

Constitution
for
Court, County, and Department of Probation Employees

Local 1070

Article I
Name

The name of this organization shall be the Court, County, and Department of Probation Employees Local Number 1070 of the American Federation of State, County and Municipal Employees, AFL-CIO.

Article II
Affiliations

This local union shall be affiliated with New York City District Council of AFSCME Municipal Local Unions #37 of the American Federation of State, County and Municipal Employees, the New York State AFL-CIO and the New York City Central Labor Council, AFL-CIO.

Article III
Objectives

The objectives of this local union shall be to carry out on a local basis the objectives of the American Federation of State, County and Municipal Employees, and other policies which are in the interest of the local.

Article IV
Chapters

Section 1. Names of Chapters. There shall be the following chapters in this local: Court Clericals, Court Interpreters, Court Reporters, District Attorney Clericals, District Attorney Hearing Reporters/Stenographers, Secretary to the Judge, Law Stenographers and Department of Probation. There may be formed, on the recommendation of the executive board, and with the approval of the membership, such new chapters as are deemed necessary and proper. However, no chapter shall be formed with a membership of less than 10 members. Each member of this local shall be a member of a chapter.

Section 2. Chapter Officers. Officers of a chapter shall be a chapter chairperson, a chapter vice-chairperson and a chapter secretary, and such officers shall be elected in accordance with the provisions of this constitution for a term of office of three years beginning in 1984.

Article V
Membership and Dues

Section 1. All employees of the state of New York Unified Court System employed within the city of New York, New York, except those employed within state negotiating unit number 87 and except those within the jurisdiction of Local 1189; clerical and administrative, stenographic, secretarial, investigative, and interpretive employees of county offices and public administrators offices employed within the city of New York, New York, and the New York City Department of Probation, are eligible for

membership in this local union, subject to the requirements of the constitution of the International Union.

Section 2. Application and Checkoff. Application for membership shall be made on a standard application and checkoff form.

Section 3. Dues Rates.

- a. The bi-weekly membership dues of the local shall be \$25.25 per member.
- b. From these bi-weekly dues deductions, all per capita taxes and other local expenses shall be paid as required by the local, district council and International constitutions.
- c. When increases in per capita taxes are imposed by exercise of Article III, of the district council and Article IX, of the International Constitution, the dues rate for this local shall be automatically adjusted to compensate for the increase in per capita.
- d. Any other increases in dues shall require an amendment of this constitution as outlined in Article XI.
- e. Any member who fails to pay dues by the regular, bi-weekly payroll day for his/her agency shall be considered delinquent, and upon failure to pay dues for two successive payroll periods may stand suspended. However, any person who is paying his/her dues through a system of regular payroll deduction shall, for so long as he/she continues to pay through such deduction method, be considered in good standing.
- f. A member suspended under the above section shall be reinstated to membership in the local on payment of all arrearages.

Article VI
Local Officers and Executive Board

Section 1. Officers.

- a. The officers of this local shall be a president, vice-president, secretary-treasurer and recording secretary. The four officers-at-large, together with the chairperson and vice-chairperson of each chapter, shall constitute the executive board of this union. The four officers-at-large shall be elected for three-year terms of office beginning in 1984 but not more than two of such officers-at-large shall be elected from any one chapter.
- b. The chapter officers shall be elected for three-year terms of office, beginning in 2017, except that only persons employed in these chapters' specific titles shall be eligible to vote in the election of the chapter officers.

Section 2. Oath of Office. Every officer shall, upon assuming office, subscribe to the oath of the Obligation of an Officer contained in Appendix B of the International Constitution.

Article VII
Meetings

Section 1. Regular Meetings. A general membership meeting of the membership of this local shall be held not less than 2 times a year at a time and place to be fixed by the membership or the local executive board.

Section 2. Special Meetings. A special general membership meeting of this local may be called by the president, a majority of the executive board, or by petition filed with the president and signed by one-quarter of the members. A special general membership meeting may also be called by the International President or his/her authorized representative. The purpose of the special meeting shall be clearly set forth in the meeting notice and no business other than that which has been set forth may be conducted at such a special meeting.

Section 3. Quorum. A quorum of thirty (30) members shall be required to conduct business at a regular or special meeting of the membership.

Section 4. Chapter Meetings. Chapter meetings of this local shall be held not less than 2 times a year by each chapter, at a time and place to be fixed by the membership of the chapter.

Section 5. Special Chapter Meetings. Special meetings of a chapter may be called by the local union president, the local executive board, the chairperson of the chapter, or by a petition filed with the chairperson of the chapter and signed by one-quarter of the members of the chapter. Also, special meetings of a chapter may be called by the International President or his/her authorized representative. The purpose of the special meeting shall be clearly set forth in the meeting notice and no business other than that which has been set forth may be conducted at such a special meeting.

Section 6. Executive Board Meetings. The local executive board shall meet monthly, except in July and August, at a time and place to be fixed by the members of the executive board.

