

LAY FACULTY  
ASSOCIATION

LOCAL 1261

CONSTITUTION AND  
BY-LAWS

**2017**

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# THE CONSTITUTION OF THE LAY FACULTY ASSOCIATION

## PREAMBLE

- I. In order to act as a coordinating agency between lay faculty members and their employers and to foster a close relationship among teachers in private schools so that the best interests of the schools, children, and teachers may be advanced, we, the members of the Lay Faculty Association, Local 1261, shall be truly representative of all lay teachers, their activities and opinions, with such powers as are specified in this Constitution to regulate and supervise such activities as are placed within its scope.
- II. Since we are affiliated with Laborers' International Union of North America (LIUNA), we have to comply with the Constitutional structure of LIUNA, the Mason Tenders' District Council (MTDC) and the Uniform Code for a Local Union Constitution and Rules, Regulations policies where the same apply.

## ARTICLE I: NAME

**SECTION 101:** The name of this organization shall be: Laborers' International Union of North America, Local 1261 Lay Faculty Association.

## ARTICLE II: PURPOSE

The purposes of this Association are:

**SECTION 201:** To promote the best interests of the members of this Association through any and all activities deemed necessary to develop, protect, advance and enhance the professional standards of its membership.

**SECTION 202:** To promote and facilitate the mutual cooperation among the Lay Faculty members and their employers.

**SECTION 203:** To provide the appropriate means to present professional needs and rights to the employers in order to improve the quality of the professional service.

**SECTION 204:** To contribute to the development, improvement and effectiveness of all private schools and to private education in general.

**SECTION 205:** To foster the intellectual and moral development of the young men and women entrusted by their parents to our care.

**SECTION 206:** To articulate the need for city, state and federal aid for all private schools.

**SECTION 207:** To unite all teachers and teacher organizations in an attempt to foster such aid in whatever way possible.

**SECTION 208:** To take public positions and actions on issues that affect the work and welfare of member teachers, leading to better programs in our schools.

**SECTION 209:** To organize the unorganized as stated under our Charter from the International.

**SECTION 210:** To comply with all LIUNA Constitutional Articles now and in the future when changes do occur.

### **ARTICLE III: MEMBERSHIP**

**SECTION 301:** Membership in this Association shall be open to all lay personnel employed in a professional capacity within an educational institution and any others approved by the Board of Directors.

**SECTION 302:** Membership in good standing shall be granted to those who have paid their dues in full for one year by check or to those members who have signed a dues deduction authorization form and submitted such form to their employer and the Association.

**SECTION 303:** (A) The Board of Directors shall have the power to create categories of membership and determine the dues, rights and duties of those members.

(B) Any category of membership created by the Board of Directors shall be non-voting members on teachers' issues.

**SECTION 304:** There shall be no restrictions on membership because of color, sex, creed, race or age.

**SECTION 305:** (A) A membership list shall be established by November 15<sup>th</sup> of each fiscal year.

(B) Newly Hired Unit Members: A unit member who has started work in any month from September through August will pay a pro rata amount of the annual dues.

## **ARTICLE IV: FINANCE**

**SECTION 401:** (a) LFA dues shall be fixed by a membership vote. A majority of those voting is required for approval.

(b) The International and / or MTDC dues shall be fixed by the called Constitutional Convention of LIUNA and by the MTDC Board of Directors.

**SECTION 402:** Additional finances may be obtained by various fundraising activities approved by the Board of Directors.

**SECTION 403:** (a) To provide for the well-being and security of members, officers and employees of the Lay Faculty Association, Local 1261, including but not limited to the establishment of insurance, health and welfare, pension, severance and other employee benefit plans.

(b) To carry out its other duties, responsibilities and functions as provided in the Constitutions of the Union.

(c) To take such other actions as deemed necessary.

## **ARTICLE V: BOARD OF DIRECTORS**

**SECTION 501:** The Board of Directors shall consist of all elected officers and one official delegate elected from each school with membership of ten or more teachers.

