

CONSTITUTION AND BY-LAWS



**Court Officer's Benevolent Association
Of Nassau County, Inc.**

Revised: November, 2008

Court Officer's Benevolent Association of Nassau County (COBANC)

Constitution and By-Laws

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Preamble

Recognizing the fact that the thoughts and desires of many individual members of the Court Officer's Benevolent Association of Nassau County, State of New York, are similar and realizing that more good can be accomplished through united thought and action, we band ourselves into an organization and adopt the following rules as our by-laws, according to which we are to govern ourselves, and the actions of our organization.

DEFINITION OF TERMS

1. **MEMBER IN GOOD STANDING:** Any non-judicial employee of the Unified Court System, who having applied and been accepted for membership in COBANC, is up to date in dues payment and is not currently under suspension for any reason from, COBANC. Those members that are excused from paying dues because they are on approved inactive status and not under suspension from COBANC shall be deemed members in good standing as well.

2. **INACTIVE STATUS:** A member on inactive status is one who is not requires to pay dues or assessments for a specific period because he/she is on leave of absence without pay due to personal illness. Members on leave of absence for other reasons may be placed on inactive status with the consent of the Board of Directors.

3. **EX-OFFICIO COMMITTEE MEMBER:** This term refers to the President who shall be considered a member of every COBANC committee. As an ex-officio committee member, the President shall be entitled to one (1) vote, but shall exercise it only in cases of a tie vote by other committee members.

4. **PARLIAMENTARIAN:** The Parliamentarian is the member responsible for settling differences on points of order, questions on procedures, etc. through use and knowledge of Roberts Rules of Order. See Article IX – Membership Meetings, Section 6 for further explanation.

ARTICLE I – NAME

This Organization shall be known as the Court Officer's Benevolent Association of Nassau County, Inc.

ARTICLE II – PURPOSE

The objective and purpose of this Organization shall be as follows:

To develop a stronger union and a more complete organization of Court Employees; to protect and promote the health and welfare of its members; to foster the advancement of the professional skills of its members; to negotiate and bargain collectively for all terms and conditions of employment; and to uphold the highest standards of the court service.

ARTICLE III – MEMBERSHIP

Section 1

- (a) Any non-judicial employee of the Unified Court System of the State of New York, Nassau County, shall be eligible for membership.
- (b) Honorary membership may be conferred by the Board of Directors upon any person deemed appropriate. Honorary members may attend and address meetings upon invitation, but shall not be entitled to any other rights or privileges of this Association.
- (c) Members on leave of absence without pay due to personal illness will be considered on inactive status and will not be required to pay dues or assessments for such leave period. Members on leave of absence for reasons other than those mentioned above, may be placed on inactive status with the consent of the Board of Directors and will not be required to pay dues or assessments for such leave period.
- (d) All applicants for membership are subject to the approval of the Board of Directors.

Section 2

Any member who resigns or is expelled from the Association shall thereby forfeit all claims upon the Association.

Section 3

There shall be no discrimination against any member or applicant for reason of race, color, creed, national origin, age disability, marital status, sexual orientation, or political affiliation.

Section 4

Members will notify the Secretary in writing of any change of address, and any member failing to do so shall have no redress or claims on the Association for any consequence arising there from.

Section 5

In order to be eligible to participate in all of the functions of the Association and to receive all the benefits of membership in the Association, a member must be in GOOD STANDING.

ARTICLE IV – DUES AND ASSESSMENTS

Section 1

The amount of dues shall be fixed pursuant to the amendment provision contained in Article XII thereof.

Section 2

Any member may at any regular general membership meeting make a motion for a special assessment of the membership. The motion proposed shall state the specific and sole purpose for which the assessment is to be utilized and the specific amount. Upon the motion being carried, a vote on the motion shall be held at the next general membership meeting. At no time may funds collected in this manner be used for any other purpose. Notice to the membership at their last known address at least ten (10) working days prior to the meeting.

ARTICLE V – BOARD OF DIRECTORS

(Executive Officers and Delegates)

Section 1

- (a) The Board of Directors shall consist of the Executive Board and the Delegates, all of whom must be members in good standing.
- (b) The Executive Officers shall be the President, First Vice-President, second Vice-President, Secretary and the Treasurer.

