



**Constitution & Bylaws of the
New Jersey Superior Officers
Law Enforcement Association, Inc.**

Proposed: September 12, 2006

Ratified: October 10, 2006

Latest revision: August 12, 2008

Approved by two-thirds majority vote of the active members in good standing present and properly assembled at the August 12, 2008 General Membership Meeting.

PREAMBLE

WHEREAS, the New Jersey Superior Officers Law Enforcement Association, Inc., is a labor association organized under the New Jersey Law Enforcement Association Not for Profit Act in order that the interests and aspirations of supervisory law enforcement personnel in the employ of the State of New Jersey or the Palisades Interstate Park Commission holding the rank of Lieutenant or its equivalency in the State's classified career service may be collectively represented and advanced; and

WHEREAS, it is a well-established fact that individual employees laboring for the fulfillment of the same goals are more likely to achieve their mutual aims by combining their efforts and by forming themselves into an organized body to further their common interests;.

WHEREAS, in addition, an overwhelming majority of the membership of this labor association has voted by *secret ballot* to be an independent labor organization preserving the fundamental organizational structure and identity of this labor association, as well as its relative autonomy and sovereignty—including its right to forge new relationships and alliances; and

WHEREAS, a petition has been filed with the New Jersey Public Employment Relations Commission to amend this labor association's original certification of May 25, 1978, as the exclusive, independent majority representative of said employees; and THEREFORE, we do herewith form ourselves into a labor association under the name and for the purposes hereinafter set forth, and do hereby adopt the following Constitution and Bylaws for its proper conduct and governance.

ARTICLE I
Name & Purposes

Section A This labor association shall be known as the New Jersey Superior Officers Law Enforcement Association, Inc, hereinafter referred to as the *NJSOA*.

Section B The NJSOA is established for the mutual protection and benefit of all its members. The NJSOA shall act as the exclusive majority representative in negotiating for improved wages, hours, working conditions, welfare and job security, as well as for all other aspects of collective bargaining, in and on behalf of its membership. For instance, the NJSOA shall act in and on behalf of its membership when there are grievances and other problems in connection with employment and/or the employer.

In addition, the NJSOA shall promote, and engage in, such legislative, political, educational, cultural or social activity as will, in its good judgment, likely sustain and/or advance the best interests and welfare of its membership.

The NJSOA shall not discriminate against any of its members on the basis of age, gender, marital status, race, color, creed, national origin, ethnicity, religion or political affiliation, except as otherwise provided herein.

ARTICLE II
Membership

Section A Active membership in the NJSOA shall be made available to any law enforcement officer employed by the State of New Jersey, *the New Jersey Institute of Technology*, or the Palisades Interstate Park Commission who holds the rank of Lieutenant or its equivalency in the State's classified career service or retires therefrom under honorable circumstances.

Section B Eligibility for active membership shall be limited to such employees and retirees.

Section C Any eligible applicant for active membership shall fully complete and sign the official active-membership application form, which shall be supplied to the applicant by his or her institutional or subunit representative. The applicant shall then authorize the deduction of dues duly assessed by the NJSOA from his or her pay through the public employer's authorized dues-deduction check-off system or, in the case of an eligible retiree, shall pay dues to the NJSOA annually in the manner and in the amount hereinafter prescribed. In completing and signing the official active-membership application form, the applicant affirms his or her allegiance to the constitution, bylaws, ordinances and lawful orders of the NJSOA. The applicant further agrees to return to the NJSOA any membership card(s) or any other material belonging to or bearing the insignia of the organization if membership should be revoked or discontinued. The application form for active membership, once completed and signed by the applicant, shall be submitted to the Executive Board of the NJSOA for investigation prior to any vote of approval. Active membership shall be subject to approval by a majority vote of the active members in good standing present and properly assembled at a general membership meeting, only upon a favorable recommendation made by the Executive Board of the NJSOA. If so approved, the applicant shall henceforth be considered an active member in good standing and shall remain in such status except as otherwise provided herein.

Section D Only active members in good standing, as herein defined, shall have voice and vote and be entitled to the rights and privileges of active membership.

