

**Bylaws of
The Association of Legal Aid Attorneys,
Local Union 2325 of The International Union,
United Automobile, Aerospace And Agricultural
Implement Workers of America (UAW), AFL-CIO**

As Last Amended on March 27,2012

1 **Article I: Name**

2 The name of this union will be The Association of Legal Aid Attorneys (ALAA), Local Union 2325 of the
3 International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW),
4 AFL-CIO.
5

6 **Article II: Constitution**

7 The Constitution of this union will be the Constitution of the International Union, UAW. These bylaws shall
8 be subordinate to said Constitution.
9

10 **Article III: Principles and Purposes**

11 It will be the purpose of this union to:

- 12 Organize and unite into the union all staff attorneys of The Legal Aid Society and similarly situated
13 workers;
14 Improve the working conditions, treatment, wages, benefits and professional standing of staff attorneys of
15 The Legal Aid Society and protect all staff attorneys from illegal, improper, arbitrary or discriminatory treatment;
16 Ensure the provision of high-quality legal services to our clients and advocate for the improvement of these
17 services within the Society and in other appropriate arenas;
18 Advocate for the advancement of the interests of our clients and of poor and working people in general
19 through political and legislative outreach;
20 Maintain relations with other labor organizations and work cooperatively with other unions for the ad-
21 vancement of the interests of our members, our clients and of poor and working people; and
22 Educate our members in the history of the labor movement and develop and maintain an informed and
23 dignified membership in the ranks of organized labor.
24

25 **Article IV: Membership**

26 § 1. **Principle and Authority.** Since the union seeks to benefit the members and thrives by virtue of
27 their support, the membership will be the highest authority within the union. It alone will have the authority to de-
28 termine all critical issues. These include to: ratify contracts, strike, return to work, set dues, and elect Officers and
29 at-large EB members and Delegates to UAW Conventions.
30

31 § 2. **Eligibility.** Membership will be open to all employees of the bargaining unit(s) currently repre-
32 sented by the union and to those employees of other units who subsequently agree to the union's representation and to
33 those terminated employees whom the membership or the JC votes to retain as members. Pursuant to Article 55 of the
34 Constitution, membership shall also be open to retired members. A retired member shall be deemed one who has
35 qualified for retiree health insurance pursuant to Art. 2 of the CBAs with the LAS and the FDNY and who shall have
36 been in good standing at the time of her retirement.
37

38 § 3. **Good Standing.** Members who have paid, or authorized checkoff of, all dues and other financial
39 obligations will be members in good standing, unless suspended or expelled from membership as specified in Article

31 of the Constitution. Members on unpaid LOA can remain in good standing if they pay the dues which they previously paid as active employees. Members in good standing will be entitled to the benefits of membership, including voting and participating in the union's affairs.

§ 4. Termination. Membership in the union will be terminated under any of the following circumstances: (1) Final termination of employment within the bargaining unit unless the membership or JC votes to retain the terminated employee as a member; (2) Acceptance of a managerial position, including that of interim supervisor. (3) Expulsion for conduct unbecoming a member by decision of the Trial Committee pursuant to Article 31 of the Constitution; or (4) Resignation pursuant to the procedures set forth in Article 6, § 17 of the Constitution.

Conduct unbecoming a member shall include, but not be limited to, violating a strike as defined in Article X or an act of physical assault or vandalism directed at the person or property of another member of the union or of SEIU Local 1199.

§ 5. Reinstatement. Any member who has resigned, or been suspended or expelled, from the union and who seeks to rejoin or to become a member in good standing will pay a reinstatement fee established by the union. However, any member who accepts a JC-approved interim supervisory position of 3 months or less will not be required to pay a reinstatement fee provided they return to the bargaining unit within 3 months of the start of such interim position.

§ 6. Meetings.

§ 6.1. Frequency. The membership will meet at least monthly in each of the offices where employed. The membership will meet citywide upon the (1) call of the President; (2) majority vote of the EB or the JC; or (3), petition of twenty-five percent (25%) of the membership. There shall be a least one citywide membership meeting annually.

§ 6.2. Quorum. A quorum at any citywide or local membership meeting will consist of twenty-five percent (25%) of the members in good standing prior to the meeting. If applicable, absentee ballots, as permitted by the EB or the JC, can be counted toward establishing a quorum.