Section 2

- (a) The Board of Directors will be the policy making body of the Association. The Supreme power shall lie in the membership; the Board of Directors shall have all the power and authority of the membership in the interval between membership meetings. Board of Directors shall appropriate whatever funds are needed for the operation of the Association. However, the Board of Directors may not authorize payment or obligate the Association for any expenditure in excess of \$2,500.00 without ratification by the membership, at a general membership meeting called for that purpose. The Board of Directors shall establish whatever committees that are needed. All Officers, Delegates and committee members are responsible to the Board of Directors and membership for the proper performance of their duties. The Board of Directors shall have access at all times to the books, accounts, reports and records of this Association.

(b) The Executive Officers shall constitute the Executive Board. The Executive Board shall possess and exercise all the powers of the Board of Directors between meetings of the Board of Directors, except as specifically limited by resolution of the Board of Directors.

(c.) The membership shall always, without exception, have the right to over-ride and veto the actions of the Board of Directors at any membership meeting. A majority vote of the members present in good standing shall be sufficient to over-ride and veto, provided there is a quorum.

Section 3

(a) The Board of Directors shall meet at the request of the President, a quorum of the Executive Board or any three (3) Delegates with a minimum of three (3) meetings per calendar year. A quorum of the Board of Directors shall be a majority thereof. Notices of all meetings of the Board of Directors shall be given to each member at least five (5) days prior to said meeting. A summary of the minutes shall be kept and maintained for all Board of Directors meetings.

(b) The Executive Board shall meet monthly. Meetings of the Executive Board may also be called by the President at any time or place. Notice of all regular meetings of the Executive Board shall be given to each member of the Executive Board at least five (5) days prior to said meeting. Three (3) members of the Executive Board shall be required to constitute a quorum for the transaction of business. A summary of the minutes shall be kept and maintained for all Executive Board meetings.

Section 4

There shall be one (1) Delegate in each court or court related agency for every fifty (50) members in good standing in the Court Officer's Benevolent Association of Nassau County. A court or court related agency shall be eligible for one (1) new delegate for every twenty-six (26) additional members over the last block of fifty (50) members. Any court or court related agency which shall have less than fifty (50) members of COBANC in such unit shall be entitled to one (1) delegate from that unit. ***For the purposes of Article V Section 4 only, the Matrimonial Center shall be considered a separate court.*** The number of delegates eligible for election in a regular election shall be determined by the number of members in any given unit at the time of nominations. The ***Secretary*** shall announce the number of members by unit and the number of delegates each unit is entitled to nominate at the regular general membership meeting in April in odd numbered calendar years.

**ARTICLE VI – DUTIES OF THE BOARD OF DIRECTORS
(Executive Officers and Delegates)**

Section 1 – President

The President is the Chief Administrative Officer of the Association and Chairperson of the Board of Directors. He/She presides at all meetings of the Association. He/She appoints all standing and special committee chairpersons. He/She is an ex-officio member of all committees. He/She shall co-sign, with the Treasurer, all checks disbursed by this Association. He/She shall cause to have books audited and certified annually by a recognized professional certified public accountant. The President shall be the Chairperson of the Board of Trustees of the Health and Welfare Fund.

Section 2 – First Vice-President

The First Vice-President shall perform the duties of the President in his/her absence. The First Vice-President shall preside as Chairperson at the general membership meetings, with the approval of the President. He/she shall also be a trustee of the Welfare Fund. He/She shall perform such other duties as the President or the Board of Directors may direct.

Section 3 – Second Vice-President

The Second Vice-President shall perform such duties as directed by the President or Board of Directors. He/She shall be the liaison Officer for all the Delegates to the Executive Board. In the absence of the President and First Vice-President, the Second Vice-President shall assume the duties and responsibilities of the President.