- Section E** Associate, or honorary, membership in NJSOA shall be comprised of individuals recognized by the NJSOA for exceptional service or contributions to the nation, any state or political subdivision thereof, the law enforcement community, or the NJSOA. Associate, or honorary, members shall be entitled to such benefits as may be provided for associate, or honorary, membership by the NJSOA. No associate, or honorary, member shall have voice or vote in the NJSOA, nor shall he or she be eligible to hold any elected or appointed office or position within the NJSOA. The application form for associate, or honorary, membership shall be completed and signed by the applicant and shall be submitted, along with the application fee hereinafter established, to the Executive Board of the NJSOA for investigation prior to any vote of approval. Associate, or honorary, membership shall be subject to approval by a majority vote of the active members in good standing present and properly assembled at a general membership meeting, only upon a favorable recommendation made by the Executive Board of the NJSOA.
- Section F** Payment of properly assessed dues and the maintenance thereof shall be a requisite of *good standing* for any member of the NJSOA, except as otherwise provided herein.
- Section G** All members shall comply with the constitution, bylaws and lawful ordinances of the NJSOA, as well as with any lawful order or directive issued by an officer(s) of the NJSOA.
- Section H** The NJSOA may deny membership or continuation thereof to anyone who is, or has been, a member of the communist party or any party, regardless of its name, which advocates the unlawful abolition or destruction or violent overthrow of the government of the United States or the government of any state or political subdivision thereof.
- Section I** The NJSOA may deny membership or continuation thereof to anyone convicted of a felony crime or misdemeanor in any court in the United States of competent jurisdiction once all appeals have been exhausted.
- Section J** The NJSOA may suspend or expel from membership any applicant or member for nonpayment of dues to be paid to the NJSOA in the manner and in the amount hereinafter prescribed.

ARTICLE III

Officers & Executive Board Elections

- Section A** The officers of the NJSOA and their order of organizational rank shall be as follows in the numerical order listed:
- 1) President
 - 2) Executive Vice President
 - 3) Vice President
 - 4) Treasurer
 - 5) Secretary
 - 6) Sergeant-at-Arms
- Section B** The officers of the NJSOA shall comprise its Executive Board. All members of the Executive Board shall be bonded, and shall hold office for an elected term of two (2) years. Said term shall begin the first (1st) day of January of the even year and end

the last day of December of the odd year. During their respective terms of office, the officers of the NJSOA, i.e., the Executive Board, shall represent the membership of the NJSOA as delegates to all state and national conferences or conventions and shall, by virtue of their elected station, be considered duly elected for delegatory purposes.

- Section C**
- 1) The Secretary of the NJSOA shall notify all active members in good standing of the date, time and place of nominations for officers. **This information shall also be posted on the NJSOA website.** Such notification **and web posting** shall be made at least fifteen (15) calendar days prior to nominations. Nominations for officers shall be held at November's general membership meeting in the odd year.
 - 2) The Executive Board or, in the absence of a consensus, the President shall appoint a special Election Committee of at least three (3) interested active members in good standing. No member of the Election Committee shall be a nominee for the Executive Board.
 - 3) Nomination(s) shall be made from the floor by an active member in good standing, subject to being seconded by another active member in good standing.
 - 4) Only those who have been active members in good standing for at least one (1) year prior to nominations and who have attended at least four (4) general membership meetings during the preceding twelve (12) months may be nominated.
 - 5) All nominees shall voice or otherwise signify acceptance or declination of their respective nominations. If a nominee is not present to accept or decline his or her nomination, he or she may submit, by certified mail or other verifiable means, his or her intentions to any member of the Executive Board within twenty-four (24) hours of nominations. Such alternate means of acceptance or declination shall be sufficient to satisfy the implicit purposes of this subsection. Such acceptance of the nomination by the nominee shall be a prerequisite to qualify as a candidate for office.
 - 6) The Election Committee shall, to the greatest extent practical, oversee the election—which shall be a *secret ballot* election by mail—and its manner of conduct in accordance with the guidelines promulgated by the federal Office of Labor-Management Standards (OLMS) pursuant to the *Labor-Management Reporting and Disclosure Act of 1959, as amended* (LMRDA). The Election Committee may conduct the election itself or, contingent upon the availability of funds and the passage of an enabling motion, contract with a reputable third party (e.g., *Honest Ballot* company) for the purposes of conducting the election on its behalf.
 - 7) All active members in good standing at the time of nominations shall be eligible to vote.
 - 8) Each candidate for office may designate one (1) observer, in addition to him or her self, to be present at all times during the tallying of ballots. Only an active member in good standing may serve as an observer.
 - 9) No write-in vote(s) shall be permitted in any election.
 - 10) The candidate receiving the plurality of the valid votes cast shall be declared elected to the office to which he or she has been duly nominated.

- 11) The Election Committee shall certify and announce the results of the election at December's general membership meeting in the odd year. The Election Committee shall surrender all election records to the Secretary-elect of the NJSOA, who shall maintain same for a minimum of one (1) year.
- 12) Where there is no contest in the election for any office, the Election Committee may declare the sole nominee for that office elected by default.
- 13) The ceremonial installation of the newly elected officers shall take place at January's general membership meeting in the even year and shall comport with the prevailing NJSOA customs. This provision shall not be so construed as to limit the elected term of office as defined in Section B, Article III, or to restrict the duties and authority of the newly elected officers at the onset of the even year (January 1).

Section D Any challenge relating to a nominee or his or her qualifications to run for office shall be submitted in writing to the Election Committee within five (5) calendar days of the nominations. Failure to do so shall constitute an implicit waiver of any defect therein. Any challenge or appeal relating to an election or its manner of conduct shall be submitted in writing to the Election Committee within seven (7) calendar days of the election certification. Failure to do so shall constitute an implicit waiver of any defect therein. The Election Committee's ruling on any such challenge or appeal shall represent the NJSOA's final determination and disposition of the matter.