**SECTION 502:** A simple majority of the delegates and officers shall constitute a quorum of the Board of Directors.

**SECTION 503:** Voting shall proceed in the following manner: (a) each member of the Board of Directors shall have one vote.

(b) a motion carries by a simple majority of the delegates and officers present.

(c) upon request of a delegate a weighted vote shall be employed (i.e., one vote for each member in good standing)

(d) notwithstanding (b) or (c) above, a simple majority of the delegates and officers present may choose to have the delegates poll their membership before casting their proportionate ballots.

**SECTION 504:** The Board of Directors shall have the power to decide such matters as are referred to it by the membership through the delegates and exercise such powers granted to it by the constitution and by-laws of this Association.

**SECTION 505:** The Chairman of the Board of Directors shall be the President / Business Manager of the Lay Faculty Association.

**SECTION 506:** The Board of Directors shall establish an annual operations budget.

**SECTION 507:** The Board of Directors will have the authority and power to make contracts and incur liabilities which may be appropriate to enable it to accomplish any and all of its purposes and to borrow money for the Association at such rates of interest and terms and conditions as they may determine.

**SECTION 508:** The Board of Directors shall have the power to approve or disapprove the General Counsel appointed by the President.

**SECTION 509:** The Board of Directors in addition to the duties enumerated above, shall call membership meetings, plan programs, authorize the disbursement of monies, and make decisions necessary for the welfare of the Association. The Board of Directors shall administer the policy of the Association. It shall have the power to act for the good of the Association in emergency situations where the policy cannot be set by the membership.

## **ARTICLE VI: AFFILIATIONS**

**SECTION 601:** The Association shall maintain an affiliation with any organization it deems necessary with approval of the Board of Directors and the membership.

**SECTION 602:** All delegates and officers shall make reports to the Board of Directors on meetings attended.

**SECTION 603:** The Association, to the best of its ability, shall be active in the affairs of affiliated organizations.

## **ARTICLE VII: FISCAL YEAR**

**SECTION 701:** The fiscal year of this Association shall be December 1 to November 30 of the following year.

## **ARTICLE VIII: RATIFICATION AND AMENDMENTS**

**SECTION 801:** This constitution shall take effect upon its adoption by the majority of the total membership of this Association.

**SECTION 802:** The constitution may be amended by a majority vote of the entire membership, provided, however that the provisions of the proposed amendment or amendments shall have been written down and distributed to the membership ten (10) days prior to the casting of the ballots or votes.

**SECTION 803:** The by-laws may be amended by a majority of the membership voting, provided, however, that copies of the proposed Amendments of the by-laws have been presented to each member of the Association ten (10) days prior to the vote on said amendment of the by-laws.

## **ARTICLE IX: DISPOSAL OF ASSETS**

**SECTION 901:** If at any time this Association shall cease to function as defined in the Articles of this constitution, all assets and properties held by it, whether in trust or otherwise, shall after its payment of liabilities, be paid over to an organization selected by the final Board of Directors of this Association in accordance with the I.R.S. Code of 1954 now enacted or as it may be hereafter amended.

# **THE LAY FACULTY ASSOCIATION BY – LAWS**

## **ARTICLE I: A UNIT**

**SECTION 101:** A unit is defined as any member grouping of school under a common contract.

## **ARTICLE II: DUES**

**SECTION 201: (a)** The annual LFA dues shall be set by a membership vote. A majority of those voting is required for approval.

**(b)** The International dues and / or MTDC dues shall be fixed by the called Constitutional Convention of LIUNA and by the MTDC Board of Directors.

## **ARTICLE III: ELECTION OF DELEGATES**

**SECTION 301:** The election of the Unit's delegate and alternate delegate shall follow the procedures of Robert's Rules of Order (2011 edition) and the guidelines established under the Landrum Griffin Act (1959) with regard to the election process for union delegate and alternate delegate.

**SECTION 302:** The delegate of each school shall be elected by members in good standing of the individual unit no later than May 15 in a given calendar year and precede the elections of the officers. The delegates' term of office shall be three (3) years commencing September 1<sup>st</sup> after the election of the delegate.