Section 4 – Treasurer

The Treasurer shall have charge of all the funds of the Association. He/She shall receive all monies due the Association from any source and keep correct accounts thereof, depositing same promptly in such financial institution as directed by the Board of Directors. He/She will issue receipts as required. He/She will draw and co-sign, with the President, all checks for disbursement upon the receipt of proper vouchers, which will be preserved as evidence of his/her authority for such disbursements. He/She will present a detailed financial report at each general membership meeting. He/She shall perform such other duties as the President or the Board of Directors may direct. The Treasurer shall render reports of the financial status of the Association at all Board of Directors meetings.

Section 5 – Secretary

It shall be the duty of the Secretary to act as recording and correspondence officer of the Association. He/She shall keep and have full charge of the official minutes and records of the Association. He/She shall keep an accurate, written record of the procedure at all regular or special meetings of the Executive Board, Board of Directors and general membership meetings. He/She shall have a copy of this Constitution and Roberts Rules of Order at all meetings. He/She shall make available at membership meetings such records as may be requested by the membership for inspection. He/She shall maintain accurate record of names and addresses of all members and have correct accounting of the total membership of the Association.

[Section 5 – Secretary continued]

He/She shall receive and record all correspondence of the Association. The Secretary shall maintain a correspondence file in accordance with guidelines set by the Board of Directors. He/She shall notify all Officers, Delegates and Committee of meetings, appointments and duties assigned to them by the President or Board of directors. He/She shall notify the membership of all regular or special meetings. He/She shall order such equipment, supplies, materials; stationary and such postage as may be required for the proper functioning of the Association. He/She shall perform such other duties as the President or the Board of Directors may direct.

Section 6 – Delegates

Delegates shall act as information liaisons between the members in their respective units and the Executive Board. It shall be the responsibility of the Delegates to distribute to all members in their unit written Association information to the membership as released by the Executive Board or the Board of Directors. Delegates shall keep a current list of all members in their unit and shall greet all new employees that are eligible for membership in the Association. Delegates shall be responsible for the collection of special assessments and any other monies due the Association by its members. Delegates shall perform such other duties as the President or the Board of Directors may direct. Delegates are to attend all Board of Directors meetings and general membership meetings. Any delegate that misses three (3) consecutive meetings (Board of Directors or general), except for authorized leave of absence, shall be deemed inattentive to his/her duties and the Board of Directors may after a special hearing before the Board of Directors, remove such delegate from office, declare his/her office vacant, and replace him/her with a new delegate in accordance with the provisions of this Constitution.

Section 7 – Sergeant At Arms

It shall be the duty of the Sergeant-At-Arms to enforce order at all general membership meetings and to ascertain the right of persons in attendance to sit at such meetings. He/She shall take his/her seat near the inner door and allow no one to enter without being properly vouched for and identified. He/She is to be appointed by the President and shall perform any duties as outlined in Roberts Rules of Order.

ARTICLE VII – NOMINATIONS AND ELECTIONS OF THE BOARD OF DIRECTORS

Section 1

- (a) The term of office for members of the Board of Directors shall be for a period of two (2) years. The Executive Officers of this Association shall be elected in the even numbered calendar years, and the Delegates of this Association shall be elected in the odd numbered calendar years.
- (b) The term of office for members of the Executive Board and Board of Directors shall commence on the second Wednesday in June.
- (c) No person may hold more than one (1) elected office at any time.

Section 2

- (a) Elections shall be conducted under supervision of an Election Committee. The President shall appoint the Election Committee Chairperson and no nominee may be a member of the Election Committee. It shall be the duty of the Election Committee to distribute, collect and account for each and every ballot. The Election Committee shall report its results to the Secretary and President no later than May 15th.
- (b) At the general membership meeting held in the month of April nominations will be held. There shall be no limitation on the number of nominees for a particular office. All nominees for Executive Board offices must be present at the meeting or submit a letter of intent within ten (10) days before the April meeting to the Secretary, and must have permanent job status as members in good standing for the preceding twelve (12) months, or must be members in good standing for five (5) consecutive years. All nominees for Delegate Offices must be present at the meeting or submit a letter of intent within ten (10) days before the April meeting to the Secretary and must be members in good standing for the preceding twelve (12) months. In the event that there is only one candidate nominated for any Executive Board and/or Delegate office it shall not be necessary to hold an election for that office. The Secretary shall cast one ballot for that candidate and he/she shall assume the office according to the terms of this article.
- (c) A secret written ballot shall be conducted of the membership in good standing. The ballot shall be by mail and must be sent out to the membership with a postmark no later than the 21st of April. Returned ballot votes must be postmarked no later than the 5th of May. Election results shall be made available to the membership no later than the 15th of May. Delegate elections shall not require any necessary majority. The candidates receiving the highest number of votes will be elected.
- (d) In the event that no candidate for the Executive Board receives the necessary majority to be elected, there shall be a run-off election between the two candidates who received the highest number of votes for that particular office. Such run-off election shall be commenced immediately. Ballots shall be mailed to the membership within seven (7) days of the first election results. Returned ballot votes must be postmarked no later than ten (10) days after being mailed out to the membership. In all other respects Executive Board run-off elections shall be commenced immediately. In the event that a candidate