ARTICLE IV **Institutional & Subunit Elections**

Section A The Executive Board or, in the absence of a consensus, the President shall determine the allocation of institutional and subunit representatives.

Section B The elected term for institutional or subunit representative shall be for a period of one (1) year, beginning the first (1st) day of January and ending the last day of December.

- Section C**
- 1) The sitting institutional or subunit representative shall notify all active members in good standing employed at the particular institution or subunit of the deadline and method for nominations. Such notification shall be made at least seven (7) calendar days prior to the posted or otherwise announced deadline for nominations, and the deadline for nominations shall be the same date as December's general membership meeting.
 - 2) Any person employed at the particular institution or subunit who has been an active member in good standing for at least one (1) year prior to the deadline for nominations and who has attended at least four (4) general membership meetings during the preceding twelve (12) months may nominate him or herself for the elected position of institutional or subunit representative by submitting a letter of interest to the sitting institutional or subunit representative. Such a letter of interest shall be a prerequisite to qualify as a candidate for institutional or subunit representative.
 - 3) The sitting institutional or subunit representative shall, to the greatest extent practical, conduct the election—which shall be a *secret ballot* election—in accordance with the guidelines promulgated by the federal Office of Labor-Management Standards (OLMS) pursuant to the *Labor-Management Reporting and Disclosure Act of 1959, as amended* (LMRDA).

- 4) All active members in good standing employed at the particular institution or subunit at the closing of the nomination period shall be eligible to vote.
- 5) No write-in vote(s) shall be permitted in any election.
- 6) Each nominee may designate one (1) observer, in addition to him or her self, to be present at all times during the tallying of ballots. Only an active member in good standing may serve as an observer.
- 7) The nominee receiving the plurality of the valid votes cast shall be declared elected.
- 8) The sitting institutional or subunit representative shall certify and report the results of the election to the President of the NJSOA or his or her designee no later than the end of the calendar year. The sitting institutional or subunit representative shall also inform, in writing or by other verifiable means, the active membership at his or her institution or subunit of said results. The institutional or subunit representative shall surrender all election records to the Secretary of the NJSOA, who shall maintain same for a minimum of one (1) year.
- 9) Where there is no contest in the election, the President or his or her designee may declare the sole nominee elected by default.
- 10) If no person is nominated or eligible to run for the position of institutional or subunit representative, the Executive Board or, in the absence of a consensus, the President shall have the authority to appoint the representative at that location.

Section D

Any challenge or appeal relating to any provision(s) of this Article shall be submitted in writing to the Executive Board within seven (7) calendar days of the election certification or announcement. Failure to do so shall constitute an implicit waiver of any defect therein. The Executive Board's ruling on any such challenge or appeal shall represent the NJSOA's final determination and disposition of the matter.

ARTICLE V

Duties & Powers of Officers & State Trustee

Section A

President

- 1) The President shall be the chief executive officer of the NJSOA.
- 2) The President shall in general preside at, or chair, all meetings of the general membership and the Executive Board pursuant to the Constitution & Bylaws hereof and, where they may be silent, in accordance with parliamentary procedures set forth in the latest edition of *Robert's Rules of Order*.
- 3) The President shall have the authority to convene special meetings of the NJSOA in addition to the monthly general membership meetings.
- 4) The President shall not be entitled to vote at general membership, Executive Board or special meetings except when the active members in good standing

present and properly assembled are equally divided on any matter(s) before them.

- 5) The President shall appoint the members of all committees, standing or special, and may remove any member so appointed, except as otherwise provided herein. The President shall be an ex-officio member of all committees and, as such, shall not be entitled to vote, except as otherwise provided herein or when committee members are equally divided on any matter(s) before the committee.
- 6) The President is authorized and empowered to summon any member of the NJSOA to appear at any meeting or proceeding of the NJSOA for legitimate purposes in connection with the business or interests of the NJSOA. Any member failing to comply with any such summons may be subject to the provisions of Article VIII.
- 7) While Article III, Section B, provides that members of the Executive Board shall represent the membership of the NJSOA as delegates to all state and national conferences and conventions, the President shall appoint such additional delegates and alternate delegates as may be necessary to sufficiently represent the membership of the NJSOA at such assemblies upon nomination and election at a meeting of the NJSOA.
- 8) The President shall, in the absence of a consensus among the Executive Board, decide the course of action on any matter of interest to the NJSOA.

Section B Executive Vice President

- 1) The Executive Vice President shall act as the President in the absence, or in the event of any temporary incapacity, of the President—at which time the Executive Vice President shall exercise the authority of the President in the discharge of Presidential duties and obligations.
- 2) The Executive Vice President shall perform all such other duties and responsibilities as directed by the President or the Executive Board.

