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# CONSTITUTION and BY-LAWS

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• HEADQUARTERS •  
ALBANY, N.Y.

AS AMENDED SEPTEMBER 2008

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## **ARTICLE I**

### **Name**

This organization shall be known as THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., LOCAL 1000, AFSCME, AFL-CIO. The headquarters of the Association shall be maintained in the City of Albany.

## **ARTICLE II**

### **Purpose and Policy**

We exist as a Union to organize working people and, through our active involvement in our Union, to enhance the quality of life for all workers and their families, to improve and protect our working conditions, and to have a voice in the political process.

We are devoted to the concept that an injury to one is an injury to all. We are responsible as union members to forcefully and effectively defend our rights and those of all workers to ensure justice and dignity in the workplace and the community.

We are dedicated to the principle that the democratic process within our union is a right of every member, whether employed or retired, without regard to race, creed, color, national origin, age, sex, physical challenges, marital status, political affiliation, or sexual orientation.

## **ARTICLE III**

### **Membership**

#### *Section 1. MEMBERS.*

(a) Persons who are employed in the Civil Service of the State of New York or any political subdivision thereof or any public authority, public benefit corporation or similar autonomous public agency in a bargaining unit for which the Association has been recognized or certified as the collective bargaining agent pursuant to law shall be eligible for membership.

(b) The President, subject to the approval of the Board of Directors, may issue Local charters or authorize the enlargement of the jurisdiction of existing local charters to include other appropriate groups of workers not specifically enumerated in this Article, whose employment while not in the public sector is of such a type and nature that it is the same or similar to work traditionally performed by public sector workers. Workers within such jurisdictions shall be eligible for the types of membership defined in this Article.

*Section 2. ASSOCIATE MEMBERS.* Persons who are employed in the Civil Service of the State of New York or any political subdivision thereof or any public authority, public benefit corporation or similar autonomous public agency for which CSEA is not the duly recognized or certified collective bargaining agent pursuant to law, or who are employed in the State of New York in or connected with a place of work for which CSEA is the bargaining agent, or who have been laid off from a CSEA-represented job, shall be eligible for associate membership. Associate members shall have none of the rights or privileges of membership, but shall be eligible to the extent the insurance program permits for participation in insurance programs sponsored by CSEA and shall be eligible for such other rights and privileges approved by the Board of Directors.

*Section 3. RETIRED MEMBERS.* Any person who, while actively employed, was a member or an associate member and who has retired from active employment may elect to become a retired member or who receives a retirement allowance from the New York State and Local Employees Retirement System or the New York State Policemen's and Firemen's Retirement System shall be eligible to become a retired member. Retired members shall have none of the rights or privileges of membership except that they shall be eligible to the extent the insurance program permits for participation in insurance programs sponsored by CSEA, and they shall be eligible for membership in Retired Member Locals and such other rights and privileges approved by the Board of Directors.

## **ARTICLE IV**

### **Organization of the Association**

*Section 1.* DIVISIONS. The Association shall be organized in four divisions to be known as the State Division, the Local Government Division, the Private Sector Division and the Retiree Division. Members who are employees of the State shall be in the State Division, and members who are employees of the political subdivisions of the State shall be in the Local Government Division. Members who are employees of any public authority, public benefit corporation or similar autonomous public agency may, with the approval of the Board of Directors, elect as a unit to affiliate with a State Department or a State or Local Government Local with the consent of such State Department or Local and shall thereupon become members of the division with which they have affiliated. Members who are employees of private sector employers in positions represented by CSEA shall be in the Private Sector Division. Retired members shall be in the Retiree Division, Chapter 1000, AFSCME, AFL-CIO.

*Section 2.* BOARD OF DIRECTORS. The power and authority to transact all business of the Association shall, subject to the power and authority of the Delegates at meetings of the Association, be vested in a Board of Directors which shall consist of the following:

(a) Voting Members—The voting members of the Board of Directors shall be the Officers of the Association, members of the Executive Committee of the State Division, members of the Executive Committee of the Local Government Division, and the Chairperson of the Private Sector Executive Committee.

(b) Non-Voting Members—The non-voting members of the Board of Directors shall be the Chairpersons of all Standing Committees as established in Article VI, Section I of the By-Laws and the Chairperson or Vice Chairperson of the Retirees Division Executive Committee.

Non-Voting Members of the Board of Directors shall not introduce, second, or debate any action before the Board except matters affecting the non-voting member's own Committee, provided however that the Chairperson of the Retiree Executive Committee, or in his or her absence, the Vice Chairperson, shall have one vote at a meeting of the Board of Directors on matters concerning the Retirees.

The Board of Directors shall establish and appoint committees to be known as Board Committees. The Board Committees shall consist of only voting members of the Board of Directors and each committee shall elect its own Chairperson.

*Section 3.* No member of the Board of Directors of the Association shall be a member of a competing labor organization.\* No elected or appointed public official who is deemed to have a conflict of interest by the Judicial Board of CSEA shall continue as a member of the Board of Directors.

*Section 4. DIRECTORS' COMMITTEE.* The Board of Directors shall elect from its membership a Directors' Committee, to consist of not less than ten (10) and not more than twenty-two (22) members. Such committee shall include the officers of the Association, the Chairperson of the State Executive Committee, the Chairperson of the Local Government Executive Committee, the Chairperson of the Private Sector Executive Committee, and the Chairperson of the Retiree Executive Committee, and as many other members as the Board deems necessary, not to exceed twenty-two (22). Such Directors' Committee shall be vested with the power and authority of the Board of Directors when the Board is not in session.

*Section 5. OFFICERS.* The officers of the Association shall be a President, an Executive Vice President, six Vice Presidents to be the six Region Presidents, the Secretary and Treasurer.

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\* A competing labor organization shall be defined as any organization which is seeking or has sought to represent employees for purposes of collective bargaining.

## **ARTICLE V**

### **Regions**

For purposes of internal organization of The Civil Service Employees Association, Inc., the state shall be divided into six Regions as follows:

1. **Long Island Region:** Nassau and Suffolk.
2. **Metropolitan Region:** Richmond, Kings, New York, Queens and Bronx.
3. **Southern Region:** Westchester, Orange, Dutchess, Ulster, Rockland, Putnam and Sullivan.
4. **Capital Region:** Clinton, Essex, Warren, Hamilton, Washington, Saratoga, Schenectady, Montgomery, Albany, Schoharie, Greene, Columbia, Rensselaer and Fulton.
5. **Central Region:** Broome, Cayuga, Chemung, Chenango, Herkimer, Cortland, Delaware, Franklin, Jefferson, Lewis, Madison, Oneida, Onondaga, Otsego, Schuyler, Seneca, St. Lawrence, Tioga, Tompkins and Oswego.
6. **Western Region:** Niagara, Orleans, Monroe, Wayne, Erie, Genesee, Wyoming, Livingston, Ontario, Yates, Chautauqua, Cattaraugus, Allegany and Steuben.

All Locals shall be members of the Region in which the Local headquarters is located.

(a) Each Region shall be under the direction of a Region President, and shall have a minimum of three Vice Presidents, a Treasurer and a Secretary, who shall be elected by the members in the respective Regions.

(b) Each Region shall have a Region Executive Board which shall consist of the elected officers, the Local presidents, and shall reflect, where applicable, representation of the state departments, local government division, school districts, judiciary, authorities and community of interest which may be deemed necessary within the Region.

## **ARTICLE VI**

### **State Division**

*Section 1.* STATE EXECUTIVE COMMITTEE. The power and authority to transact business relating to state employees shall, except as provided herein, be vested in a State Executive Committee. The State Executive Committee shall consist of the officers of the Association, and one representative from each State Department. The Judiciary, the State University, the Waterfront Commission and state public authorities as one unit, shall be deemed State Departments. The Teachers' Retirement System shall be deemed a State Department. Each State Department with more than 3,000 members as of September 1 of the year preceding the election shall, for the term of office beginning the following March, be entitled to one representative on the State Executive Committee for each 3,000 members or major fraction thereof. The members of the Department of Mental Hygiene shall be elected by Region. In all other departments entitled to more than one representative on the Board of Directors, members shall be elected from the departments on an at-large basis. The State Executive Committee shall elect from its membership one member to be known as the Chairperson of the State Executive Committee and one member to be known as the Vice Chairperson of the State Executive Committee. The State Executive Committee may create one or more subcommittees to perform such duties as the State Executive Committee shall delegate. Each department representative shall be elected by ballot by the members in that person's department in the manner prescribed in the By-Laws. Their term shall be for four (4) years. Vacancies in the office of the State Department representatives, including termi-

nation of employment with the Department, may be filled for the remainder of the term by the President of the Association, from name(s) submitted by the affected Local(s), without an election with the approval of the State Executive Committee. No statewide officer shall be eligible to be a candidate for any position on the State Executive Committee. If the office of Chairperson becomes vacant, the Vice Chairperson shall succeed to the office of Chairperson and a new Vice Chairperson will be elected by the State Executive Committee at its next scheduled meeting. Failure to assume the higher office will result in automatic removal from the office currently held.

