




CONSTITUTION
of the
NINTH JUDICIAL DISTRICT COURT EMPLOYEES
ASSOCIATION



(As Last Amended August 9, 2022)

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ARTICLE I. NAME

This organization shall be known as the Ninth Judicial District Court Employees Association (hereinafter *NJDCEA*).

ARTICLE II. PURPOSE AND OBJECTIVE

The NJDCEA is organized and exists to improve the terms and conditions of employment for its members employed by the Unified Court System. This includes, but is not limited to:

- Securing economic advantages for the membership;
- Increasing job satisfaction;
- Utilizing legislation and collective bargaining;
- Providing assistance to members engaged in the disciplinary process; and
- Providing assistance with designated benefits to active and retired members.

ARTICLE III. DEFINITIONS

Membership: The membership shall consist of those members employed by the Unified Court System where the NJDCEA is the certified bargaining agent.

- **Active Members:** Any employee of the Unified Court System who, having qualified for membership in the NJDCEA, is current in dues payment or is on approved non-dues paying status. A member on non-dues paying status is one who is not required to pay dues for a specific period for reasons approved by the Board of Directors (as defined in **ARTICLE VI, *infra***). Members who are on approved non-dues paying status shall be afforded the same rights and benefits as those dues paying members not withstanding that they are excused from paying dues.
- **Retired Members:** Members who voluntarily terminate their service with the Unified Court System. Retired members are no longer entitled to vote in NJDCEA matters.

For the purpose of this Constitution, membership will consist of active members.

Any individual employed by the Unified Court System where the NJDCEA is the certified bargaining agent but does not pay dues and is not a member of the NJDCEA is only entitled to rights, benefits, and representation as required by law.

Quorum: In order to transact business requiring a vote of the membership, there must be a quorum present consisting of 20 percent of the total membership. For the purposes of establishing a quorum, those members voting by proxy shall be considered present. **See Addenda 1, *infra*, for Proxy for Quorum and Voting.**

Parliamentarian: The Parliamentarian is the member responsible for settling differences on points of order, questions on procedures, etc., through use and knowledge of *Robert's Rules of Order, Revised*. The Secretary (see **Section 5.01, *infra***) will act as the Parliamentarian for the NJDCEA.

NJDCEA Welfare Fund: The purpose of the NJDCEA Welfare Fund shall be to receive moneys from the State of New York and related public employers and to use same for the purposes of providing benefits consisting of health, welfare, continuing legal education, and related benefits to certain employees and classes of employees on whose behalf the monies are received, and in the discretion of the Trustees, to spouses, domestic partners, and/or dependents.

The NJDCEA Welfare Fund is governed by the *Agreement and Declaration of Trust Court Employees Association 9th Judicial District Employee Benefit Fund* document executed December 2015 by the Board of Trustees.

General Fund: The General Fund consists primarily of dues and miscellaneous income. It is the primary source for administrative costs of union operations including, but not limited to: consultant fees, rent, equipment costs, supplies, and insurance.

Day: For the purpose of this document, day is defined as a calendar day unless otherwise provided.

ARTICLE IV. MEMBERSHIP MEETINGS

Section 4.01 Annual Meeting

The Annual Meeting of the NJDCEA shall be held in May at the time and place the President shall direct. The Order of Business shall be as follows:

- 1) Meeting called to order;
- 2) Reading of the minutes of the previous meeting;
- 3) Treasurer's Report;
- 4) Report of committees;
- 5) Old business;
- 6) New business,
- 7) Comments from membership; and
- 8) Adjournment.

Section 4.02 Special Meeting

A majority of the Board of Directors or the Executive Board (see **ARTICLE VI** and **ARTICLE V, *infra***) shall call a Special Meeting whenever necessary. Also, a Special Meeting may be called upon a petition signed by 50 members of the NJDCEA and presented to any member of the Board of Directors. The petition shall set forth the requested agenda of the Special Meeting.