Section C Vice President

- 1) The Vice President shall act as the President in the absence, or in the event of any temporary incapacity, of both the President and the Executive Vice President—at which time the Vice President shall exercise the authority of the President in the discharge of Presidential duties and obligations.
- 2) The Vice President shall perform all such other duties and responsibilities as directed by the President, the Executive Vice President, or the Executive Board.

Section D Treasurer

- 1) The Treasurer shall act as the receiver and custodian of all funds, securities and other fiscal property of the NJSOA.
- 2) The Treasurer shall make all the necessary arrangements to ensure that each officer of the NJSOA, or member of the Executive Board, is fully bonded in accordance with Article III, Section B.
- 3) The Treasurer shall maintain a true and accurate record of the finances of the NJSOA.

- 4) The Treasurer shall preserve all vouchers, invoices, cancelled checks and other fiscal papers of the NJSOA. The Treasurer shall produce any such record(s) upon the Executive Board's demand or that of a superior officer of the NJSOA.
- 5) The Treasurer shall deposit all funds as soon as reasonably possible upon receipt in such depositories as designated by the Executive Board.
- 6) The Treasurer shall be a cosignatory of all checks drawn and withdraws made on any account(s) of the NJSOA.
- 7) The Treasurer shall prepare monthly financial reports and shall make them available for disclosure to any active member(s) in good standing.
- 8) The Treasurer shall perform other responsibilities usual and incidental to the office of Treasurer and such other duties and obligations as directed by a superior officer of the NJSOA or the Executive Board.

Section E

Secretary

- 1) The Secretary shall record and provide a written summary of all general membership meetings and such other meetings and proceedings as directed by a superior officer of the NJSOA or the Executive Board.
- 2) The Secretary shall prepare a monthly newsletter and distribute same to the active membership after review and approval by the Executive Board.
- 3) The Secretary shall have control and supervision of the seal of the NJSOA
- 4) The Secretary shall conduct the general correspondence of the NJSOA as directed by a superior officer of the NJSOA or the Executive Board.
- 5) The Secretary shall maintain such written records as motions, bylaw amendments, membership rosters, roll-call of officers and representatives, and membership-attendance records at meetings of the NJSOA, etc.
- 6) The Secretary shall perform other responsibilities usual and incidental to the office of Secretary and such other duties and obligations as directed by a superior officer of the NJSOA or the Executive Board.

Section F

Sergeant-at-Arms

- 1) The Sergeant-at-Arms shall preserve order while meetings of the NJSOA are in progress and shall inspect all persons present before the opening of meetings of the NJSOA to ascertain their right, privilege or authorization to be present at such meetings.
- 2) The Sergeant-at-Arms shall perform other responsibilities usual and incidental to the office of the Sergeant-at-Arms and such other duties and obligations as directed by a superior officer of the NJSOA or the Executive Board.

ARTICLE VI

Removal & Replacement of Officers & Representatives

Section A

In the event that the Office of President is vacated, the Executive Vice President shall assume the Presidency in the interim until the expiration of the existing

term of office. Each officer under the Executive Vice President may assume the next highest office. The new, interim President may appoint an active member in good standing to fill the vacancy on the Executive Board in the interim until the elected term for that vacant position expires. The interim appointment shall be subject to confirmation by a majority vote of active members in good standing present and properly assembled at the next monthly general membership meeting.

Section B In the event that a member of the Executive Board or institutional or subunit representative vacates his or her elected or appointed position, the President shall declare the position vacant; and the President may appoint an active member in good standing to the vacated position in the interim until the elected term for that position expires. The interim appointment shall be subject to confirmation by a majority vote of active members in good standing present and properly assembled at the next monthly general membership meeting.

Section C Whenever any elected or appointed official in the NJSOA transfers or is promoted out of the jurisdiction of his or her office or position or out of the collective bargaining unit that the NJSOA is certified by the Public Employment Relations Commission (PERC) to collectively represent, he or she shall not continue to hold that office or position past the next monthly general membership meeting.

Section D Whenever an elected or appointed official is on a leave of absence, or is suspended or removed for cause resulting from charge(s) in the workplace or through the criminal-justice system, from public employment, he or she shall continue to hold his or her office or position during any specified or indefinite period of suspension or leave of absence unless the Executive Board or, in the absence of a consensus, the President deems it practical and/or prudent to make an interim appointment to the office or position until he or she returns to public employment or from the leave of absence. If an elected or appointed official is removed from public employment, he or she shall forthwith resign, or be automatically discharged from, his or her office or position upon final adjudication and exhaustion of all legitimate appeals.

Section E Whenever an institutional or subunit representative retires from the collective bargaining unit, he or she may not continue to hold that position past the next general membership meeting.

Section F Where the duties of an elected or appointed official are in conflict with his or her duties in the workplace, whether they be in or out of his or her classified civil-service title, he or she shall be placed on a specified or indefinite leave of absence from his or her office or position, while remaining an active member in good standing, until the conflict of interests is resolved, made harmonious, or no longer exists. Any determination under this section shall be made by the Executive Board or, in the absence of a consensus, by the President.