**SECTION 303:** The delegate may have an alternate. The alternate delegate shall be elected in the same manner and at the same time as the delegate. In the absence of the delegate, the alternate delegate shall act in place of the delegate. Each unit shall be free to fill vacancies of delegate or alternate delegate by a vote of members in good standing.

## **ARTICLE IV: OFFICERS AND BOARD MEMBERS**

**SECTION 401:** The officers of the Association shall consist of the President, Business Manager, Vice President, Secretary - Treasurer, Secretary to the Board, the Sergeant-at- Arms and two Auditors who shall be elected by ballot; and additional Vice Presidents as deemed necessary by the Board of Directors.

**SECTION 402: Auditors: (a)** The Auditors shall at the end of the year audit the books of the Secretary – Treasurer and check the entries with bank deposits, statements and other data or memoranda. They shall render a detailed report annually to the Local Union, showing financial transactions and conditions of the Local Union for the preceding year.



(b) The Auditors shall have the right to require the production of books, records and other data or memoranda from all officers, officials or employees who participated in any financial transaction and to request their appearance for the purpose of making such report or explanation as may be deemed necessary by them.

(c) The LFA books shall be audited two (2) months prior to the end of term of office of the Secretary – Treasurer.

## **ARTICLE V: ELECTIONS OF OFFICERS**

**SECTION 501:** The officers shall be elected by secret ballot by those members in good standing.

**SECTION 502:** Nomination Process

No member can be nominated for office in this Association, unless that member is in good standing. Nominations will take place in October. These nominations will be at a meeting designated by the Board of Directors; time and place to be announced.

It shall be policy of the LFA that any candidate for election to the office of the Association:

- a. must be nominated by two members in good standing – a teacher or former retired teacher of the Association. Note the special directives for retirees in LIUNA article V section 11: Any person who receives a pension from a pension or a retirement fund related to the International Union or may be affiliated thereof shall be presumed to be a retiree and, therefore, not to be qualified as a candidate for office. The burden shall be on such pension recipient to demonstrate affirmatively to the satisfaction of the Judges of Election that such individual nonetheless meets the constitutional qualifications for office.
- b. In the event of a contested election, candidates must submit to the Executive Committee / Board of Directors a 100-150word summary of contributions, credentials, a picture, and Vitae 10 days after the nominations are closed. Failure to submit Vitae, etc. will automatically require a blank space on the election ballot.
- c. This information, unedited, will be used on the ballot form for each position the individual is nominated for office.
- d. No political statements, comments about opponents will be distributed
- e. No candidate will use the LFA banner, logo, or letterhead, if the candidate wishes to write to any member of the Association
- f. Infraction of policy will be discussed at the next regularly scheduled meeting and fines or sanctions can be voted for serious infractions
- g. Any of the membership data base is the property of the Union. Any candidate may look at the information and may NOT copy or download it for political purposes. All of the above must be under the supervision of the Election Judges and or the Election Committee.

- h. As per the LIUNA Constitution Article VI Section 2 Letter E: After the Judges have completed their examination, they shall pass upon and decide whether or not each candidate qualifies, as provided, and prepare their report, which is to be submitted to the regular meeting of the membership... following the Nomination Meeting.

In the event there is no contest for any office and the candidates are found properly qualified, the Judges of the Election shall certify to the members present at the meeting that there is no need for a secret ballot election, and the nominees shall be declared duly elected.

- i. Shall be a lawful permanent resident and shall be lawfully employable under the laws of the United States
- ~ candidates must be present at the nomination meeting
  - ~ candidates may address the Board of Directors and invited membership at that meeting for no longer than 15 minutes Judges of Election
  - ~ 3 Judges of Election and the Secretary to the Board should be appointed at the September BOD meeting; a separate meeting should be scheduled with the Vice President as chairperson to review the election procedures as per the LFA constitution.
  - ~ The Judges are responsible for examining the candidate's criteria, including the Vitae, and recommend to the BOD if s/he is acceptable as a candidate for election.
  - ~ On election night the Judges are responsible for verifying signatures on the ballots in comparison to the dues check off cards on file at the LFA office as per the LIUNA Constitution Article VI Section 3 Elections letter D.
  - ~ Ballot Boxes should be guarded by the Delegate/Alternate Delegate and brought to the Union office in a box which has been sealed on all sides once the voting is completed in that school.
  - ~ Ballots should be prepared by a person(s) elected by the BOD and with clearly explained directives.