§ 7. Voting. Except for the election of Officers and Delegates, which requires in-person voting at designated offices or polling place(s) (see Article VIII), and votes to strike or call off a strike, which will occur at a membership meeting, the membership may vote by mail, at a citywide or other appropriate meeting, or in person at a designated office or polling place(s), as determined by the EB or JC. Provision for absentee ballots for membership votes may be made by the EB or JC to the extent that it is consistent with the Constitution Art. 19, § 3; Art. 38, § 10; or Art. 50, § 1(b).

Article V: JOINT Council

§ 1. Authority. The JC will be the highest authority in the union after the membership. Among other powers, it will elect three pension Trustees and the Election Committee. No grievance will be arbitrated without its approval.

§ 2. Composition. The JC will consist of the following:

1. In the NYC Legal Aid Society Unit:

Delegates elected by members of each work site (complexes in the Criminal Defense Division (CDD), offices in the Juvenile Rights Division (JRD) proper and the Civil Division which shall include the Prisoners Rights Project, and, in the Criminal Appeals Bureau (CAB) , shall include the Parole Revocation Defense Unit (PRDU) and the CDD Special Litigation Unit).

2. In ALAA's other Units:

The Unit Chair plus at least one additional delegate.

3. All Constitutional Officers;

1 Delegates shall be apportioned according to the following formula: one (1) Delegate per every ten
2 (10) members, rounded up to the nearest multiple of ten (10), with each office, unit and complex entitled to at least one
3 (1) Delegate; There will be a reapportionment every October 15 for the purposes of establishing the number of
4 Delegates to which each office, unit and complex is entitled.
5

6 § 3. **Meetings.** The (J)C will meet citywide at least every two (2) months, and at other times as
7 scheduled by the President, the EB or itself. Delegates from each office, unit and complex will meet at least monthly.
8 A quorum consists of twenty percent (20%) of the total number of Delegate positions allocated, regardless of whether
9 they are filled.
10

11 § 4. **Voting.** Each Delegate is entitled to one (1) vote. The members of each office, unit and complex
12 may elect up to three (3) ranked alternates, who may vote only if the Delegate is absent at a JC or office, unit or
13 complex Delegates meeting. Officers, other than the President, will be entitled to vote as if they were Delegates. The
14 President may vote only when the JC is equally divided and the President is presiding. If an Officer other than the
15 President is presiding, that Officer will only have a right to vote when the JC is equally divided.
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19 **Article VI: Executive Board**

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21 § 1. **Authority.** The EB will be empowered to represent the union between meetings of the union when
22 urgent business requires prompt and decisive action. The EB will also serve as the (NYC LEGAL AID UNIT's)
23 Bargaining Committee

24 § 2. **Composition.** The EB will be composed of the following) Executive Officers:

25 President;
26 Financial Secretary-Treasurer; Recording Secretary; Three (3) Union Trustees;
27 Sergeant-at-Arms;
28 Guide;
29 Retiree Chapter Chairperson
30 Vice Presidents

31 NYC Legal Aid: For CDP, at least 1 VP for each boro office; 2nd and 3rd VP for
32 at least 100 and 180 members per office respectively. For Civil, at least one VP per division; 2nd and 3rd VP
33 for at least 100 and 180 members in division respectively. For JRP, 1 VP for Bklyn & Staten Island office, 1
34 VP for Manhattan & Queens office, and 1 VP for Bronx and Appeals/Special Lit. offices. Current JRP VPs
35 shall continue to represent their new units until the next general election,
36

37 Unit Chairs

38 For all other units: unit chairs shall be proportionately elected to the EB as above.
39

40 There shall be a reapportionment every Oct. 15th for the purposes of establishing the numbers of VPs and unit chairs to
41 which each division, boro or office is entitled.
42
43
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46 The EB will also include at-large members representing the following areas:

47 Senior Attorneys;
48 Junior Attorneys;
49 Middle Attorneys;
50 Attorneys of Color of Legal Aid (ACLA);
51 Gay, Lesbian, Bisexual and Transgender (GLBT) Attorneys;
52 Affirmative Action; and

Part-time Attorneys.