ARTICLE VII **Committees**

Section A There shall be the following standing committees:

- Legislative/Political Action Committee (PAC)
- Bylaws
- Ways & Means

Section B Special committees shall be established by the Executive Board or, in the absence of a consensus, by the President as necessary and for the purposes of enforcing provisions of the Constitution & Bylaws hereof, furthering the interests of the NJSOA, and/or transacting business of the NJSOA. Special committees may be, but not necessarily limited to, the following:

- Election
- Judiciary
- Contract Negotiations

Special committees may also be established through a duly passed motion or an adopted resolution by a majority vote of the active members in good standing present and properly assembled at a general membership meeting. Such a motion or resolution shall designate the very narrow or specific purpose of the special committee, and the purpose or activities of the special committee may serve to contravene any provision(s) herein or usurp the lawful authority of the Executive Board or any of its offices.

Section C All committees shall be comprised of at least three (3) active members in good standing. The President shall appoint all committees and their chairs, except as otherwise provided herein. The President shall be the ex officio member of all committees; and nothing herein shall be so construed as to limit the authority of the President to appoint himself as chair of any committee while thereby removing his or her status as an ex officio member of the committee in question, except as otherwise provided herein. The chair of each committee shall be a member of the Executive Board, except in the case of the special Election Committee where the member of the Executive Board is also a nominee for any office on the Executive Board. If no member of the Executive Board is accordingly eligible to serve as chair of the special Election Committee, then the President may appoint as its chair an active member in good standing who is not a nominee for the Executive Board.

Section D The President and the Executive Vice President shall serve as chair and vice-chair of the special Contract Negotiations Committee, respectively.

Section E No committee, special or standing, shall operate to interfere with, limit or restrain the lawful duties of the Executive Board or any of its offices.

ARTICLE VIII Charges

Section A It is the belief of the Executive Board, the Institutional and Sub-Unit Representatives, and the Members of the NJSOA, that the basic rights of union members include the right to work in an environment that is free of offensive allegations, innuendo and/or gossip that is malicious in nature, and which is directed from one member to another.

The NJSOA as a body finds such willful misconduct to be reprehensible and urges all members to refrain from conduct that disparages the character and/or performance of other members.

While the NJSOA is not in the business of legislating personal conduct, we believe that we have a moral and philosophical obligation to shelter our brothers and sisters from willful and unwarranted personal attacks from fellow members. Such conduct is antithetical to our mission of promoting dignity and solidarity. This obligation extends to consideration of sanction against offending members pursuant to the NJSOA Constitution and Bylaws, Article VIII.

Section B

1. All members shall be expected to conform with and abide by all of the provisions of the Constitution and By-laws, Association Policy as adopted by the Executive Board, and/or Association Standing Rules.
2. Where there are complaints of alleged improper conduct between members, the parties may submit to conflict resolution with the Executive Board, in an attempt to resolve the dispute prior to preferring charges. The Executive Board shall select a person to facilitate the conflict resolution proceeding.
3. The following actions or omissions may constitute improper conduct by a member, which may warrant imposition of a sanction.
 - a. Refusal or failure to perform any duty or obligation imposed by the Constitution and By-laws, the established policies of NJSOA or the decisions and directives of the Executive Board.
 - b. Willful actions in direct violation of any provision(s) of the Constitution and By-Laws.
 - c. Illegal voting or in any way preventing any honest election to fill elective offices, post, or positions in NJSOA.
 - d. Malicious conduct toward another NJSOA member that is detrimental to the member's reputation and/or the member's standing with the Employer, the NJSOA, and/or fellow members.
 - e. Threatening or abusive behavior toward another member.
 - f. Lying or providing false statement against another member during any investigation of the employer, the NJSOA, or any other investigative body.

Section C

Internal charge(s) may be preferred by any active member in good standing against any member for any violation of any provision of the Constitution & Bylaws hereof.

Section D

Such charge(s) shall be specific and in writing and shall be signed by the active member in good standing preferring the charge(s). The charge(s) shall be submitted to the President, and a complete copy—including any and all documentation or other evidentiary material, incriminating or exculpatory—shall be served upon the charged member by verifiable means.

Section E

The charge(s) shall be preferred within forty-five (45) of the charging party's reasonably becoming aware of the alleged violation or impropriety.

Section F

A special Judiciary Committee shall be established and appointed pursuant to Article VII, except that if the member charged is also a member of the Executive Board, he or she shall recluse him- or herself from the establishment, appointment, conduct and oversight of the committee.

Section G

Any member so charged shall be afforded a reasonable opportunity to appear before the committee and to present a defense. He or she may also elect to have an active member in good standing assist in his or her defense or appear before the committee for purposes of representation.

Section H

The committee shall be empowered to summon any member to testify concerning the charge(s).

Section I

In cases where civil, criminal, or administrative complaint(s) are pending with the respect to a substantive matter before the committee, the committee may reserve the right to adjourn until the final outcome of the related external complaint(s).