*Section 2. LOCALS.* A Local may be formed by the members in the State Division in any department or locality upon the approval by the Board of Directors. In the event that a Unit of state government is transferred to the government of a political subdivision and provided that the employees of such government Unit transferred would not be eligible for membership in another Local, such Unit may be affiliated with the Local to which the employees of such government Unit belonged prior to becoming employees of the political subdivision. Each such Local shall make available to the duly authorized representative of the Association at the request of the President or the Board of Directors at reasonable intervals, all Local records for inspection by the Association. It shall be discretionary for each Local to establish Units within its Local where more effective representation of its members would be thereby accomplished.

## **Article VII**

### **Local Government Division**

*Section 1.*

LOCAL GOVERNMENT EXECUTIVE COMMITTEE. The power and authority to transact business relating to employees of the political subdivisions of the state shall, except as otherwise provided herein, be vested in a Local Government Executive Committee which shall consist of the officers of the Association and one

representative from the Local Government County Locals of each county having 100 or more members as of the preceding September 1, and one Local Government Educational Local representative from each CSEA Region elected by the Local Government Educational Local members within each Region. One additional member of the Local Government Executive Committee shall be elected by the members of the Local Government Executive Committee to represent Local Government County Locals which have membership of less than 100 on the preceding September 1. In addition to the foregoing, Local Government County Local(s) of any county having more than 10,000 members as of September 1 in the year preceding an election shall, for the term of office beginning the following March, be entitled to one additional representative. A region with more than 10,000 education members shall also be entitled to one additional representative for that term. The Local Government Executive Committee may create one or more subcommittees to perform such duties as the Local Government Executive Committee shall delegate. The representatives of Local Government County Local(s) shall be elected by such Local(s) for a four (4) year term of office to be coincidental with the term of office for members of the State Executive Committee. The Local Government Executive Committee shall elect from its membership one member to be known as the Chairperson of the Local Government Executive Committee and one member to be known as the Vice Chairperson of the Local Government Executive Committee. Vacancies in the office of Local Government representative including termination of employment with the political subdivision may be filled for the remainder of the term by the President of the Association, from name(s) submitted by the affected Local(s), without an election with the approval of the Local Government Executive Committee. No statewide officer shall be eligible to be a candidate for any position on the Local Government Executive Committee. If the office of Chairperson becomes vacant, the Vice Chairperson shall succeed to the office of Chairperson and a new Vice Chairperson will be elected by the Local Executive Committee at its next scheduled meeting. Failure to assume the higher office will result in automatic removal from the office currently held.

*Section 2. LOCALS.*

(a) A Local may be formed by members in the Local Government Division in any county, or in any Region containing one or more counties, upon the approval by the Board of Directors. One Local for non-teaching employees of school districts may be formed in each county provided fifty percent (50%) of the eligible school district Units, but in no event less than 200 school district members, shall request formation thereof. Each such Local shall make available to the duly authorized representative of the Association at the request of the President or the Board of Directors, at reasonable intervals, all Local records for inspection by the Association.

(b) The members employed in each political subdivision in a Local shall be entitled, if they have 200 members or fifty percent (50%) of the employees within the division as members, whichever is smaller, with a minimum of 75 members, to the formation of a Unit. Other Units may be organized as the Board of Directors or Executive Board of the Local may determine is in the best interests of the members involved. Each Unit shall be entitled to elect its own Unit officers and to establish its own progress.

**ARTICLE VIII**  
**Private Sector Division**

*Section 1. PRIVATE SECTOR EXECUTIVE COMMITTEE.* The power and authority to transact business relating to employees represented by CSEA who are employed in the private sector shall, except as provided herein, be vested in a Private Sector Executive Committee which shall consist of the officers of the Association, and a representative from each private sector local who shall be the Local President of each such Local. The representative shall serve on the Executive Committee for a term of three (3) years to be coincidental with the term of office of his/her presidency. The Private Sector Executive Committee may create one or more subcommittees to perform such

duties as the Private Sector Executive Committee shall delegate. The Private Sector Executive Committee shall elect from its membership one member to be known as the Chairperson of the Private Sector Executive Committee and one member to be known as the Vice Chairperson of the Private Sector Executive Committee. No statewide officer shall be eligible to be a candidate for any position on the Private Sector Executive Committee. If the office of Chairperson becomes vacant, the Vice Chairperson shall succeed to the office of Chairperson and a new Vice Chairperson will be elected by the Private Sector Executive Committee at its next scheduled meeting. Failure to assume the higher office as outlined in this Article may be grounds for removal from the office currently held.

*Section 2. LOCALS.*

(a) A Local may be formed by the members in the Private Sector Division in any bargaining unit represented by CSEA, upon the approval by the Board of Directors. Each Local shall make available to the duly authorized representative of the Association at the request of the President or the Board of Directors, at reasonable intervals, all Local records for inspection by the Association.

(b) Any private sector Local existing as of the implementation of the Private Sector Division shall continue as a Local and shall be assigned to the region in which it is located.

**ARTICLE IX**  
**Retiree Division**

*Section 1. RETIREE EXECUTIVE COMMITTEE.*

(a) **POWER AND AUTHORITY.** The power and authority to transact business relating to retired members, except as provided herein, shall be vested in the Retiree Executive Committee. The Retiree Executive Committee shall consist of one representative from each retiree local who shall be the Local President of each such Local. The representative shall serve on the Executive Committee for a term of four (4) years to be coincidental with the term

of office of his/her presidency. The Retiree Executive Committee shall elect from its membership one member to be known as the Chairperson of the Retiree Executive Committee, a Vice Chairperson and a Secretary. The Retiree Executive Committee may create one or more subcommittees to perform such duties as the Retiree Executive Committee shall designate.

(b) DUTIES AND FUNCTIONS. The Chairperson of the Retiree Executive Committee shall be the chief spokesperson of the Division, the Retiree Executive Committee, and the retired members. He or she shall be liaison between the Retiree Division and the Statewide Officers of the Association. The Chairperson or the Vice Chairperson of the Retiree Division Executive Committee, by virtue of his or her office, shall be a non-voting member of the Board of Directors of the Association, and a voting delegate to the AFSCME Convention; and in said capacities shall represent the interests and concerns of the Retiree Locals and their members. The Chairperson, and in his or her absence, the Vice Chairperson, shall preside at all meetings of the Executive Committee of the Division and shall perform such other duties and functions consistent with the purposes of the office and as prescribed by the Board of Directors. The Secretary of the Retiree Executive Committee shall be responsible for the official minutes of meetings. If the office of Chairperson becomes vacant, the Vice Chairperson shall succeed to the office of Chairperson. A new Vice Chairperson will be elected by the Retiree Executive Committee at its next scheduled meeting. Failure to assume the higher office as outlined in this article will result in automatic removal from the office currently held.

*Section 2. LOCALS.* A Local may be formed by CSEA retiree members in any county or in any contiguous group of counties in New York State or any other state of the USA upon approval of the Board of Directors of the Association. The Board of Directors shall approve the Constitution and By-Laws of such Local. Each such Local shall make available to a duly authorized representative of the Association, at the request of the President or the Board of

Directors, at reasonable intervals, all local records for inspection by the Association.

## **ARTICLE X**

### **Delegates**

*Section 1.* DELEGATE STATUS. Members of each Local shall elect from their membership one or more delegates and/or alternates to represent the members of the Local at all meetings of the Association, except that the Local President, Vice Presidents in ranking order, Secretary and Treasurer, shall, by virtue of their offices, automatically be designated as delegates and/or alternate delegates. It is the responsibility of each Local to notify the Office of the Statewide Secretary of any change affecting the status of the delegate listing at the time of such change. Such delegate or delegates shall have one vote for each one hundred (100) members or fraction thereof in such Local, based upon the paid membership in the Association on the first day of June preceding the meeting. The number of votes each Local or Department is entitled to cast shall be determined by the Office of Statewide Secretary. All members of the Board of Directors who are not elected delegates shall have all the rights and privileges of delegates at meetings of the delegates except the right to vote.

When State and/or Local Government Division and/or Private Sector Division Delegates meet in official session, the motions passed with regard to items affecting solely their respective divisions and not the Association general policy shall be presented to the delegate body by the respective Chairpersons for informational purposes only.