Section 4.03 Notice of Meeting

The Secretary shall notify the membership of any meetings, in writing, at least 20 days prior thereto, and shall state the agenda of the meeting and by whom called.

Section 4.04 Voting

- a) The adoption of resolutions and the determination of the NJDCEA's action on issues put before the membership at the membership meeting shall be accomplished by vote of active members.
- b) All matters, whether by ballot or voice vote, shall be decided by a majority, defined as a majority of the votes cast. An active member who abstains from voting is deemed to have not cast a vote for purposes of determining a majority.
- c) Proxy votes shall be presented to the Executive Board prior to the general vote of the membership present.

Section 4.05 Rules of Conduct

All meetings shall be governed by the provisions of *Robert's Rules of Order, Revised* and shall be enforced by the Parliamentarian.

ARTICLE V. EXECUTIVE BOARD

The duties of the Executive Board include, but are not limited to:

- Governing and administering the daily business of the NJDCEA;
- Maintaining relevant and required insurance;
- Hiring and/or changing of union vendors; and
- Appointing chairpersons and members of committees.

Section 5.01 Composition of the Executive Board

There shall be five (5) Officers of the NJDCEA: President, First Vice-President, Second Vice-President, Secretary, and Treasurer.

- a) **President:** The President shall be Chief Executive Officer responsible for the daily operations of the NJDCEA. The President shall:
 - Preside at all meetings and shall be an *ex officio* member of all committees;
 - Execute all written instruments as voted on by the NJDCEA or Board of Directors;
 - Maintain and update all passwords;
 - Ensure union representation at counseling/grievance/disciplinary proceedings upon request by a member;
 - Chair meetings of the Board of Trustees; and
 - Perform those other duties as assigned by the Executive Board.

- b) **First Vice-President:** The First Vice-President shall:
- Act in the absence or incapacity of the President; and
 - Perform those other duties as assigned by the Executive Board.
- c) **Second Vice-President:** The Second Vice-President shall:
- Act in the absence or incapacity of the President and First Vice-President;
 - Be the liaison of all Delegates (as defined in **Section 6.02, *infra***) to the Executive Board; and
 - Perform those other duties as assigned by the Executive Board.
- d) **Secretary:** The Secretary shall:
- Maintain minutes of all meetings of the NJDCEA, including attendance and all motions and votes made;
 - Maintain a record of all NJDCEA correspondence;
 - Serve as Parliamentarian; and
 - Perform those other duties as assigned by the Executive Board.
- e) **Treasurer:** The Treasurer shall:
- Keep an accurate record of all receipts and disbursements;
 - Be primarily responsible for the implementation of the adopted budget;
 - Arrange to have books audited and certified annually by a recognized professional certified public accountant; and
 - Perform those other duties as assigned by the Executive Board.

Section 5.02 Executive Board Meetings

The Executive Board shall meet monthly on call of the President or upon the request of the majority of the Executive Board.

Except for the President, each Officer shall be entitled to one (1) vote. The President shall only vote in the event of a tie. A majority vote of those Officers present at an Executive Board Meeting is required to pass a motion.

Section 5.03 Bonding

All Officers shall be bonded at the expense of the NJDCEA.

Section 5.04 Indemnification/Defense

The NJDCEA may indemnify and defend any current or former member of the Executive Board and/or the Board of Directors (as defined in **ARTICLE VI, *infra***), subject to the indemnification policy of the NJDCEA's insurance carrier.

Section 5.05 Succession of Officers

On or before July 15th of the election year, outgoing officers shall provide newly-elected officers with all records and a summary of pending business, including, but not limited to, all information regarding:

- Rental space;
- Equipment inventory;
- Security protocols;
- All media/ technology passwords; and
- Financial reports.

ARTICLE VI. BOARD OF DIRECTORS

The Board of Directors will determine the policies of the NJDCEA including, but not limited to:

- Issues and concerns of members;
- Contract negotiations;
- Amendments to this Constitution;
- Policy changes;
- Elections; and
- Delegate/Officer removal proceedings.