Section J Within twenty (20) days of the conclusion of the investigation or the formal proceedings of the committee, whichever is later, the committee shall render its findings in writing to the Executive Board and shall also make a written recommendation as to guilt or innocence concerning the charge(s). Both the charging party and the charged member shall be entitled to a complete copy upon written request to the committee.

Section K The Executive Board or, in the absence of a consensus, the President shall make a final determination as to guilt or innocence concerning the charge(s) and shall take, upon a finding of guilt, final action against the charged member.

Section L The final action may include, but may not necessarily be limited to, any one or more of the following penalties:

- written reprimand or censure
- restitution
- fines
- suspension from office or position
- suspension from membership
- removal from office
- expulsion from membership

Section M The charged party may **appeal the sanction and/or the appropriateness** of the penalty to the active members in good standing present and properly assembled at the next monthly general membership meeting. Notwithstanding, it shall take a two-thirds majority vote of active members present and properly assembled at the next monthly general membership meeting **to modify the penalty** included in the final action.

Section N Under emergent circumstances, the Executive Board or, in the absence of a consensus, the President may temporarily relieve any elected or appointed official of his or her official duties or suspend any member pending the adjudication of the charge(s).

ARTICLE IX **Meetings**

Section A **General Membership Meetings**

- 1) The general membership meeting shall be held on the second Tuesday of every month. Notwithstanding, the President may suspend a general membership meeting on account of a reasonable exigency, provided he or she reschedules, with due notice, the meeting in question within the same month.
- 2) A quorum at a general membership meeting shall consist of five (5) active members in good standing.
- 3) Only active members in good standing shall have the right to vote at general membership meetings.
- 4) Within any given 12-month period, no officer or representative shall be absent for more than one (1) general membership meeting without having been duly excused in advance by **an officer** of the NJSOA.

- 5) The order of business at general membership meetings shall be as follows:
- calling the meeting to order
 - Pledge of Allegiance
 - moment of silence
 - roll-call of officers and representatives
 - Treasurer's report
 - President's report
 - old business
 - new business
 - adjournment
- 6) All questions on procedure at any general membership meeting shall be determined in accordance with the latest edition of *Robert's Rules of Order* where not in conflict with the Constitution & Bylaws hereof.
- 7) The latest edition of *Robert's Rules of Order* or provisions thereof shall only apply or be cited when the Constitution & Bylaws hereof are silent on any given subject of procedure not herein addressed or reasonably inferred.

Section B Meetings of the Executive Board

- 1) An Executive Board meeting shall take place at a frequency of at least one (1) time per month.
- 2) The time reserved immediately prior to the start of the monthly general membership meeting may be utilized to convene a meeting of the Executive Board.
- 3) Three (3) members of the Executive Board shall constitute a quorum for the transaction of business at any Executive Board meeting.
- 4) Within any given 12-month period, no member of the Executive Board shall be absent for more than one (1) meeting of the Executive Board without having been duly excused in advance by a superior officer of the NJSOA.
- 5) Only the President or a majority of the Executive Board may call for a meeting of the Executive Board.

Section C Special Membership Meetings

- 1) Special membership meetings may be called for a specified purpose by the President or a majority of the Executive Board or upon a motion duly approved by a two-thirds vote of the active members in good standing present and properly assembled at a general membership meeting.
- 2) Five (5) active members in good standing shall constitute a quorum at a special membership meeting, and only active members in good standing may vote.
- 3) Business conducted at a special membership meeting shall be limited to the specific purpose for which the special membership meeting has been called.
- 4) All questions on procedure at any special membership meeting shall be determined in accordance with the latest edition of *Robert's Rules of Order* where not in conflict with the Constitution & Bylaws hereof. Notwithstanding, procedure at a special membership meeting may be set in

advance by the instrument whereby the special membership meeting has been called.

- 5) The latest edition of *Robert's Rules of Order* or provisions thereof shall only apply or be cited when the Constitution & Bylaws hereof are silent on any given subject of procedure not herein addressed or reasonably inferred.

ARTICLE X

Funds, Monies, Dues & Assessments

Section A Dues for Active Members Employed within Collective Bargaining Unit

- 1) The dues shall be collected biweekly through the public employer's authorized dues-deduction check-off system.
- 2) Biweekly dues shall be assessed at \$20 per active member employed in the collective bargaining unit.
- 3) Members to whom this section applies shall ultimately be held responsible for the payment and maintenance of properly assessed dues.
- 4) Notwithstanding, the Executive Board or, in the absence of a consensus, the President may defer, suspend or waive the payment and maintenance of properly assessed dues or any portion thereof by members under this section who fall out of pay status.