[Article VII – (d) continued]

(or candidates) for Delegate does not receive the necessary plurality to be elected, due to a tie, there shall be a run-off election between the affected candidates. Such run-off election shall be commenced immediately. Ballots shall be mailed out to the membership within seven (7) days of the first election results. Returned ballot votes must be postmarked no later than ten (10) days after being mailed to the membership. In all other respects Delegates run-off elections shall be conducted in accordance with Article VII. Sections 2a, b and c.

Section 3

(a) Vacancies occurring on the Board of Directors during a two (2) year term shall be filled by special election or by appointment as detailed below. All special elections shall follow the rules, procedures and time sequences found in this article for any regular general election, except where specifically noted otherwise. All appointments shall follow the qualifications as found in Section 2b of this article.

Vacancies occurring on the Executive Board when: the remainder of the term is for more than six (6) months shall be filled by special election, except that in the event of the death, incapacitation, resignation or removal from office of the President, duly elected First Vice-President shall assume the office of President for the remainder of the term. If the remainder of the term is for six (6) months or less, the vacancies shall be filled as follows:

- (1) In the event of the death, incapacitation, resignation or removal from office of the President, a duly elected First Vice-President shall assume the office of President for the remainder of the term. A duly elected Second Vice-President shall assume the office of the First Vice-President for the remainder of the term and a Second Vice-President shall be appointed by the President for the remainder of the term.
- (2) In the event of the death, incapacitation, resignation or removal from the office of the First Vice-President, a duly elected Second Vice-President shall assume the remainder of the First Vice-President term and the President shall appoint a Second Vice-President for the remainder of the term.
- (3) In the event of the death, incapacitation, resignation or removal from office of the Second Vice-President, the Treasurer or the Secretary, the President shall make appointments to fill those positions for the remainder of the term.

Delegate vacancies occurring during a two (2) year term when the remainder of the term is more than six (6) months, shall be filled by special election. Special elections for Delegate vacancies shall proceed as follows: Special Delegate elections shall take place in each of the applicable courts or agencies on the date of the next general membership meeting following the general membership meeting at which nominations are held, except that in the event a vacancy occurs which requires the need for a special election and said vacancy occurs after the June meeting, but more than four weeks before the October meeting. The President must schedule a special nomination meeting which must take place within ten (10) days of the vacancy occurring. The sole purpose of the special nomination meeting is for the nominations to fill the vacant position or positions. The special nomination meeting will be held at a time and place set by the President. At least 5% of the membership of the court or court agency where vacancy exists must be present in order to have the necessary quorum for the transaction of any business.

[Section 3 continued

The special delegate election shall then take place within four (4) weeks of nominations in each of the court or court agencies where the vacancy or vacancies exist. Absentee ballots may be made available to any member, but the election committee shall conduct all aspects of the absentee balloting. Members must vote in their payroll unit unless otherwise directed by the election committee. The President and Secretary shall be notified of the election results by the election chairperson. The Secretary will then send a written notification of the results to all courts and the results will be announced at the next general membership meeting.

- (b) Any Officer or Delegate of this Association upon the expiration or termination of his or her office shall promptly turn over to the Board of Directors, within twenty (20) working days, all monies, books, documents or any other property of the Association which he or she may have in his or her custody.