Region officers not in the capacity of Local Delegates shall be delegates at all delegate meetings of the Association. They shall have all the rights and privileges of delegates at meetings except the right to vote, provided, however, that Region Presidents may vote at all meetings of the Association. Allowed expenses may be paid by the Region.

*Section 2. DELEGATE DUTIES.*

(a) It shall be the responsibility of each Delegate to any Association meeting to attend the general business sessions.

(b) It shall be the responsibility of the delegation in attendance at any Association meeting to report on the business and other programs of that Association meeting to their Local Executive Board.

*Section 3. RETIREE MEMBERS.* The Chairperson, the Vice Chairperson and the Secretary of the Retiree Executive Committee shall be non-voting delegates to the annual delegate meeting of CSEA, provided however that on issues and motions relative to the Retiree Division, the Retiree Delegates shall have both the right to speak before the Delegates and one vote for each Retiree Local of the Retiree Division.

*Section 4. RETIREE DIVISION MEETINGS.*

(a) Delegates to the Annual Meeting of the Retiree Division shall consist of one delegate from each Local for each one hundred (100) members or fraction thereof. The officers of the statewide Association shall be delegates.

(b) Members of each Local shall elect from their membership one or more delegates to represent the members of the Local at all meetings of the Division, except that the Local President shall, by virtue of that office, automatically be designated as a delegate. Other officers of the Local as set forth in Article IV, Section 1 of the Retiree Local Constitution, shall, by virtue of their office, be automatic delegates to CSEA Retiree Conventions, provided that the Local is entitled to more than one delegate. It is the responsibility of each Local to notify the office of the Statewide Secretary of any change affecting the status of the delegate listing at the time of such change. Such delegate or delegates shall have one vote for each one hundred (100) members or fraction thereof in such Local, based upon the paid membership in the Association on the first day of June preceding the meeting. The number of votes each Local is entitled to cast shall be determined by the Office of Statewide Secretary.

(c) A report from the Retiree Division, including any motions passed by the delegates to the Annual Meeting of the Retiree Division with regard to items affecting solely the Division, shall be pre-

mented to the CSEA Annual Delegates Meeting by the Chairperson of the Retiree Executive Committee for informational purposes only.

## **ARTICLE XI**

### **Funds**

*Section 1.* No funds of the Association shall be disbursed unless authorized by the Board of Directors or at a regularly assembled meeting of the Association. No funds of the Association shall be disbursed in a manner which will result in a personal profit to an officer, director or employee of the Association.

*Section 2.* Any funds appropriated by a Local to contribute jointly to any cause with any other employee organization must be approved by the Board of Directors of the Association before such funds may be expended or any obligation for such expenditure may be incurred.

## **ARTICLE XII**

### **Affiliation and Merger**

*Section 1.* Any affiliation or merger of The Civil Service Employees Association, Inc. with another organization, after approval by the Board of Directors, must be ratified by a majority vote of the delegate body in order to be effective.

*Section 2.* In addition, any affiliation of CSEA's Retiree Division with another organization must be ratified by a majority vote of the Retiree Delegate body prior to it being brought for approval before the Board of Directors and delegates of CSEA, Inc.

## **ARTICLE XIII**

### **Amendments**

This Constitution may be amended as follows:

(a) A proposed amendment must be submitted in writing to the Secretary of the Association by May 15 of the year of the delegate meeting at which it is to be presented, and

(b) A majority of the delegates present and voting at the meeting must approve the proposed amendment or a substantially similar amendment and order that it be published in the official newspaper of CSEA at least ten (10) days prior to the next meeting of the Association, and

(c) The proposed amendment, as published, is approved by a two-thirds vote of the delegates at the next meeting of the Association.

# BY-LAWS

## ARTICLE I Officers

*Section 1. PRESIDENT.* The President shall be the responsible and chief administrative officer of the Association and shall preside at all Board of Directors and Delegate meetings of the Association. The President shall serve on a full-time basis. If the President is unable to obtain a paid leave of absence from the employer, the Association shall, pursuant to law, obtain a paid leave of absence for the President and the Association shall reimburse the employer for the cost of such leave. The President's signature shall be required on all contracts and on all orders drawn upon the Treasurer that have been approved by the Association or the Board of Directors. The President shall be a member *ex officio* of all committees except the Election Committee and shall initiate and implement plans which, in the President's judgment, are in the best interest of the Association. The President shall be responsible for Association activities of all elected officials and for the organization and direction of the staff of the Association, and shall direct and supervise the collection of dues. The President shall direct and supervise the issuance of all publications of the Association. The President shall appoint all committees of the Association unless the method of selection is otherwise directed or provided. The President shall be bonded at the expense of the Association in an amount fixed by the Board of Directors. The President shall by September 1 of each year furnish to each member of the Board of Directors a proposed budget consisting of an itemized statement of estimated revenues and anticipated and proposed expenditures for the ensuing fiscal year.

*Section 2. EXECUTIVE VICE PRESIDENT.* There shall be an Executive Vice President who shall assume the duties of the President if the President is unable to act for any cause whatsoever or if the office becomes vacant. The Executive Vice President shall

serve on a full-time basis. If the Executive Vice President is unable to obtain a paid leave of absence from the employer, the Association shall, pursuant to law, obtain a paid leave of absence for the Executive Vice President and the Association shall reimburse the employer for the cost of such leave. The Executive Vice President shall perform those other duties as assigned by the President or the Board of Directors of the Association. The Executive Vice President shall be bonded at the expense of the Association in an amount fixed by the Board of Directors.

*Section 3. VICE PRESIDENTS.* There shall be six (6) Vice Presidents who shall be the Region Presidents elected by the six (6) Regions. The Vice Presidents shall serve on a full-time basis. If the Vice President is unable to obtain a paid leave of absence from the employer, the Association shall, pursuant to law, obtain a paid leave of absence for the Vice President and the Association shall reimburse the employer for the cost of such leave. Each Region shall be under the direction of the Region President who shall be the responsible and chief administrative officer of the Region and who shall perform such other duties as assigned by the President of the Association or the Board of Directors of the Association. The Vice Presidents shall be bonded at the expense of the Association in an amount fixed by the Board of Directors.

*Section 4. TREASURER.* The Treasurer shall serve on a full-time basis. If the Treasurer is unable to obtain a paid leave of absence from the employer, the Association shall, pursuant to law, obtain a paid leave of absence for the Treasurer and the Association shall reimburse the employer for the cost of such leave. The Treasurer shall be responsible for the custody of all funds of the Association. The Treasurer shall be responsible for the implementation of the duly adopted budget and the periodic reporting thereon. The Treasurer shall keep a true and accurate record of all receipts and disbursements, all moneys, securities and other property owned by the Association, and shall submit an itemized report at each annual meeting of the Association and such other reports as the President may require. The Treasurer's accounts shall be open at all times to

the inspection of members of the Board of Directors. The Treasurer shall be responsible for the implementation of the “Financial Standards Code” and for the training of the treasurers of the Regions, Locals and Units. The Treasurer shall perform those other duties as assigned by the President or the Board of Directors of the Association. The Treasurer shall be bonded at the expense of the Association in an amount fixed by the Board of Directors. Each Local shall be required to submit an annual report to the Treasurer. The Treasurer shall be responsible for obtaining and maintaining the annual fiscal report of each Local.

*Section 5. SECRETARY.* The Secretary shall serve on a full-time basis. If the Secretary is unable to obtain a paid leave of absence from the employer, the Association shall, pursuant to law, obtain a paid leave of absence for the Secretary and the Association shall reimburse the employer for the cost of such leave. The Secretary shall be the custodian of all official papers of the Association and be responsible for keeping and disseminating records of Association meetings, Board meetings, Officers’ meetings, and special meetings of the Board including any motions made at such meetings. The Secretary shall be responsible for the training of Region, Local and Unit secretaries. The Secretary shall perform those other duties as assigned by the President or the Board of Directors of the Association. The Secretary shall be bonded at the expense of the Association in an amount fixed by the Board of Directors.

*Section 6.*

(a) The Officers of the Association, President, Executive Vice President, six Vice Presidents, Secretary and Treasurer shall be elected by secret ballot every four (4) years, commencing with the year 2004 election cycle. Such elections shall be held in accordance with Article III of these By-Laws. These ten (10) officers shall, by virtue of their office, be designated as voting delegates at all meetings of the Association. The Association President, Executive Vice President, Secretary and Treasurer shall be designated as voting delegates at all meetings of the Association’s international affiliate, the

American Federation of State, County and Municipal Employees.

(b) Vacancy in the office of President shall be filled by the Executive Vice President. Vacancy in the office of Executive Vice President shall be filled by the Board of Directors by electing any one of the six Vice Presidents, the Secretary or the Treasurer. A vacancy in the term of any of the Vice Presidents shall be filled according to the Constitution and By-Laws of the respective Region. Vacancies in the office of Secretary and Treasurer may be filled for the remainder of the term by the Board of Directors. No person elected to a position as an officer of the Association shall remain an officer of a Local or Unit.