Section 6.01 Composition of the Board of Directors

The Board of Directors shall be comprised of the five (5) Officers elected as provided by **ARTICLE VIII, *infra***, and up to four (4) Delegates whom shall be locally elected from the following four (4) geographic locations:

- New Rochelle;
- Rockland;
- White Plains; and
- Yonkers.

Each geographic location shall elect one (1) Delegate so that no two (2) of the four (4) elected Delegates may come from the same geographic location. The election for Delegates shall take place in July (or soon thereafter) in even-numbered years, and the term of each Delegate is two (2) years.

Section 6.02 Delegates

Delegates shall act as liaisons between the members in their respective geographic locations and the Executive Board. In regard to their respective geographic location, Delegates shall:

- Distribute to all members written NJDCEA information as released by the Executive Board or the Board of Directors;
- Keep a current membership list;
- Welcome all new NJDCEA members;
- Attend all Board of Directors meetings and general membership meetings; and
- Perform such other duties as the Board of Directors may direct.

Section 6.03 Delegate Election Procedure

The selection of Delegates shall be made via an election meeting presided by the Executive Board in a local court location. The Delegate election procedure shall occur in the following order:

- 1) Any members interested in becoming a Delegate shall notify the Executive Board in writing of their intent no later than May 31st of a Delegate election year.
- 2) The posting of Delegate candidates shall be presented to the local court locations four (4) weeks prior to the election.
- 3) The election shall be conducted at each local court location by the Executive Board by paper ballot.
- 4) The candidate who receives the highest number of votes from active members assigned to each respective geographic location will determine the Delegate selected which shall be accepted and confirmed by the Board of Directors.

Section 6.04 Board of Director Meetings

The Board of Directors shall meet upon the request of a majority of the members of the Board or on call of the President, in no event less than four (4) times per year.

The Secretary or an Officer shall provide notice of any meeting to the Board. A majority of Board Members shall constitute a quorum. Except for the President, each Director (as defined in **Section 6.01, supra**) shall be entitled to one (1) vote. The President shall be Chairperson and shall only vote in the event of a tie.

ARTICLE VII. BOARD OF TRUSTEES

The NJDCEA Welfare Fund will be governed by the Board of Trustees who shall:

- Review the financials of the Fund on a quarterly basis with the Fund attorney;
- Make decisions regarding changes to the level of Fund benefits; and
- Approve distributions from the Fund.

Section 7.01 **Composition of the Board of Trustees**

The Board of Trustees are comprised of the five (5) Officers of the Executive Board elected as provided by **ARTICLE VIII, *infra***; and four (4) appointees.

Section 7.02 **Selection of Trustees**

Trustees shall be selected by a majority of the Executive Board upon application. The selection of the appointed Trustees shall take place in July (or soon thereafter) in even-numbered years, and the term of each appointed Trustee is two (2) years.

The Trustees will meet no less than four (4) times a year. Failure to appear at two (2) or more Trustee meetings may result in the replacement of appointed Trustees by a majority vote of the Executive Board.

ARTICLE VIII. ELECTION OF THE EXECUTIVE BOARD

Election of the Executive Board shall be held on the third Thursday of June in every odd-numbered year, and the term of each office is two (2) years. The term of office shall commence on August 1st. No member shall simultaneously run for more than one office. The candidate that receives the highest number votes will determine the Officer selected.

Only active members shall be entitled to vote for the election of Officers. This shall be held by secret ballot and votes shall be tabulated by an independent organization.

Section 8.01 Nominating Petition

Any member desiring to run for any of the afore mentioned offices shall do so by submitting a nominating petition (**See Addenda 2, *infra*, for Sample Petition**) to any member of the Board of Directors or mailed to the union office by April 30th of the election year. Petitions must be signed by 15 members in good standing and include their printed name, work location, and date of signing. The Board of Directors shall prepare a report of the nominations and present it to the membership by May 15th of the election year.