ARTICLE VIII – DISCIPLINARY PROCEDURES

Section 1

- (a) Any member may be charged by any other member in good standing with:
 - 1. Violation of the specific provisions of this Constitution.
 - 2. Gross disloyalty or conduct unbecoming a member.
 - 3. Engaging in corrupt or unethical practices.
 - 4. Abuse, libel or slander of members.
 - 5. Activities which tend to bring the Association or a member thereof, into disrepute.
 - 6. The wrongful taking, retaining, destruction, mutilation or erasure of money, books or papers, or any other property belonging to the Association.
- (b) Any Officer or Delegate may be removed from office for willful failure to properly perform the duties of his or her office or for a violation of the charges set forth in Section 1a above, after a proper hearing.
- (c) The charges shall be filed in writing with the Secretary. A written copy of such charges shall be served on the accused either personally or by certified mail directly to the last known address of the accused at least fifteen (15) working days before the hearing of the charges.

Section 2

- (a) Any member charged under this section shall have an absolute right to a hearing on the charges.
- (b) The accused shall have the right to an open hearing before the membership, if requested.
- (c) Any duly elected member of the Board of Directors may attend any hearing, but shall have no voice.

Section 3

The President shall preside at all hearings but have no vote. In the event that the President is a party to the action or otherwise prejudiced, the Board of Directors shall choose one of their number who is not a party to the action or otherwise prejudiced to preside but have no vote.

Section 4

- (a) The accused shall have the right to have four (4) members in good standing, hear and determine the charges.
- (b) Both sides will exchange a list of ten (10) names of members in good standing and choose two (2) names from the opposing side's list.
- (c) The four (4) members chosen shall be acceptable to both sides at issue and must be approved by the Board of Directors.
- (d) The accused may be represented by counsel or by any person of his or her choosing to provide him or her with advice and consultation.

Section 5

- (a) The decision of the four (4) members selected to hear and determine the charges shall be in writing and shall be mailed to both sides within twenty-four (24) hours of the hearing's conclusion.
- (b) A tie, split decision of two (2) to two (2) shall be considered a decision in favor of the accused, the charges shall be dropped and the same charges may not be refilled.
- (c) The written decision shall be read by the Secretary at the next general membership meeting and shall become part of the minutes of said meeting.

Section 6

- (a) The accused shall have the right to appeal the decision of the four (4) members to the general membership at a membership meeting. Notice of appeal must be submitted in writing to the Board of Directors not later than fifteen (15) working days after the decision has been handed down.
- (b) The decision of the membership on the appeal shall be final and binding

Section 7

Failure to appear at the hearing without good and sufficient cause will be treated as an admission.

Section 8

Appropriate action shall be imposed by the Board of Directors upon members found guilty of any charges.

ARTICLE IX – MEMBERSHIP MEETINGS

Section 1

There shall be a minimum of two (2) and up to five (5) membership meetings a year held at the direction of the Board of Directors. The location, date and time will be determined by the Executive Board. Notice will be given in accordance with Section 2 of this article.
****NOMINATIONS TO THE EXECUTIVE BOARD AND THE BOARD OF DIRECTORS SHALL BE HELD IN THE MONTH OF APRIL****

Section 2

Any Officer or Delegate, with the concurrence of a majority of the Board of Directors, may order a special membership meeting convened. Notice shall be posted in all court buildings of any special membership meeting called pursuant to this section. Such notice will be posted at least seventy-two (72) hours before said meeting. Such notice shall state the business to be transacted at the meeting.

Section 3

The membership, by signed petition, may request the President to call a special meeting, provided that the petition is signed by ten percent (10%) of the membership in good standing and that said petition indicates the specific and sole purpose for which such special meeting is to be called. Such petition shall be served on the secretary. The Secretary shall then within twenty-four (24) hours notify the President of said petition. The President must then call a special meeting within five (5) working days. Notice will be given in accordance with Section 2 of this article.

Section 4

A quorum for the transaction of any business at a monthly membership meeting shall be thirty (30) members in good standing at the opening of said meeting. A quorum for the transaction of any business at a special membership meeting shall be ten percent (10%) of the membership in good standing.

Section 5

At any membership meeting each member in good standing shall be entitled to one (1) vote to be cast in person. Proxy or substitute votes shall not be permitted.