*Section 7. HONORARIA.* The Board of Directors may establish an honorarium for each Statewide Officer of the Association.

Honoraria for the Board of Directors may only be established by the delegate body. Establishment of any honorarium or change in the amount of any existing honorarium shall not take effect until after an intervening election has occurred.

The establishment of any honorarium or the change in any existing honorarium must be approved by the delegate body for all Statewide Officers and by the appropriate bodies for all other officers prior to the beginning of the election procedure for the next term of office for the position or positions affected. All newly created honoraria or any changes in honoraria shall be published in the official paper of the CSEA within thirty (30) days of the change.

## **ARTICLE II**

### **Meetings**

*Section 1. ANNUAL MEETING.*

(a) ASSOCIATION. The Annual Meeting of the Association shall be held on call of the President between the 1st day of September and the 30th day of November in each year. The President shall give notice of the date of such meeting to the President of each Local, Region and members of the Board of Directors before April 15 in each year. Each year the Annual Meeting shall last for five (5) days. Prior to the convening of the general session, meet-

ings shall be conducted which shall be consistent with the internal makeup of CSEA with direction toward bargaining unit seminars and State Department meetings for the State Division delegates and appropriate workshops for the various components of the Local Government and Private Sector Divisions. Standing Committees, which are submitting reports to the delegate body, shall conduct an open forum during the first two (2) days of the meeting. Separate sessions of the State Division, Local Government Division and Private Sector Division shall be held prior to the general meetings. Necessary business appropriate to the separate divisions shall be conducted at these separate sessions, while business pertaining to the Association as a whole shall be conducted at the General Business meetings. Subsequent dates shall be devoted to an agenda fully prepared, described and distributed to Local Presidents, Region Presidents and delegates, thirty (30) days prior to the Annual Meeting. The President may call a meeting of the Board of Directors for the day prior to the first day of the Annual Meeting.

Any resolutions which are to be submitted for action by the delegate body concerning any subject matter must be submitted to the Secretary of the Association by May 15 of the year of the Annual Meeting at which the resolution will be considered. The Secretary will forward the resolution to the Resolutions Committee for study and recommendation to the delegate body. The Resolutions Committee will publish the resolutions together with its recommendations in the official newspaper of CSEA at least fifteen (15) days prior to the beginning of the Annual Meeting at which the resolutions will be considered. Any resolution which does not comply with this provision can be presented for action to the delegate body only upon the affirmative vote of two-thirds of the delegates present at the delegate meeting.

The Resolutions Committee will be appointed on or before July 15 in each year as follows:

One delegate to the convention from each Region to be appointed by the President of CSEA, and one delegate to the convention from each Region to be appointed by the respective Region Presidents. The Committee will review all resolutions submitted in accordance with the procedure described herein and will make the necessary

recommendations to the delegate body regarding action to be taken on the proposed resolutions. The Committee should use appropriate resources within CSEA so that it is fully knowledgeable of the issues regarding each proposed resolution and can make an informed decision and recommendation to the delegate body.

(b) RETIREE DIVISION. The annual meeting of the Retiree Division shall be held within the State of New York on call of the Retiree Executive Committee between the 15th day of August and the 1st day of November in each year, provided that the Annual Meeting of the Division shall take place at least two (2) weeks prior to the Annual Meeting of the Civil Service Employees Association. The Chairperson of the Retiree Executive Committee shall give notice of the date of such meeting to the President of each Local before April 15 in each year. Necessary business appropriate to the Retiree Division shall be conducted at the Annual Meeting which shall not exceed three (3) nights and four (4) days.

*Section 2. BOARD OF DIRECTORS.* Meetings of the Board of Directors shall be held upon call of the President. Upon written request of ten (10) or more members of the Board of Directors, the President shall call a special meeting of the Board within ten (10) days. Such request must set forth the reason for calling the meeting and the proposed agenda.

*Section 3. DIRECTORS' COMMITTEE.* Meetings of the Directors' Committee shall be held upon call of the President. Upon the written request of one-third of the members of the Directors' Committee, the President shall call a special meeting of the Committee within ten (10) days. Such request must set forth the reason for calling the meeting and the proposed agenda. A copy of the proposed agenda is to be mailed, concurrent with the call for a Directors' Committee meeting, to all members of the Statewide Board of Directors.

*Section 4. STATE EXECUTIVE COMMITTEE.* Meetings of the State Executive Committee shall be held upon call of the President. Upon the written request of ten (10) or more members of the State

Executive Committee, the President shall call a special meeting of the Committee within ten (10) days. Such request must set forth the reason for calling the meeting and the proposed agenda.

*Section 5. LOCAL GOVERNMENT EXECUTIVE COMMITTEE.* Meetings of the Local Government Executive Committee shall be held upon call of the President. Upon the written request of ten (10) or more members of the Local Government Executive Committee, the President shall call a special meeting of the Committee within ten (10) days. Such request must set forth the reason for calling the meeting and the proposed agenda.

*Section 6. PRIVATE SECTOR EXECUTIVE COMMITTEE.*

Meetings of the Private Sector Executive Committee shall be held upon call of the President. Upon the written request of ten (10) or more members of the Private Sector Executive Committee, the President shall call a special meeting of the Committee within ten (10) days. Such request must set forth the reason for calling the meeting and the proposed agenda.

*Section 7. RETIREE EXECUTIVE COMMITTEE.* Meetings of the Retiree Executive Committee shall be held upon call of the Chairperson. Upon written request of seven (7) or more members of the Retiree Executive Committee, the Chairperson shall call a special meeting of the Committee within ten (10) days. Such request must set forth the reason for calling the meeting and the proposed agenda.

*Section 8. SPECIAL MEETINGS.*

(a) Special meetings of the Association shall be held upon call of the President. Upon the written request of twenty-five (25) members of the Board of Directors, the President shall call a special meeting of the Association within fifteen (15) days after the receipt of the written request. Such request must set forth the reason for calling the meeting and the proposed agenda.

(b) In addition to the procedure set forth in subsection (a) of this Section, a Special Delegates' Meeting shall be called by the Presi-

dent within fifteen (15) days of the receipt of a petition filed by at least twenty-five (25) Local Presidents. Such petition must set forth the reason for calling the meeting and the proposed agenda. Copies of the agenda shall be sent to all Local Presidents at least ten (10) days prior to the date fixed for the meeting.

(c) Special meetings of the Retiree Division shall be held upon call of the Chairperson with the approval of the Board of Directors of the statewide Association.

*Section 9. NOTICE AND QUORUM.*

(a) NOTICE OF ASSOCIATION MEETINGS. Notice of all meetings of the Association, the Board of Directors, the Directors' Committee, the State Executive Committee, the Local Government Executive Committee or the Private Sector Executive Committee shall be given in the official publication or by mailing or by telegram to each delegate or committee member at least three (3) days before the date of such meeting. The President may call an emergency meeting upon 24 hours notice.

(b) NOTICE OF RETIREE DIVISION MEETINGS. Notice of all meetings of the Division and the Retiree Executive Committee shall be given in the official publication or by mailing or by telegram to each committee member at least seven (7) days before the date of such meeting.

(c) QUORUM OF ASSOCIATION MEETINGS. The presence in person of one-third of the members entitled to vote shall be necessary to constitute a quorum at all delegate meetings of the Association, the Board of Directors, the Directors' Committee, the State Executive Committee, the Local Government Executive Committee or the Private Sector Executive Committee. The presence in person of one-half of the committee members entitled to vote shall constitute a quorum for that committee.

(d) QUORUM OF RETIREE DIVISION MEETINGS. The presence in person of one-third of the members entitled to vote shall be

necessary to constitute a quorum at all delegate meetings of the Division. The presence in person of one-half of the committee members entitled to vote of the Retiree Executive Committee shall constitute a quorum.

*Section 10. PROXIES.* Members of the State Executive Committee, the Local Government Executive Committee, the Private Sector Executive Committee or the Retiree Executive Committee who are unable to attend a meeting are empowered to appoint, by written designation filed with the Secretary of the Association, a member of their Local or Department to act in their place. No officer of the Association shall be represented by proxy.

*Section 11. ORDER OF BUSINESS.* The order of business at all regular meetings shall be as follows:

1. Reading of Minutes
2. Reports of Officers
3. Reports of Committees
4. Unfinished Business
5. New Business

*Section 12. PARLIAMENTARY PROCEDURE.* Parliamentary procedure shall be in accordance with Roberts' Rules of Order, Revised. A Parliamentarian shall be appointed by the President of the Association within thirty (30) days after the President's election, and this Parliamentarian shall be present at all meetings of the Association. A Parliamentarian shall be appointed by the President of the Association to preside at all meetings of the Retiree Division.