The at-large EB members will be responsible for calling regular ongoing meetings of the caucus or committee s/he represents and for arranging advance notice of such meetings to the membership.

§ 3. **Election.** All Executive Officers and at-large EB members will be elected by the entire membership; the Vice-Presidents and Unit Chairs will be elected by their respective constituencies.

§ 4. **Meetings.** The EB will meet at least monthly, except during August. The Recording Secretary will take the minutes of EB meetings, unless unavailable, in which event the President will designate another EB member to take the minutes.

§ 5. **Voting.** Each EB member is entitled to one (1) vote. The members of constituencies represented by a Vice-President or Unit Chair, as well as all members regarding at large representatives, may elect up to two (2) ranked Alternate, who may vote only in the primary representative's absence. Alternates may simultaneously serve as Delegates on the JC; however, no unit or representative office may cast more than one (1) vote.

§ 6. **Reporting.** All decisions of the EB shall be reported to the membership and the JC.

Article VII: Executive Officers

§ 1. **President.** The President will be the chief executive Officer of the union. In addition to the duties specified in the Constitution, the President will preside over meetings, and be charged with carrying out all resolutions of the membership, JC and EB. The President will be responsible for the administration of the union between meetings of those bodies, and will represent the union in its dealings with other UAW bodies, organizations, and any public entities. The President, and the Financial Secretary-Treasurer in his/her absence, will be an ex-officio member of all union committees.

§ 2. **Financial Secretary-Treasurer.** The Financial Secretary-Treasurer will, in case of resignation, illness, removal, death or absence of the President, carry out all duties of the President, until, if necessary, an election for President is held pursuant to Article VIII, § 3. In addition to the duties specified in the Constitution, the Financial Secretary-Treasurer will carry out all duties prescribed by the President and resolutions of the membership, JC and EB, and attend all meetings, and take custody of all votes and minutes of meetings of those bodies. The Financial Secretary-Treasurer will also have custody of all union funds, keep records of all receipts and disbursements, and submit periodic accountings of the union's financial transactions to the union Trustees, the JC and the EB.

§ 3. **Recording Secretary.** In addition to the duties specified in the Constitution, the Recording Secretary will take the minutes of EB and JC meetings.

§ 4. **Vice-Presidents and Unit Chairs** will carry out all duties prescribed by the President and their respective constituencies and attend all meetings, and carry out all resolutions of the membership, JC and EB. The Vice-Presidents and Unit Chairs will preside over all meetings of the members and Delegates of their respective constituencies.

Article VIII: Elections

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3 **§ 1. Eligibility.** Executive Officer candidates must be a member in good standing for one (1) year prior
4 to the nomination. Candidates for Delegate must be a member in good standing for six (6) months prior to the election.
5 The Senior Attorney representative must be in the tenth (10th) year or greater of service within the bargaining unit.
6 The Junior Attorney representative must be at seniority step 4 or below, and, once elected, cannot continue to serve
7 after step 6. The Middle Attorney representative must have between 4 and 10 years of service. The ACLA GLBT and
8 Part Timer representatives must be members of their respective constituencies.
9

10 **§ 2. Terms.** Pursuant to Article 38, § 2 of the International Union Constitution, all terms of office for
11 Officers, Alternates, and at-large members of the EB will be three years. Pursuant to Article 45 of the Constitution,
12 Delegates and Alternate Delegates will have three year terms. The precise date of general elections will be set by the
13 EB or JC, provided that the EB elections occur between Dec. 1 and Dec. 16, nominations shall not be solicited prior to
14 Oct. 15, and the election of JC delegates occur within 45 days of the EB elections. Both elections shall be based on the
15 previous Oct. 15th census. The election of members of the Election Committee will occur at a JC meeting prior to
16 general elections.
17