Section B Dues for Active Members Retired under Honorable Circumstances

- 1) Dues under this section shall be collected annually, and shall be received by the NJSOA no later than the conclusion of **December's** general membership meeting. **This dues shall be posted for the next calendar year, starting in January. Dues shall be prorated accordingly, at the discretion of the Treasurer.**
- 2) The dues shall be a quarter, or twenty-five percent (25%), of the amount assessed for dues under Article X, Section A, yet calculated in the aggregate of one (1) full year.
- 3) Members to whom this section applies shall ultimately be held responsible for the payment and maintenance of properly assessed dues.
- 4) Notwithstanding, the Executive Board or, in the absence of a consensus, the President may defer, suspend or waive the payment and maintenance of properly assessed dues or any portion thereof by members under this section who fall on difficult economic times.

Section C Dues for Associate, or Honorary, Members

- 1) Dues under this section shall be collected annually at a time and in a manner prescribed by the Executive Board or, in the absence of a consensus, the President.

- 2) The initial fee for applicants seeking membership under this section shall be set by the Executive Board or, in the absence of a consensus, the President.
- 3) Members to whom this section applies shall ultimately be held responsible for the payment and maintenance of properly assessed dues.
- 4) Notwithstanding, the Executive Board or, in the absence of a consensus, the President may defer, suspend or waive the initial application fee or the payment and maintenance of properly assessed dues or any portion thereof by applicants or members under this section.
- 5) Dues under this section shall be collected annually, and shall be received by the NJSOA no later than the conclusion of December's general membership meeting. This dues shall be posted for the next calendar year, starting in January. Dues shall be prorated accordingly, at the discretion of the Treasurer.

Section D Reimbursement of Expenses

- 1) Officials of the NJSOA shall be entitled to reimbursement of such expenses incurred during the performance of official duties as have been authorized in advance by the Executive Board or, in the absence of a consensus, the President. Any single voucher expense in excess of \$1000.00 must be approved by the membership present at the monthly meeting.
- 2) Reimbursement shall be based upon the availability of funds, the effective use of limited NJSOA resources, and the prioritizing of interests.
- 3) The Executive Board or, in the absence of a consensus, the President shall establish a voucher system to be administered by the Treasurer pursuant to this section and Article V, Section D.

Section E Accounts and Investments

- 1) All checks issued or drawn on any account of the NJSOA and all withdrawals there from shall be countersigned by the Treasurer and any one of the following officers:
 - President
 - Executive Vice President
 - Vice President
- 2) Any long-term investment(s), revenue-enhancement agreement (such as lengthy telephone or mail solicitation campaign), mortgage, other loan or similar instrument of debt entered into by the NJSOA with an outside entity shall be recommended by a majority of the Executive Board with due notice given to the membership, posted on the NJSOA web site and, upon such recommendation, subject to the approval of a two-thirds majority vote of the active members in good standing present and properly assembled at a membership meeting.

Section F PAC Fund and Demand & Return System

- 1) The NJSOA adopts a demand & return system as provided hereinafter regarding representation fees received by the NJSOA from employees in the collective bargaining unit who are not members of the NJSOA.

- 2) In accordance with the New Jersey Employer-Employee Relations Act, the representation fee in lieu of dues shall be in an amount equivalent to the regular membership dues, initiation fees and assessments charged by the NJSOA to its own employed active members in good standing less the cost of benefits financed through the dues, fees and assessments and available to or benefiting only its employed active members in good standing; yet in no event shall such fee exceed eighty-five percent (85%) of the regular membership dues, fees and assessments charged by the NJSOA to its own employed active members in good standing.
- 3) The representation fee paid in lieu of dues by employees of the collective bargaining unit who are not members of the NJSOA shall be used by the NJSOA for services rendered by the NJSOA for the benefit of all employees in the collective bargaining unit, including members and nonmembers of the NJSOA.
- 4) Any nonmember employee of the collective bargaining unit who pays the representation fee in lieu of dues shall have the right to demand and receive from the NJSOA, under proceedings established and maintained pursuant to the New Jersey Employer-Employee Relations Act, a return of any part of that fee paid by the employee which represents the employee's additional *pro rata* share of expenditures by the NJSOA that is either in aid of activities or causes of a partisan political or ideological nature only incidentally related to the terms and conditions of employment or applied toward the cost of any other benefits available only to its employed active members in good standing. The *pro rata* share subject to refund shall not reflect, however, the costs of support of lobbying activities designed to foster policy goals in collective negotiations and contract administration or to secure for the employees represented advantages in wages, hours, and other conditions of employment in addition to those secured through collective negotiations with the public employer.
- 5) Any nonmember employee of the collective bargaining unit who has paid the representation fee to the NJSOA in lieu of dues and seeks to assert his or her rights under the NJSOA's demand & return system shall submit a written demand to the NJSOA seeking a return of all or a portion of the representation fee that he or she claims has been expended in contravention of the New Jersey Employer-Employee Relations Act, the collective bargaining agreement in effect, or the Constitution & Bylaws hereof. Within ten (10) days of receipt by the NJSOA of such written demand, the Treasurer of the NJSOA shall provide a full and fair proceeding to the nonmember employee seeking a return of all or a portion of the representation fee paid by him or her to the NJSOA in lieu of dues. The proceeding shall be so conducted as to result in an expeditious disposition on the basis of submissions by the NJSOA and the nonmember employee. The nonmember employee may be represented by someone of his or her choosing. The Treasurer of the NJSOA shall have the burden of proof. Within ten (10) days of the proceeding's conclusion, the Treasurer of the NJSOA shall render a decision. In the decision, the nonmember employee shall be notified of his or her right to appeal the decision to the Public Employment Relations Commission's Appeal Board.
- 6) Fifteen percent (15%) of all dues collected by the NJSOA from its active members in good standing employed in the collective bargaining unit shall be transferred to the fund, or account, of the PAC in such manner as the Treasurer of the NJSOA may direct. Sixty percent (60%) of all dues collected by the NJSOA from its active members in good standing retired from the collective bargaining unit shall be transferred to the fund, or account, of the PAC in such manner as the Treasurer of the NJSOA may direct.