*Section 13. SERGEANT-AT-ARMS.* One or more Sergeants-at-Arms shall be appointed by the President from a list submitted by each Region for each Annual or Special Delegates' Meeting. One or more Sergeants-at-Arms shall be appointed by the President of the Association from a list submitted by the Retiree Division for each Annual or Special Meeting.

## **ARTICLE III**

### **Statewide Elections**

#### *Section 1. ELECTION TERMS.*

(a) Commencing with the close of the 1998 Annual Delegates Meeting, the term of office for the ten (10) officers of the Association shall be extended and changed as follows:

1. The Region Officer terms due to expire on June 30, 1999 shall be extended to March 1, 2000. Thereafter, commencing with election year 2000, Region Officers will serve four year terms, commencing March 1, 2000.

2. The Association President, Executive Vice President, Secretary and Treasurer terms due to commence July 1, 2000 shall be for a single term of three and three-quarter years, ending March 1, 2004. Thereafter, commencing with election year 2004, the Association President, Executive Vice President, Secretary and Treasurer shall serve four year terms, commencing March 1, 2004.

3. The Board of Directors terms due to commence July 1, 2000 shall be for a single term of three and three-quarter years, ending March 1, 2004. Thereafter, commencing with election year 2004, Directors shall serve four year terms, commencing March 1, 2004.

(b) All elections for terms commencing in the year 2000 shall be held concurrently, and in such manner as to allow for the timely March 1, 2000 commencement of the term of office for Region Officers. For the Association President, Executive Vice President, Secretary and Treasurer and for the Board of Directors, their terms shall commence July 1, 2000 as provided for herein.

(c) Commencing with the election cycle in year 2004, elections for the ten (10) officers of the Association and for the Board of Directors shall be held in such manner as to allow for the commencement of four year concurrent terms of office as of March 1 of the election year. The schedule for the elections shall be adjusted to allow for such term commencement.

(d) All officers shall hold office for the full term set forth herein or until their successors shall have qualified.

*Section 2.* ELECTION PROCEDURE. The Election Committee shall have the responsibility for supervising elections of the officers of the Association, members of the State Executive Committee, members of the Local Government Executive Committee, and members of the Retiree Executive Committee, who shall be elected by secret ballot. Persons running for office may petition and appear on a ballot as a slate or individually. Where candidates run as a slate, there must be an opportunity for members to vote for the whole slate and/or individuals. The Election Committee shall supervise the distribution, receipt, and verification of nominating petitions, and the drafting, distribution, verification and counting of the ballots. The ballot must clearly recite the date, place and time for the return of ballots and must be accompanied by instructions as to how a secret ballot may be cast. The names of the candidates shall appear on the ballot in the order in which they were drawn by lot. Such drawing shall be conducted by the Election Committee upon notice to all candidates. Commencing with the year 2000 election cycle, balloting is to be conducted for all elective offices between January 15 and February 15 of the election year. The distribution of ballots and the return of completed ballots shall be accomplished in a manner which will assure each member in good standing a fair opportunity to vote. Only CSEA members in good standing as of December 1 of the year preceding the election will be eligible to vote in the election. All candidates or their designees may be present to observe at each stage of the election process, including the ballot count and tally processes. The member receiving the greater number of votes for the office shall be declared elected. The Board of Directors of the Association shall establish rules and regulations concerning the conduct of the elections. Such rules and regulations shall be adopted by a simple majority of the Board of Directors and may be amended thereafter. Printed copies of the rules and regulations shall be mailed to any potential candidate, upon request, at any time and to Local Presidents on or before December 1 of the year preceding the election. Write-in votes are prohibited.

(a) ELIGIBILITY. In order to be eligible to seek Association office, a candidate must be at least 18 years of age, a member in

good standing of the applicable Association jurisdiction since January 1 of the year preceding the election year, shall not have been a member of a competing labor association or union since January 1 of the year preceding the election year, and shall not currently be serving a disciplinary penalty imposed by the Judicial Board of CSEA. The candidate must not have been the subject of a bonding claim by the Association or disqualified from being covered by the Association's surety bond. For eligibility purposes, "applicable Association jurisdiction" is defined as:

(1) For statewide office, the applicable jurisdiction is the Association;

(2) For region office, the applicable jurisdiction is the Region;

(3) For Board of Directors, the applicable jurisdiction is the voting jurisdiction, within the Division, for the seat being sought.

(b) **NOMINATIONS.** Nominations for the offices of President, Executive Vice President, six Vice Presidents, Secretary, Treasurer and for State Executive Committee and Local Government Executive Committee shall be made by official petition. Upon the written request of any member, official petition forms shall be provided by the Chairperson of the Statewide Election Committee or designated employee of the Association. When nominating petitions are given out, the name of the candidate and the office that the candidate is seeking must be typed or clearly printed at the top of the petition. A record must be kept of all petitions distributed.

(1) A member who is otherwise eligible may qualify as a candidate for Association President, Executive Vice President, Secretary or Treasurer by submitting a nominating petition carrying the signatures and identifying information of not less than 1,000 members in good standing eligible to vote in the election.

(2) A member who is otherwise eligible may qualify as a candidate for Region President (CSEA Vice President) by submitting a nominating petition carrying the signatures and identifying information of not less than 500 members in good standing eligible to vote in the election.

(3) A member who is otherwise eligible may qualify as a candidate for the State Executive Committee or Local Government

Executive Committee by submitting a nominating petition carrying the signatures and identifying information of not less than ten percent (10%) of the members in good standing eligible to vote in their election provided, however, that in no event will more than 300 valid signatures be required.

(4) Any member submitting the required number of signatures to the Statewide Election Committee at CSEA Headquarters in a timely manner shall be placed on the ballot as a candidate for office. Write-in votes are prohibited.

(c) ANNOUNCEMENT. Candidates who qualify for one of the four statewide offices, the six region presidencies, or the Board of Directors, shall have the opportunity to have published in the official union publication a picture, the entity they work for, and the office they are running for.

(d) TRAVEL REIMBURSEMENT. The Board of Directors shall, within reasonable limits, authorize the reimbursement of travel expenses for duly nominated candidates for the ten (10) officers of the Association.

(e) OATH. All officers of the Association and the Board of Directors shall be required to take an oath of office as prescribed by the Board of Directors prior to assuming the duties of their respective offices.

*Section 3. ASSOCIATION OFFICERS.* The President, Executive Vice President, Secretary and Treasurer of the Association shall be elected by secret ballot every four (4) years. The six Vice Presidents of the Association shall be elected by secret ballot for a term of four (4) years, by the members of their respective region, such elections to be conducted concurrent with the statewide elections.

*Section 4. ELECTION AGENCY.* The Board of Directors shall select an impartial, disinterested agency outside the public service, prior to July 15 of the year preceding the election. Elections shall be conducted by the selected agency in accordance with the provisions of the Constitution and By-Laws of the Association and any policies adopted by the Board of Directors. The agency shall notify all can-

didates of the election results.

*Section 5. ELECTION PROTEST.* Any member believing himself or herself aggrieved by any aspect of the nomination or election process may file a written protest with the Statewide Election Committee, Civil Service Employees Association, Inc., 143 Washington Avenue, Albany, New York 12210 by certified mail, return receipt requested. Such written protest must be postmarked within ten (10) calendar days after the member first knew or should have known of the act or omission complained of. The protest must include the member's signed statement, supported by necessary documentary proof, containing a short and plain statement of the facts upon which the member relies to show that he or she has been aggrieved. Each election protest must contain the name, address and telephone number of the member protesting the election. Notice of such protest must also be sent by certified mail, return receipt requested, to all other candidates, by the Election Committee, which Notice of Protest shall include a written statement that the affected candidates have a right to respond to the protest by filing an answer, along with any supporting documentation by certified mail to the Statewide Election Committee, with copy to all other parties, within ten (10) days of receipt of the Notice of Protest.

If the Statewide Election Committee determines that the signed statements and supporting proof establish that the member has been aggrieved by an aspect of the election process, it shall sustain the protest and take any other action which it deems appropriate in order to remedy the situation. If the Statewide Election Committee determines that the signed statements and supporting proof fail to establish a violation of any of the election procedures, it shall dismiss the protest and so notify the member. If the Statewide Election Committee determines that the signed statements and supporting proof raises a question of fact which, if resolved in favor of the member, would establish that there has been a violation of the election procedures, it shall hold a hearing to determine whether in fact the protest is valid.