Section 7. Special Executive Board Meetings. Special meetings of the local executive board may be called by the president, or a majority of the executive board. A special meeting of the executive board may also be called by the International President or his/her authorized representative.

Article VIII Nominations and Elections

Section 1. Notice of Nominations. Effective 2017, nominations for officers-at-large and delegates to District Council 37 shall take place in the month of October and elections in the month of November. Nominations and elections for chapter officers shall continue to take place in the month of November. Nominations for office shall be made at a regular or special meeting of the local, at least fifteen (15) days' advance notice having been given the membership of the meeting at which nominations are to take place.

Section 2. Nominations from the Floor. A nominating committee may be appointed to make nominations, but whether or not such nominating committee functions, nominations shall be permitted from the floor at the nominations meeting.

Section 3. Installation of Officers. Installation of officers will take place upon the acceptance of the report of the Election Committee at a special or regular general membership meeting, which shall be held immediately upon the completion of the election.

Section 4. Eligibility for Office.

- a. To be eligible for the office of president, vice-president, secretary-treasurer or recording secretary in this local union, a candidate must have been a member in good standing for a two-year period immediately preceding the month in which the election takes place.

- b. To be eligible for chapter office under Article IV, Section 2, a candidate must have been a member in good standing for a one-year period immediately preceding the month in which the election takes place. This rule does not apply for the initial election of a newly created chapter under Article IV, Section 1, of this constitution.

Section 5. Election Committee.

- a. Prior to nominations, the president shall appoint an election committee and one member of the committee to serve as its chairperson.
- b. Disqualification of candidates. A member of the election committee who accepts a nomination for office must relinquish his/her committee post. The committee will be responsible for ascertaining the eligibility of all candidates for office in this local.
- c. The election committee shall be responsible for the conduct of the election as well as any run-offs that may ensue.
- d. The election committee shall prepare a final report for the membership upon completion of the electoral process. Upon acceptance of the committee's report by the membership, the committee may be discharged by the president.

Section 6. Integrity of Electoral Process. All elections in this local shall be conducted by secret ballot vote and afford all eligible members a reasonable opportunity to participate (vote).

- a. The election of president, vice-president, secretary-treasurer and recording secretary, and delegates to District Council 37 shall be through a secret mail ballot. The election will be conducted by an independent monitor in accordance with the AFSCME Election Code.
- b. The election of chapter chairperson, chapter vice-chairperson and chapter secretary for all chapters shall be managed by the Election Committee and using a secret ballot at a chapter meeting in the month of November. Only members employed in the chapters' specific titles shall be eligible to be nominated and vote in the election of the chapter offices.

Section 7. Adherence of Elections Code. All matters concerning local union elections shall at all times be subject to the provisions of Appendix D (entitled Elections Code) of the International Union Constitution, and the Elections Manual published by the International.

Section 8. Vacancies in Office.

- a. Vacancies in the office of vice-president, recording secretary and secretary-treasurer shall be filled for the remainder of the unexpired term by a vote of the executive board. In the event the office of president falls vacant, the vice-president shall become president for the remainder of the unexpired term and the office of vice-president shall be filled for the remainder of the unexpired term by vote of the executive board.

Section 9. Vacancies in the office of chapter chairperson, chapter vice-chairperson or chapter secretary of a chapter shall be filled for the remainder of the unexpired term by a majority vote of the members of the chapter in attendance at a special meeting called for such purpose.

Section 10. All ratification votes for collective bargaining agreements covering members employed by the New York State Unified Court System shall be conducted by

mail ballot. The vote shall be conducted by a secret mail ballot and verified by an independent monitor. All ratification votes for collective bargaining agreements covering members employed by the city of New York shall continue to be conducted in accordance with the District Council 37 Constitution.

Article IX Duties of Officers and Executive Board Members

Section 1. The President. The president shall preside at all meetings of the local union and of the executive board. He/she shall be a member of all committees except election committees. He/she shall countersign all checks drawn against the funds of the local, except as otherwise designated in the constitution. He/she shall appoint committees of the local subject to the approval of the local executive board. He/she shall report periodically to the membership, regarding the progress and standing of the local and regarding his/her official acts. He/she shall appoint all committee chairpersons and the chief shop steward with the approval of the executive board, and shall be a delegate to all District Council 37 conferences and AFSCME International Conventions. He/she shall also be a delegate to the District Council 37 Council of Delegates.

Section 2. The Vice-President. The vice-president shall assist the president in the work of his/her office. In the absence of the president or in his/her inability to carry out his/her duties, the vice-president shall preside at all meetings and perform all duties otherwise performed by the president. He/she may, with the approval of the executive board, be authorized to act as co-signer of checks drawn on local funds in place of either the president or the secretary-treasurer, and shall be a delegate to all District Council 37 conferences and AFSCME International conventions. He/she shall also be a delegate to the District Council 37 Council of Delegates.