18 **§ 3. Vacancies.** Vacancies in the offices of President, Financial Secretary/Treasurer and Recording
19 Secretary shall be filled promptly by a special election. Vacancies in other EB positions shall be filled annually by a
20 special election after the Oct. 15th census, except for VP vacancies, which may be filled by a special election anytime
21 in the affected office, boro or division. Pending the aforementioned special elections, EB vacancies may be filled by
22 the JC, except for VP vacancies, which shall be filled by an alternate VP (to be chosen by lot if more than 1 alternate
23 VP and they cannot agree on the replacement). If an office, boro or division is entitled to an increase in the number of
24 VPs or delegates due to an increase in the number of members represented, such election shall occur only after the
25 annual census. Any decrease in the number of VPs or delegates shall only occur pursuant to the triennial general
26 elections.
27

28 **§ 4. Procedure.**

29 **§ 4.1. Elections Committee.** An Elections Committee, comprised of non-candidates and elected
30 by the JC, will conduct, oversee and certify all union elections. Non-candidate Officers, Delegates and Alternates may
31 assist in conducting elections.
32

33 **§ 4.2. Nominations.** Written or emailed officer nominations will be accepted by the Election
34 Committee or its designee during a fifteen day period. Candidate forums shall be conducted, so as to assure the
35 ability of as many members as possible to attend.
36

37 **§ 4.3. Time and Notice of Voting.** All elections will occur not earlier than seven (7) days after
38 the close of nominations. Fifteen (15) days notice of general elections and special officer elections must be given.
39

40 **§ 4.4. Location of Voting.** Members will vote in person in their offices or at a designated
41 polling place.

42 **§ 4.5. Margin Required.** Pursuant to Article 38 of the Constitution, election of Executive Of-
43 ficers will require a majority of votes cast. All other elections will be by plurality vote.
44

45 **4.6. Uncontested Elections.** Pursuant to Const. Art. 38, Sec. 17, unopposed candidates shall
46 be considered elected.
47

48 **§ 4.7. Voting Procedure.** Voting procedures utilized will be designed to accommodate the
49 greatest number of members, particularly those assigned to work night arraignment shifts.
50

51 **§ 4.8 Installation.** Within 30 days of a general election, there shall be a membership meeting at
52 which, regardless of quorum, the elections committee shall give its report on the election results and the
53 elected officers and EB members shall be installed. Any timely protest to the election could be discussed at

1 this meeting, but shall only be voted on by the membership at a subsequent meeting or other form of vote,
2 held within 30 days thereafter.
3

4 **Article IX: Dues And Fees**

5 § 1. **Initiation Fee.** There will be a fifty dollar (\$50) initiation fee for new members.
6

7 § 2. **Reinstatement Fee.** Any member who has lost “good standing status” for whatever reason and
8 applies to be reinstated to same shall pay a \$50 reinstatement fee, in addition to any dues or fees owed the union.
9

10 § 3. **Dues.** Any changes in the dues structure must be approved by the membership.
11

12 **Article X: Strikes**

13 § 1. **Violating a Strike.** Any member who works for The Legal Aid Society (LAS) or another bar-
14 gaining unit represented by the union during a strike at that employer will be guilty of violating a strike. Any member
15 accused of violating a strike will be subject to a trial under Article 31 of the Constitution and, if found guilty, to the
16 penalties specified therein.
17

18 **Article XI: Staffing**

19 Finances permitting, the President and Financial Secretary-Treasurer, in that order, will be on union staff, and
20 will receive the same salary and benefits they would have received on active LAS staff. Any additional union staff will
21 be determined by the EB. Per diem, mileage, lost time, and other reimbursement for attendance at UAW or Local
22 Union functions may be payable as allowed by the International Union.
23

24 **Article XII: Parliamentary Order**

25 Robert’s Rules of Order will apply in all situations not covered by the International Union Constitution or
26 these bylaws.
27

28 **Article XIII: Amendments**

29 These bylaws may be amended by a majority vote of the members, after thirty (30) days notice of the pro-
30 posed amendment, or by a majority vote of the JC, after the proposed amendment is noticed on the agenda of two (2)
31 consecutive JC meetings. If the annual census reveals a disproportionate VP representational structure, this shall
32 trigger a mandatory review of these bylaws to remedy same.
33

34 **Article XIV: Savings Clause**

35 A declaration that any provision of these bylaws is null and void will not in any way affect the validity of
36 other provisions or the bylaws as a whole.
37

38 **Article XV: Adoption**

39 These bylaws will become effective upon their adoption by a majority vote of the membership.