At the hearing, the protester shall bear the burden of proof. The Statewide Election Committee may also invite other interested parties to appear and present evidence. All interested parties will be

entitled to bring witnesses and present evidence in support of their positions. All personal expense incurred relative to the hearing must be borne by the individuals involved. No member of the Statewide Election Committee will be permitted to vote on a protest which involves his or her own Department or Local.

If the Statewide Election Committee determines that the protester has failed to establish a violation of the election procedures, the Committee shall so notify the protester. If the Statewide Election Committee sustains the protest, the Committee shall notify the protester and all affected candidates. The Statewide Election Committee may take any action it deems appropriate in order to remedy the situation.

**Article IV  
Finance**

*Section 1. FISCAL YEAR.* The fiscal year of the Association shall commence on the 1st day of October and end on the 30th day of September.

*Section 2. DUES AND SHOP FEES.*

(a)(1) Effective January 1, 1995, the annual membership dues, agency shop fees and union shop fees of the Association shall be as follows:

**SALARY RANGE**

Up to \$5,000	\$82.16
\$5,000 – \$9,999	\$124.02
\$10,000 – \$15,999	\$215.28
\$16,000 – \$21,999	\$245.70
\$22,000 and higher	\$276.38

(a)(2)(i) Effective January 1, 1996, and thereafter, those earning between \$10,000 and \$12,999 shall be in a separate tier from those earning \$13,000 to \$15,999 as follows:

\$10,000 – \$12,999	\$169.65
\$13,000 – \$15,999	\$215.28

(a)(2)(ii) Effective January 1, 1996, and annually thereafter, those earning under \$28,000 are subject to the annual AFSCME minimum dues adjustment. Those earning \$28,000 and higher shall be subject to the following schedule:

\$28,000 – \$29,999	\$290.00
\$30,000 – \$31,999	\$310.00
\$32,000 and higher	\$328.00

(a)(3) Effective January 1, 1997, and annually thereafter, those earning under \$34,000 are subject to the annual AFSCME minimum dues adjustment. Those earning \$34,000 and higher shall be subject to the following schedule:

	<u>1997</u>	<u>1998</u>
\$34,000 – \$35,999	\$339.00	\$350.00
\$36,000 – \$37,999	\$349.00	\$370.00
\$38,000 – \$39,999	\$359.00	\$390.00
\$40,000 and higher	\$364.00	\$400.00

(a)(4) Effective January 1, 2007, and annually thereafter, those earning under \$40,000 are subject to the annual AFSCME minimum dues adjustment. Those earning \$40,000 and higher shall be subject to the following schedule:

\$40,000 – \$44,999	\$575.00
\$45,000 – \$49,999	\$590.00
\$50,000 – \$54,999	\$605.00
\$55,000 – \$59,999	\$620.00
\$60,000 and above	\$635.00

(a)(5) Effective January 1, 2008, and annually thereafter, all rates shall increase by the annual AFSCME minimum dues adjustment.

(a)(6) An annual amount of three percent (3%) of the dues or agency shop fee or union shop fee paid by an individual shall be appropriated by the Association for political or ideological purposes. Such annual amount shall be collected and set aside on a bi-weekly basis in the same manner as dues are collected.

(a)(7) The State Treasurer shall promulgate rules establishing an agency shop fee or union shop fee refund procedure which satisfies the requirements of the United States and New York State Constitu-

tions and of §208 of the New York State Civil Service Law and of Section 14(b) of the National Labor Relations Act as applicable in that persons choosing not to belong to CSEA shall not be compelled to participate in CSEA's support of activities or causes of a political or ideological nature only incidentally related to terms and conditions of employment. The rules shall specify procedural details relating to notice, dispute resolution and distribution of agency shop fee and union shop fee refunds.

(a)(8) No local, unit or region has the right to assess additional dues from members or agency fee payers or union shop fee payers.

(b) NEW MEMBERS. The dues of new members who join the Association for the first time in any year may be prorated at the discretion of the Board of Directors, and in such case, the refunds to locals provided in Section 3(a) herefor shall be prorated in proportion to the dues received by the Association from such members.

(c) RETIRED MEMBERS. Effective January 1, 2007, the annual membership dues of retired members shall be twenty-four dollars (\$24.00), fifty (50) cents of which, exclusive of rebates, shall be put in the political action fund.

(d) DISABLED MEMBERS. A member in good standing who becomes incapacitated by accident, illness, maternity or paternity and, as a result of such incapacity, is placed on a leave without pay, upon proper notification to the Membership Records Department of CSEA, will be granted a gratuitous membership for the duration of that member's leave without pay, not to exceed one year. Such gratuitous membership shall not satisfy the member in good standing requirements for purposes of running for or continuing in elected office. A disabled member wishing to remain in elected office or to run for office must arrange with the Membership Records Department for the direct payment of their full dues for the duration of that member's leave without pay.

(e) LAID OFF MEMBERS. A member in good standing who is laid off from employment and placed on a preferred list, who otherwise qualifies as such, upon proper notification to the Membership Records Department of CSEA, shall be granted status as an Associ-

ate Member, the first year of which will be gratuitous.

(f) ASSOCIATE MEMBERS. The annual membership dues of an associate member shall be fifty-two dollars (\$52.00).

*Section 3. REFUND AND REIMBURSEMENT.*

(a) REFUNDS TO LOCALS. Each duly organized Local of the Association which has complied with all of the provisions of the mandated Local Constitution and this Constitution and By-Laws, shall receive from the Treasurer an annual payment of twenty-five percentum of the membership dues and twenty-five percentum of the agency shop and union shop fees collected from the employees in such Locals after the net per capita payment to AFSCME, based on the June 1 audit, has been deducted. Such refund to locals shall be reduced an amount equal to the net per capita paid to the appropriate AFL-CIO federations and labor councils in the State of New York. The expense of the delegates to regular or special meetings of the Association shall be paid by the Local from such funds as hereinafter provided.

(b) Where, as a result of reorganizing an existing Local or Locals, a new Local is created, the new Local shall be entitled to a payment from the reorganized Local or Locals. Such payment shall be in an amount equal to six (6) months refund as provided in subdivision (a) above for each member and agency fee and union shop fee payer reassigned from the reorganized Local to the new Local.

(c) REFUNDS TO UNITS. All recognized Units established by Locals shall receive a rebate of not less than twenty-five percent (25%) and not more than fifty percent (50%) of the per capita rebate extended by the Association to a Local based upon the collection of the membership dues and agency shop fees collected from the employees in the Unit. A Local with more than one Unit shall ensure that its percentage rebate is uniform for all of its Units. If a Local does not receive a rebate due to its failure to comply with all the provisions of the mandated Local Constitution and this Constitution, the Local is still obligated to pay rebates to Units which

have complied with reporting standards, providing there are sufficient funds in the Local treasury.

(d) REFUNDS TO REGIONS. Each Region of the Association shall receive from the Treasurer an annual payment of seventy-five cents (.75 cents) of the membership dues and shop fees collected from each of the employees in such Region. In the event that a Region adopts a plan for assessing the Local within its Region, the State Treasurer shall, upon notification by the Region Treasurer that a Local is delinquent in its Regional assessments, deduct that assessment from the Local's direct rebate from the Association and transmit the assessment to the Region Treasurer.

(e) REIMBURSEMENT OF DELEGATE EXPENSES.

(1) ANNUAL DELEGATE MEETING. All Locals shall receive reimbursement for the expense of one delegate to the annual meeting and Locals having more than 1,000 members shall receive reimbursement for the expense of one additional delegate for each additional 1,000 members or major fraction thereof. The maximum reimbursement for such delegate shall be for full group rate quotations if appropriate, or full lodging and meal expenses which shall not exceed the rate paid to State Board of Directors Committees for the duration of the meeting. Transportation expenses shall also be reimbursed.

(2) SPECIAL DELEGATE MEETINGS. All Locals shall receive reimbursement for the expenses of one delegate for attendance at any special delegate meeting and Locals having more than 1,000 members shall receive reimbursement for the expense of one additional delegate for each additional 1,000 members or major fraction thereof. The maximum reimbursement for such delegate shall be for full group rate quotations if appropriate, or full lodging and meal expense which shall not exceed the rate paid to State Board of Directors Committees for the duration of the meeting. Transportation expense shall also be reimbursed.

(3) RETIREE DIVISION ANNUAL MEETING. All Locals

shall receive reimbursement for the expense of one delegate to the Retiree Division Annual Meeting and Locals having more than 1,000 members shall receive reimbursement for the expense of one additional delegate for each additional 1,000 members or major fraction thereof. The maximum reimbursement for such delegate shall be for full group rate quotation if appropriate, or full lodging and meal expenses which shall not exceed the rate approved by the State Board of Directors.