Section 6

At any meeting, Roberts Rules of Order shall govern in all cases not covered by the Constitution and By-Laws of this Association. A copy of Roberts Rules of Order shall be in the possession of the Parliamentarian who shall be appointed by the President and who shall not be a member of the Executive Board. The Parliamentarian shall be at all meetings.

[Article IX continued]

Section 7

The agenda of the meeting should include:

1. Call to order.
2. Salute to Flag.
3. Roll call of Officers and Delegates.
4. Welcoming of new members.
5. Summary of minutes of previous meetings.
6. Reading of correspondence.
7. Reports of Committees and Officers.
8. Unfinished business.
9. New business.
10. Adjournment

ARTICLE X – STANDING COMMITTEES

Section 1

No member may be the chairperson of more than two (2) standing committees

Section 2

The Association shall maintain the following standing committees:

1. Labor Management Committee
2. Grievance Committee
3. Constitution and By-Laws Committee
4. Political Action Committee
5. Social Events Committee
6. Good and Welfare Committee
7. Negotiating Committee
8. Welfare Fund Committee
 - (a) All appointees of the Board of Trustees of the Welfare Fund must be participants in the Welfare Fund.
9. Ethics Committee
10. Budget Committee

Section 3

The committee chairperson shall make reports at the Board of Directors meetings or general membership meetings, as may be directed by the President or the Board of Directors.

Section 4

The committee chairperson shall make and keep a written record of activities and funds expended by his or her respective committee. Such records shall be a permanent part of the records of the Association.

ARTICLE XI – CONTRACT RATIFICATION

Section 1

Upon completion of the contract negotiations with the State of New York and before the acceptance of the same, the following procedures shall be adhered to:

- (a) Within seventy-two (72) hours, excluding weekends and holidays, of a tentative agreement on a new collective bargaining agreement, the President shall call a special Board of Directors meeting to discuss same. Each member of the Board of Directors shall receive a printed summary of the tentative agreement. Upon a majority vote of the Board of Directors accepting the proposed Collective Bargaining Agreement, the President will schedule a special open membership meeting to discuss the proposed agreement.
- (b) Upon completion of all of the provisions of subsection (a) above, the Board of Directors shall appoint a committee to conduct all aspects of a mail contract ballot vote.
- (c) The Secretary shall be responsible for providing a certified mailing list or labels of all members in good standing on record as of the date the tentative agreement was reached to the committee conducting the ballot.
- (d) The Board of Directors shall appoint four (4) of its own members to assist the Secretary as may be necessary. This committee shall be responsible for picking up and transporting the results of the contract vote.
- (e) Each contract ballot shall contain detailed instructions on proper balloting procedures along with a fact sheet containing all of the proposed contract provisions.
- (f) The period allotted for contract mail ballot shall be no less than ten (10) calendar days from the date the ballots were originally mailed.
- (g) A special open membership meeting shall be called on a day designated by the Board of Directors for the purpose of announcing the contract vote.
- (h) Before any contract vote may be deemed ratified, a majority of the ballots returned must have been in the affirmative.

ARTICLE XII – AMENDMENTS

This constitution may only be amended by ballot and the membership must be afforded fifteen (15) days to return their ballots either by mail or in person, after said ballots are first sent to the membership. The ballots will be counted on the fifteenth (15) day after said mailing. A simple majority of valid returned ballots shall be required to either approve or disapprove any amendments of this Constitution and By-Laws. The Election Committee shall be responsible for the entire mail voting process for any and all changes to the Constitution.

ARTICLE XIII – AGENCY SHOP REFUND PROCEDURE

Any employee demanding the refund of any part or portion of any agency shop fee deduction shall do so by filing with the union at its offices a letter demanding the return of any and all monies representing the employee's pro rata share of expenditures by the organization in aid of activities or causes of a political or ideological nature which are only incidentally related to the terms and conditions of the employee's employment. The Board of Directors shall determine whether or not the activities or causes are incidentally related to the terms and conditions of employment and the amount of the refund. If any employee is aggrieved by the determination of the Board of Directors, the employees can appeal the decision to the general membership whose decision shall be final.