ARTICLE IX. VACANCIES

If any seat on the Executive Board becomes vacant by death, resignation, removal, promotion, demotion, retirement or other cause that would preclude the fulfillment of duties, the membership shall be notified within 30 days. Except as noted in **Section 9.02, *infra***, nomination petitions to run for an unexpired term will be accepted by the Board of Directors for a period of 30 days from the date of the announcement. A special election by secret ballot shall be held within 60 days of the close of acceptance of nominating petitions. Special elections for the office of the President shall be supervised pursuant to **ARTICLE VIII, *supra***. Special elections for all other offices may be supervised by the Board of Directors. Special elections shall occur if any Officer's position becomes vacant more than six (6) months preceding the next election.

Section 9.01 Interim Officers

Once the membership is notified that a seat on the Executive Board has become vacant, the remaining Officers of the Executive Board may appoint, by a majority vote, an interim Officer until the seat is filled by an election.

Section 9.02 Interim Terms

Should there be a vacancy within six (6) months preceding the Executive Board elections, the following shall occur:

- A vacancy for the office of President shall be filled by the First Vice-President for the balance of the term.
- A vacancy for the office of First Vice-President shall be filled by appointment of the President with the approval of the Board of Directors for the balance of the term.
- A vacancy for any other office on the Executive Board that occurs shall be filled by appointment of the Board of Directors for the balance of the term.

ARTICLE X. REMOVAL FROM OFFICE

Any Officer or Delegate may be the subject of removal proceedings and brought upon charges by a petition signed by 50 members. The charges must be specific and confined to the following:

- Misappropriation or embezzlement of funds of the NJDCEA;
- Dual Unionism: Any action which seeks to divert individual members or groups of members from the NJDCEA;
- Failure to comply with a directive approved by vote of the Board of Directors and/or Executive Board;
- Engaging in corrupt or unethical practices;
- Abuse, libel, or slander of members;
- The wrongful taking, retaining, destruction, mutilation, or erasure of electronic records, books, papers, or any other property belonging to the NJDCEA, including the unauthorized impeding of access to electronic files, records, and programs; and
- Violation of the specific provisions of this Constitution.

Section 10.01 Procedure for Removal

Written charges must be filed with the Board of Directors and served by the Secretary by certified mail upon the individual in question. The individual shall be given 30 days from the proof of mailing to deliver a written answer to such charges to the Board of Directors, which shall conduct a hearing within 30 days of receipt of the answer. The general membership shall be notified, in writing, at least 15 days prior to the hearing. A majority vote of the entire Board of Directors shall be required to support a charge. In the event of such majority vote, the removal action shall be put to the general membership at a Special Meeting (**see Section 4.02, supra**) A two-thirds vote of those members present at such meetings shall be sufficient to effect removal of the individual from office. Any vacancy created as a result of such removal shall be filled in the manner prescribed in **ARTICLE IX, supra**.

ARTICLE XI. COMMITTEES

The Executive Board may form standing and *ad hoc* committees that shall be responsible for such matters the Board deems appropriate. The Executive Board shall appoint the members of all committees and name the Chair of each. All committees shall submit reports to the Executive Board, and no committee shall take action on any matter affecting the NJDCEA without the approval of the Executive Board.

Section 11.01 Collective Bargaining Committee

The Collective Bargaining Committee shall be a standing committee and shall be comprised of the Executive Board and no more than two (2) members appointed by the Executive Board. The Collective Bargaining Committee shall negotiate with the representatives of the Unified Court System with respect to such matters as are in accord with the policies of the NJDCEA and the best interests of its members, but no agreement binding upon members of the NJDCEA shall be made by the Collective Bargaining Committee without ratification by the membership.

Section 11.02 Constitution Committee

The Constitution Committee shall be a standing committee of four (4) members appointed by the Executive Board and shall review this Constitution no less than once a year to review proposals for amendments (**see ARTICLE XV, infra**).

ARTICLE XII. CONFIDENTIALITY

Unless acting within the scope of their duties as defined in this Constitution, no Officer, Delegate, Trustee, or Committee Member shall divulge personal information of any member for any reason, unless written consent of the member is obtained.