## **Article V**

### **Judicial Board**

#### *Section 1. MEMBERS.*

(a) The Judicial Board shall be comprised of eight (8) members. Each Region President shall appoint one (1) member and the President of the statewide Association shall appoint two (2) members. From these eight (8) members, the President of the Statewide Association shall appoint the Chairperson and the Vice Chairperson of the Judicial Board.

(b) In order to be eligible to serve on the Judicial Board, a person must have been a member in good standing of CSEA for a continuous period of five (5) years preceding the appointment and must have held, or be currently holding, an elected office. No statewide officer shall be appointed to the Judicial Board.

(c) Each Judicial Board member shall serve for a term coincident with the term of the officer appointing that member.

(d) A vacancy on the Judicial Board shall be filled by the officer making the initial appointment.

(e) No member of the Judicial Board shall serve as a sole Hearing Officer at hearings which involve charges against members, Locals or Units from that member's Region. No member of the Judicial Board may vote on a determination of the Judicial Board which

involves a member or a Unit from that member's Local. No member of the Judicial Board may vote on a determination of the Judicial Board which involves that member's Local. Any member of the Judicial Board who is also on the Board of Directors of the statewide Association may be present during the presentation of an appeal to the Board of Directors, but may not vote on the disposition of that appeal.

(f) Any member of the Judicial Board who is not eligible for paid release time and who must charge his or her own leave accruals for time spent on Judicial Board business will be compensated at the same per diem rate as is a member of the Board of Directors of the statewide Association.

(g) Any member who becomes a party in a matter before the Judicial Board shall be granted a leave of absence from the Judicial Board for the duration of that matter. Such leave shall commence upon the issuance of charges by the Judicial Board and continue until such time as the matter is finally determined.

### *Section 2. JURISDICTION.*

(a) The Judicial Board herein created shall have the power to hear, investigate, determine, and all powers incidental thereto, as well as the power to promulgate procedures concerning:

- (1) all complaints and charges against members;
- (2) trusteeships;
- (3) whether elected or appointed public officials who are members of CSEA are deemed to have a conflict of interest.

(b) The Judicial Board, upon good cause shown, shall have the power to waive any time limits contained in this Article.

(c) The Judicial Board shall not be divested of its jurisdiction over one who is the subject of a complaint or charge by the resignation of such person from CSEA membership if the conduct complained of took place while such individual was a member of CSEA.

*Section 3. PROCEDURE.*

(a) Charges against individual members.

(1) Any member may file a complaint against any member or officer of CSEA. Any Executive Board of a Unit, Local or Region may file a complaint against any member or officer of CSEA.

(2) Each complaint must be filed with the Judicial Board, 143 Washington Avenue, Albany, New York 12210, by certified mail, return receipt requested, and a copy of the complaint must be served on any person against whom the complaint is made by certified mail, return receipt requested.

(3) The complaint must contain the name, address, social security number, and Local of the member making the complaint and the name, address, and Local of any party against whom the complaint is made. The complaint must set forth a clear, concise statement of the alleged wrongful conduct together with the dates and places where the conduct took place, and the names, addresses and telephone numbers of any witnesses to the alleged wrongful conduct. If a violation of a CSEA constitution is alleged, the specific article and section of that constitution must be included; if the complaint alleges a violation of a mandate of the Board of Directors of the statewide Association, the specific mandate must be stated. The complaint shall be accompanied by documentation and/or a statement signed by the member which supports the complaint and must also contain a statement by the member making the complaint that the person against whom the complaint is made has been given a copy of the complaint.

(4) The following shall constitute the basis for complaints against any member or officer of CSEA:

(a) A violation of any provision of the Statewide, Region, Local or Unit Constitution.

(b) Misappropriation, embezzlement, improper or illegal use of union funds.

(c) Any conduct which aids or supports, or is intended to aid or support, a competing labor organization.

(d) Refusal or failure to carry out legally authorized mandates or decisions of the President of the statewide Association, the Board

of Directors of the statewide Association, the Delegate Body or the Judicial Board.

(e) Using the name of the statewide Association, or any Region, Local, or Unit thereof, in an unauthorized manner or for an unauthorized purpose, including publicizing through the media any political endorsement contrary to the endorsements and positions approved by the Statewide and/or Region Political Action Committees.

(f) Interfering with any elected official of CSEA in the discharge of that official's lawful duties.

(g) Solicitation or acceptance for personal gain of any money or the acceptance of any gift of more than nominal value from any employer, employee of the union, or from any person or firm which has or which is seeking to establish a business relationship with the statewide Association or any subdivision thereof.

(h) Conviction of a crime, the nature of which is such as to bring the union as an organization into disrepute.

(i) Knowingly submitting a false financial statement or audit report to the statewide Association or any subdivision thereof.

(j) Any other conduct detrimental to the best interests of CSEA.

(5) A complaint may be amended at any time with proper notice to all parties but, once filed, may not be withdrawn without the consent of the Judicial Board.

(6) (a) Upon receiving a complaint initiated by the Statewide President or the Statewide Treasurer, the Judicial Board shall issue formal Judicial Board charges against the member or officer in the following circumstances:

1. Where the complaint is supported by a duly authorized audit which finds inappropriate expenditures and/or financial procedures and which audit has been forwarded to the applicable parties prior to the submission of the Judicial Board complaint; and/or

2. Where the complaint is supported by a signed statement by the Statewide President which alleges that the objectionable conduct is, among other things, detrimental to the best interest of CSEA in

its capacity as bargaining agent or otherwise; and/or

3. Where the complaint is preceded by a suspension order by the Statewide President and is filed within seven (7) days of the suspension under Section 3(12) herein.

(b) Upon receiving any other complaint, the Judicial Board may dismiss the complaint or any part thereof if it appears to be frivolous in nature, lacking sufficient substantiation or alleging conduct for which penalty is not appropriate. If the Judicial Board determines that there is probable cause to believe that the complaint, if proven, would sustain a finding of misconduct, the Judicial Board shall then issue formal Judicial Board charges against the member or officer setting forth the specific acts of misconduct and the penalties which may be imposed. These formal Judicial Board charges shall be accompanied by a written statement that the individual charged has a right to object by filing an answer by certified mail to the Judicial Board, with a copy to all other parties, within ten (10) days of receipt of the formal Judicial Board charges. The Judicial Board shall notify the President of the statewide Association who shall determine the extent to which the statewide Association shall participate in the prosecution of the formal Judicial Board charge. In those instances where the President of the statewide Association is charged with misconduct, the Judicial Board shall notify the Board of Directors of the statewide Association who shall make this determination.

(7) Within thirty (30) days of the receipt of an answer denying the formal Judicial Board charges, the Judicial Board shall appoint one or more members to hold a hearing on the formal Judicial Board charges. The hearing shall be conducted according to the rules of procedure promulgated by the Judicial Board. Each party may be represented by an attorney and shall be given the right to present witnesses and other evidence in his or her own behalf and to cross-examine witnesses presented by the other parties. A verbatim record shall not be required; however, any party to the proceedings may request a stenographic transcript of the proceedings provided that the party requesting a transcript bear the cost of such record and fur-

nish copies to the Judicial Board and to the other parties.

(8) If no answer is served to the formal Judicial Board charges, or if there is no appearance by a party at a scheduled hearing, the Judicial Board may make a determination on the evidence then before it, or may hold a hearing without participation by the absent party.

(9) Where a hearing is held, the Judicial Board shall issue a decision in a timely manner as to be in compliance with Section 14 herein. All determinations of the Judicial Board shall be made by a majority vote of at least five (5) voting members present.

(10) All meetings and decisions of the Judicial Board shall be in accordance with parliamentary procedure as prescribed by Robert's Rules of Order, Revised.

(11) Nothing herein shall preclude settlement of the complaint or charges at any stage of this procedure.

(12) Any member or officer may be suspended from elected office, pending a hearing and determination by the Judicial Board, by the President of the statewide Association or by the Executive Board of any Region, Local or Unit of CSEA provided that a written complaint is filed with the Judicial Board within seven (7) days of the suspension. If such complaint is not filed with the Judicial Board in conformity with the procedures set forth under this Section, the Judicial Board may revoke the suspension.

(13) Upon suspension, all records and documents under the control of the suspended officer must be turned over to CSEA.

(14) Except for good cause shown, under all circumstances the Judicial Board shall insure that a hearing is commenced within sixty (60) days of its receipt of the initial complaint and that a decision is issued within one hundred twenty (120) days from the receipt of the complaint.

(b) Trusteeships.