Section 3. The Secretary-Treasurer. The secretary-treasurer shall see that all monies of the local union are received and properly receipted. He/she shall see that monies so received in the name of the local are deposited in a bank or banks selected by the executive board, and insured by the Federal Deposit Insurance Corporation. Monies so deposited shall be withdrawn or disbursed by checks signed by the president and secretary-treasurer or other authorized officer. He/she shall see that all checks drawn for such purposes as are required by the constitution or are authorized by the membership or the executive board of the local shall be prepared, signed and countersigned. He/she shall keep or cause to be kept an accurate record of receipts and disbursements and shall, once each month, submit to the local and the executive board, a monthly operating statement of the financial transactions of the local. He/she shall act as custodian of all funds of the local union. He/she shall, at the expense of the local and through the International Union, give a surety bond for an amount to be fixed by the executive board of the local or the International Union. He/she shall cause to be made, at least annually, an independent audit of the local's finances. Upon the completion of the annual audit, the secretary-treasurer shall cause the Certified Public Accountant retained by the local to perform said audit, to report the findings of the audit to the local's executive board and general membership at the next scheduled meeting. He/she shall prepare and submit the monthly membership report to the International Union office and see that a check is drawn in payment of the local's per capita tax each month and sent to the International Secretary-Treasurer. He/she shall see that any financial reports required by the International Union, including independent audits, are submitted in accordance with the International Union Constitution, and shall be a delegate to all District Council 37 conferences and AFSCME International Conventions. He/she shall also be a delegate to the District Council 37 Council of Delegates.

Section 4. The Recording Secretary. The recording secretary shall keep a record of the proceedings of all meetings of the membership and the executive board. He/she shall carry on the official correspondence of the local, except as otherwise directed by the executive board. He/she shall perform such other duties as the

executive board may require. He/she may, with the approval of the executive board, be authorized to act as co-signer of checks drawn on local funds in place of either the president or the secretary-treasurer and shall be a delegate to all District Council 37 conferences and AFSCME International Conventions. He/she shall also be a delegate to the District Council 37 Council of Delegates.

Section 5. The Executive Board Members. The executive board members shall assist generally in carrying out the official business of the local. In addition, executive board members may be assigned specific areas or responsibility and authorized by the president with the approval of the executive board. Such areas of responsibility include, but are not limited to, publications, political action and legislation, safety and occupational health, communications (both internal and external) and responsibilities in the processing of grievances and items pertaining to the good and welfare of the members of this local union.

Section 6. Duties of the Executive Board.

- a. The executive board shall be the governing body of the local union except when the local general membership is in session. All matters affecting the policies, aims and means of accomplishing the objectives of the local, not specifically provided for in this constitution or by action of the membership at a regular or special meeting, shall be decided by the executive board.
- b. Question of major policy must be voted on by the membership, except that when time does not permit referral to a regular or special meeting, the executive board may take action in the name of the local.
- c. The executive board must authorize all financial expenditures above \$500. Such authorization shall be recorded in the minutes and monthly financial reports prepared by the secretary-treasurer.
- d. A report on all actions taken by the executive board shall be made to the members at the following meeting of the membership.
- e. A majority of the members of the executive board shall be required for a quorum.

Section 7. Attendance.

- a. Failure of an officer or executive board member to attend three (3) consecutive board meetings and two (2) consecutive general membership meetings without being excused, shall cause his/her office to be immediately and automatically vacated. Board members whose positions are vacated in this manner forfeit entitlement to any stipend which is due payment.
- b. Vacancies created by the action of Section 7(a), or for any other reason, shall be filled for the remainder of the unexpired term in accordance with Article VIII, Sections 8 and 9, of this constitution.

Article X
Miscellaneous Provisions

Section 1. International Constitution. This local constitution shall at all times be subject to the provisions of the constitution of the American Federation of State, County and Municipal Employees.

Section 2. Authority to Act for Local. Except to the extent specified in this constitution, no officer of the local shall have the power to act as agent for or otherwise bind the local in any way whatsoever. No member or group of members or other

person or persons shall have the power to act on behalf of or otherwise bind the local except to the extent specifically authorized in writing by the president of the local or by the local executive board.

Section 3. Parliamentary Procedure. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern this local union in all cases to which they are applicable and in which they are not inconsistent with this constitution and special rules of this local union or of the American Federation of State, County and Municipal Employees.

**Article XI
Amendments**

- a. This constitution may be amended, revised, or otherwise changed by a majority vote of the members voting on such proposed change, and such change shall take effect only upon the written approval of the International President.
- b. Proposed amendments to this constitution must be read at a regular or special meeting of the local union, and read and voted on at a subsequent meeting of the local union, adequate and proper notice having been given to the membership prior to the date on which the vote is taken.
- c. A written copy of the proposed amendment shall be furnished to every eligible voter at the meeting at which the vote is taken.

Approved by:

A handwritten signature in black ink that reads "Lee Saunders". The signature is written in a cursive style with a large, stylized initial "L".

LEE SAUNDERS
President

Approval date: March 30, 2017