Constitution (identified in section 13 (i) to reflect current association evolutions. The committee shall report all amendment proposals and committee activity relative to the By-laws and Constitution.

SECTION 13. AMENDMENTS TO THE BY-LAWS

- A. **AMENDMENT PROPOSAL** The By-laws may be amended by submitting proposals and supporting rationale to the National Secretary before the National meeting. All proposed amendments must include an endorsement by a member of the Executive Committee or receive official support of a District Council with copies of the minutes sent to the National Secretary/Treasurer. All proposed amendments must reach the National Secretary/Treasurer by January 31 of each year. The Secretary shall mail copies of such proposals with a response form to the members of the Executive Committee and officers. The response form shall provide a means of showing support for or against the proposal, space for comments and be returned to the National Secretary/Treasurer by a specified date. If a majority of at least 20 of the responses show support for the proposal, the National Secretary/Treasurer shall cause the proposal to be published in the Holmes Safety Bulletin for two consecutive months before the national meeting to allow comments from the membership. All comments received shall be copied and distributed to the members of the Executive Committee and officers at or before the Executive Committee session of the National Meeting. After any needed discussion, the President shall call for a vote of the Executive Committee. With a majority vote of the Executive Committee, the proposal shall be recommended for a vote by the members present at the National Council meeting.

B. ***VOTING OF THE MEMBERSHIP.*** Proposals recommended by the Executive Committee by paragraph (a) shall be accepted upon a two-thirds majority vote of those present at the Annual Meeting if at least 20 members of the Executive Committee are present. Such results shall be published in the next edition of the Bulletin.