(1) Any Local or Unit may be placed in trusteeship for any reason deemed good and sufficient by the President or by the Board of Directors of the statewide Association. Charges against any Local or Unit may also be deemed charges against the individual officers of the Local or Unit. In such case, all charges will be heard together before the Judicial Board. The President or the Board of Directors of the statewide Association must serve the Local, Unit, and/or officers thereof with charges by certified mail, return receipt requested, with a copy to the Judicial Board within ten (10) days of placing the Local or Unit in trusteeship. Such charges must contain a clear and concise statement of facts constituting the basis for placing the Local or Unit in trusteeship and must be accompanied by a written statement that the Local, Unit or individual officers charged have a right to object by filing an answer by certified mail to the Judicial Board within ten (10) days after receipt of the charges. If no answer is received, the charges shall be deemed admitted.

(2) The President or Board of Directors of the statewide Association shall appoint one or more trustees to act in all matters concerning the Local and/or Unit pending a hearing and determination by the Judicial Board of the charges.

(3) The Judicial Board shall hold a hearing within twenty (20) days after receiving an answer from the Local, Unit and/or individual officers. The hearing shall be conducted as stated above under paragraph (a). The Judicial Board shall issue its decision within twenty (20) days of the hearing.

(4) Except for good cause shown, the Judicial Board shall insure that in cases of trusteeship all hearings are held within the time limits set forth herein and that the decision regarding the trusteeship shall be issued no later than seventy-five (75) days after receipt of the charges.

(c) Certified Mail/Headquarters.

Any certified mail requirements applying to Judicial Board mailings shall not apply to materials sent between the Judicial Board and the Statewide President, Executive Vice President, Secretary or Treasurer, in their official capacity at their CSEA Headquarters office. All such materials shall be hand-delivered directly to the officer's respective office in Headquarters. Such delivery shall be docketed to the applicable Judicial Board case file, with notation as to the date and time of delivery, the name and title of the person making the delivery and the name and title of the person receiving the materials so delivered.

*Section 4. PENALTIES.*

(a) If the formal Judicial Board charges or any part thereof are sustained against any member, the Judicial Board may, to the extent permitted by law, impose any one or more of the following penalties:

- (1) formal reprimand;
- (2) full or partial restitution where the consequences of the offense can be measured in material terms;
- (3) removal from any elected or appointed office or position;
- (4) suspension of the right to hold or seek any elected or appointed office or position for a period not to exceed five (5) years;
- (5) suspension from membership for a specified period of time not to exceed three (3) years;
- (6) expulsion from membership.

(b) If the charges or any part thereof are sustained against a Local or Unit concerning a trusteeship, the Judicial Board may impose (in addition to the penalties in paragraph (a) set forth above which may be imposed against officers or members of the Local or Unit) any one or more of the following penalties:

- (1) formal reprimand;
- (2) full or partial restitution where the consequences of the offense can be measured in material terms;
- (3) the continuation of the trusteeship for a period of time until elections can be held and officers installed;

(4) the continuation of the trusteeship for a period not to exceed three (3) years.

*Section 5. APPEALS.*

(a) Any person or entity believing himself/herself aggrieved by a formal decision of the Judicial Board may appeal the formal decision by filing an objection with the Appeals Committee of the Board of Directors of the statewide Association within fifteen (15) days of the receipt of the formal decision of the Judicial Board. The objections must be sent certified mail, return receipt requested, to the Board of Directors, Appeals Committee, 143 Washington Avenue, Albany, New York 12210. The objections must state with specificity, all portions of the Judicial Board decision to which objection is taken, including the specific questions of procedure, fact, law or policy to which objections are taken and the reasons therefor.

(b) The Appeals Committee shall consider any objections which have been duly filed and shall issue a determination no later than the second Board of Directors meeting following receipt of the objections.

## **Article VI Committees**

*Section 1. STANDING COMMITTEES.* The Standing Committees of the Association shall be as follows: Insurance Committee, Legal Committee, Revision of Constitution and By-Laws Committee, Convention Committee, Political and Legislative Action Committee, Education and Training Committee, Election Committee, Membership Committee, Statewide Safety and Health Committee, Women's Committee and Veterans Committee. Standing Committee chairpersons and members shall be appointed by the President for the duration of the President's term of office or until the successor appointments have been made. No officer shall be eligible to be a member of a standing committee. No member of the Board of Directors shall be eligible to serve as a chairperson of a standing committee. All standing committee appointments shall be made

within thirty (30) days after the installation of the Association President and any vacancies which occur shall be filled within thirty (30) days. If no appointments have been made by the President within thirty (30) days of the occurrence of a vacancy, such appointments shall be made by the Board of Directors. As far as practicable, consideration shall be given to a candidate's qualifications and expertise in the area in which the standing committee shall be operating.

(a) All standing committees must meet at least once annually and any member of a standing committee failing to attend meetings without proper notification to the committee chairperson shall be determined to have resigned from the committee.

(b) The Chairperson of the committee shall immediately notify the President of the Association of such vacancy and request a replacement.

(c) The President of the Association upon receiving such a request from a committee chairperson shall appoint a replacement within thirty (30) days of such request subject to Section I(d).

(d) The membership of the standing committee shall not be less than seven (7) nor more than eleven (11) and the makeup of such committee shall include representation from each Region with representation from the Local Government and State Divisions.

(e) Notwithstanding any of the foregoing, the Political and Legislative Action Committee shall have a membership of not less than fourteen (14) nor more than twenty-two (22) persons and shall include representatives from each Region and proportional representation from the Local Government Division. The Chairperson of the Political and Legislative Action Committee in each Region shall by virtue of that position become a member of the Statewide Political and Legislative Action Committee.

*Section 2. BOARD COMMITTEES.*

(a) At the organizational meeting of the Statewide Board of

Directors, the following committees shall be elected: 1) Budget and Finance; 2) Charter; 3) Committee to Study the Cost of Operating Group Life Insurance; 4) Personnel; 5) Directors; 6) Publications Committee; and 7) Appeals Committee. No officers shall serve on any Board Committee except the Directors' Committee.

(b) **DIRECTORS' BUDGET COMMITTEE.** The Directors' Budget Committee shall consist of six (6) members of the Board of Directors, three (3) from the State Division and three (3) from the Local Government Division, to be elected by the Board of Directors at its first organizational meeting. Such committee shall meet not later than ten (10) days after the President shall have furnished the proposed budget to the members of the Board of Directors. Such committee shall elect its own Chairperson, examine such proposed budget, and report its recommendations for the adoption or modification thereof to the members of the Board of Directors at least three (3) days prior to the November meeting of the Board of Directors. The committee shall, from time-to-time, make such further recommendations relating to the budget as it may deem advisable.

*Section 3. STATE NEGOTIATING COMMITTEES.* There shall exist the following negotiating committees: 1) Operational; 2) Administrative; and 3) Institutional, in addition to any other duly certified state bargaining unit or units which CSEA may represent. All appointments to the Negotiating Committee shall be made by the President upon the advice and consent of the State Division members of the appropriate Region Executive Board. When, as the result of the collective bargaining process, a tentative agreement or contract is reached between CSEA, Inc. and the State of New York on behalf of any duly certified bargaining unit or units, a full and complete copy of such additions and deletions to the contract by section shall be sent to each member of the affected unit or units, and a reasonable amount of time for reading and discussion shall be allowed prior to the taking of the ratification vote.

*Section 4. SPECIAL AND AD HOC COMMITTEES.* The Special Committees of the Association shall be as follows: 1) Audit; 2)

Human Rights; 3) Memorial Scholarship Fund; 4) Memorial Plaque; 5) Committee on Minority Issues; 6) Local Government Social Services Committee; 7) Local Government Health Services Committee; 8) Local Government Probation Committee; 9) Local Government Schools Committee; 10) Local Government Public Safety Committee; 11) Local Government Municipal Services and Facilities Committee, and such other committees designated by the President of the Association. Members of these committees shall be appointed by the President of the Association for the duration of the President's term of office or until successor appointments have been made. Special Committees shall meet as required and review matters pertinent to the committee assignment and/or upon call of the Association President. The membership of these committees shall not be less than seven (7), nor more than eleven (11), and the makeup of such committees shall include representation from each Region and proportional representation for the Local Government Division on such committees that affect Local Government problems. The membership of the Region Political and Legislative Action Committee(s) shall not be less than seven (7).

*Section 5. COMMITTEES.* No member of the Association may serve on more than two (2) committees of the Association, except that a committee of the Board of Directors shall not be deemed a committee of the Association.

## **ARTICLE VII**

These By-Laws may be amended by a majority vote at any meeting of the Delegates of the Association provided the proposed amendment has been submitted in writing to the Secretary of the Association by May 15 of the year of the delegates meeting at which it is presented and a copy of the proposed amendment is published in the official newspaper not less than ten (10) days before the meeting at which the proposed amendment is voted upon.

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