ARTICLE XIII. FINANCES

Section 13.01 Dues

The NJDCEA shall be financed by dues paid by members and such other sources as may be approved by the Board of Directors. Dues shall be collected by payroll deduction, or, in the case of members not currently on payroll, by direct payment.

The Board of Directors shall annually review and determine the amount of dues sufficient to defray the actual and necessary expenses of maintaining the NJDCEA. Any increase of dues proposed by the Board of Directors shall be subject to a vote of the general membership at an Annual or Special Meeting.

Section 13.02 Budget

The fiscal year of the NJDCEA shall run from August 1st to July 31st. The annual budget shall be adopted by the Board of Directors on or before August 1st each year.

Section 13.03 Funds

The monies of the NJDCEA shall be held in funds designated as the **NJDCEA Welfare Fund** and the **General Fund**, subject to an independent audit. Any member of the Board of Directors shall have access to the accounting concerning the NJDCEA's finances.

Section 13.04 Purchases and Disbursements

Purchases and disbursements up to \$400.00 from the General Fund shall be made by the President or the Treasurer. The authorization of the Executive Board and the signature of any two (2) Officers, one of whom must be the President or Treasurer, shall be required for purchases and disbursements in excess of \$400.00. After initial approval, continued Board approval shall not be required for recurring expenses (e.g., rent, utilities, etc.).

Section 13.05 Reimbursement of Expenses

All Board Members and Committee Members shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, provided a receipt(s) is submitted and approved in compliance with **Section 13.04, supra**.

Section 13.06 Honorariums

An Officer, Delegate, or Trustee must serve in their respective position the entire fiscal year to receive a full Honorarium. Honorariums for the respective positions are as follows:

Position	Annual Honorarium
President	\$3,500
First Vice President	\$2,000
Second Vice President	\$1,500
Treasurer	\$1,500
Secretary	\$1,500
Delegate	\$750
Trustee	\$500

Honorariums shall be paid semi-annually and on a pro-rated basis. Any member serving as both a Delegate and Trustee shall only be entitled to one (1) Honorarium, the higher in value, in accordance with the foregoing schedule.

Section 13.07 Audits

A majority of the Board of Directors may demand an independent audit of the NJDCEA’s finances.

Section 13.08 Annual Report

An Annual Financial Report of the NJDCEA shall be made available to the membership in conjunction with the notice of the Annual Meeting no later than 10 days prior to the Annual Meeting. For those members that have not provided a personal email to the Board of Directors, a copy will be made available upon request.

ARTICLE XIV. COLLECTIVE BARGAINING

After consultation with the Collective Bargaining Committee (**see Section 11.01, supra**), the Board of Directors shall make a recommendation to the membership of a proposed contract. After such recommendation, the terms of the proposed contract shall be fully disclosed at a membership meeting called for such purpose. The contract shall be approved by mail or secure electronic ballot of the membership. A majority of the membership voting for this purpose shall be required for ratification of the contract.

ARTICLE XV. AMENDMENTS

This Constitution may be amended by a majority of the general membership voting for this purpose. Upon written request of at least 10 members, the Constitution Committee will consider such proposed amendments of this Constitution. The Constitution Committee will make its recommendation to the Board of Directors regarding such proposed amendments. Upon approval thereof by the Board of Directors, the proposed amendments shall be voted on by members present at an appropriate meeting.

ADDENDA 1: PROXY FOR QUORUM AND VOTING

Ninth Judicial District Court Employees Association

Know all persons by those present, that I, _____

an active member in good standing, holding the job title of

do hereby constitute and appoint _____

an active member in good standing, to vote as my proxy on the following motions:

1. _____

2. _____

3. _____

Signature

ADDENDA 2: SAMPLE PETITION

I, the undersigned, being an active member in good standing of the Ninth Judicial District Court Employees Association, do hereby nominate:

_____ (Name) _____ (Title)

For the Office of: _____

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