7) The Treasurer of the NJSOA shall also be the Treasurer of the PAC, and the Chair of the PAC shall be one of the following members of the Executive Board:

- President
- Executive Vice President
- Vice President

Both the Chair and the Treasurer of the PAC shall countersign all checks drawn on the account of the PAC. The Chair of the PAC shall preside over all deliberations involving members of the Political Action Committee (PAC). The Chair and the Treasurer of the PAC shall perform duties usual and incidental to their respective positions. All deposits and withdrawals from the PAC fund, or account, shall be detailed in the Treasurer of the NJSOA's monthly report.

ARTICLE XI

Death Benefit for Active Members in Good Standing

Upon the death of an active member **or a retired dues paying** member in good standing, his or her designated beneficiary shall be entitled to receive a death benefit of at least of \$1,000, contingent upon the availability of funds.

ARTICLE XII

Miscellaneous

Section A No member shall lend his or her name followed or preceded by any official title he or she may have under the NJSOA or the name of the NJSOA or any organization to which it is affiliated, to any other person or organization as a sponsor, supporter, subscriber or in any other way, without having first obtained permission from the Executive Board or, in the absence of a consensus, the President.

Section B Resignation from membership, office, or position shall be in writing and presented to the President. No resignation may be accepted if the member or the holder of office or position is under charge(s), indebted to the NJSOA or any organization with which it is affiliated, or has in his or her possession any property belonging to the NJSOA or any organization with which it is affiliated, until such time as the matter may be resolved.

Section C The Executive Board and/or the President may construct resolutions, develop and implement internal union procedures and/or rules as may be necessary to accomplish the goals and objectives of the NJSOA.

- Elected and appointed representatives of the NJSOA shall be held accountable for adherence to these internal resolutions, procedures, and rules.
- Members of the NJSOA shall be held accountable for adherence to these internal resolutions, procedures, and rules.

ARTICLE XIII

Amendments to Constitution & Bylaws

Section A Any amendment(s) to the Constitution & Bylaws hereof may be proposed by any member of the Executive Board upon a motion duly approved at a meeting of the Executive Board. Notice of the proposed amendment(s) shall **be posted on the**

NJSOA web site at least seven (7) days prior to the next membership meeting. The proposed amendment(s) shall only be adopted upon the approval of a two-thirds majority vote of the active members in good standing present and properly assembled at that next membership meeting.

Section B Any amendment(s) to the Constitution & Bylaws hereof may also be proposed by any active member in good standing present at a general membership meeting upon a motion duly made, seconded and carried at the same general membership meeting. Notice of the proposed amendment(s) shall **be posted on the NJSOA web site at least seven (7) days prior to the next membership meeting.** The proposed amendment(s) shall only be adopted upon the approval of a two-thirds majority vote of the active members in good standing present and properly assembled at that next membership meeting.

ARTICLE XIV

Parliamentary Authority & Supremacy of Constitution & Bylaws

Section A The latest edition of *Robert's Rules of Order*, except as otherwise provided herein, shall be the standard for parliamentary authority where not in conflict with the Constitution & Bylaws hereof.

Section B The latest edition of *Robert's Rules of Order* or provisions thereof shall only apply or be cited when the Constitution & Bylaws hereof are silent on any given subject not herein addressed or reasonably inferred.

Section C The Constitution & Bylaws hereof shall serve as the supreme document of the NJSOA.

Section D The internal resolutions, procedures, and rules of the NJSOA shall serve to clarify and/or address specific issues and scenarios. They shall serve to supplement the Constitution & Bylaws of the NJSOA.

This edition of the NJSOA Constitution & Bylaws
supersedes any and all previous editions of the Constitution & Bylaws
of this Association.

August 2008

NJSOA Executive Officers

President Jeffrey Smith
Executive Vice President Edward Sullivan
Vice President Michael Mesi
Treasurer Louis Hall
Secretary Todd Faubert
Sergeant-at-Arms Terrance Graves

2008 NJSOA Bylaws Committee

Todd Faubert, Chairman
Jeffrey Smith, Ex-officio Chairman
Michael Chrono
Jack Fucili
Terrance Graves
Paul Peace