**SECTION 503: The Election**

Officers of the Association shall be elected for a term of three (3) years. The election should take place between the October BOD meeting and the November BOD meeting, with the ballots being submitted to the Judges of Election at the November BOD meeting. Newly elected officers will fill the positions by December 1<sup>st</sup>.

**SECTION 504:** The Board of Directors may extend the term of office for limited time under emergency situations.

**SECTION 505:** Vacancies in any office shall be filled by the Board of Directors as stipulated by Section 501.

**SECTION 506:** The procedures for nominations will follow Article VI of the International.

## ARTICLE VI: MEETINGS

**SECTION 601:** There will be at least one meeting of each unit per semester.

**SECTION 602:** The Board of Directors must meet at least twelve (12) times during the fiscal year and shall determine the dates of each Board meeting.

**SECTION 603:** Contract ratification meetings and other special meetings shall be held as deemed necessary by the Board of Directors and / or the President.

**SECTION 604:** The President may appoint additional Sergeants – At – Arms and Tellers for ballot counting, and at general membership meetings, as the President deems necessary.

**SECTION 605:** The order of business for each given meeting shall be as outlined by Robert's Rules of Order (2011 edition) except as altered by the President, policy statements or by existing by-laws.

**SECTION 606:** All notices of meetings shall be in a timely manner.

**SECTION 607:** Notices of meetings for ratifying the Collective Bargaining Agreement of each unit shall be timely – by mail or telephone, where practicable.

**SECTION 608:** All other notifications of the membership will be governed by Robert's Rules of Order (2011 edition).

**SECTION 609:** Parliamentary procedures shall be as outlined in Robert's Rules of Order (2011 edition) except as altered by the President and except as otherwise provided by the constitution and / or by – laws.

## ARTICLE VII: VOTING AT ASSOCIATION MEETINGS

**SECTION 701:** The voting privilege will be afforded to members in good standing, as affirmed by the Secretary – Treasurer, in accordance with Article III of the constitution.

**SECTION 702:** Voting at an Association meeting shall be by voice vote, hand vote, or if so moved, seconded and carried, by a secret ballot.

**SECTION 703:** The Board of Directors and / or the President may appoint a voting committee before each Association meeting to supervise the distribution, collection and tallying of any vote taken by secret ballot. The committee shall select an official judge of Elections who will communicate the final tally to the Chair.

**SECTION 704:** Voting questions and disputes not covered by this Article shall be covered by Robert's Rules of Order (2011 edition).

## **ARTICLE VIII: QUORUM**

**SECTION 801:** One more than half of the membership of each unit or of the Association shall establish a quorum for said unit or Association meetings.

**SECTION 802:** A special membership meeting called by the Board of Directors or the President shall have their quorum set by Robert's Rules of Order (2011 edition).

## **ARTICLE IX: DUTIES OF THE OFFICERS**

**SECTION 901 A:** The President / Business Manager shall:

- (a) represent the Association at all negotiations, acting as chief negotiator where the unit so desires;
- (b) represent the Association in all New York State Public Employment Relation Board, National Labor Relation Board, State Labor Relations Board and AAA grievances, where necessary;
- (c) coordinate and chair the Board of Directors
- (d) act as the official agent of the Association for any medical and benefit plans established by the Association
- (e) be the Chief Officer of the Association in all matters and in the operation of the Association's office;
- (f) in conjunction with the Board of Directors, set policy for the Association;
- (g) be the responsible administrator for all contracts assumed by the Association, with the approval of the Board of Directors, if funding is necessary;
- (h) have the power to appoint General Counsel for the Association for a minimum period of one (1) year with the approval of the Board of Directors;
- (i) shall have the power to appoint additional Vice Presidents with the approval of the Board of Directors;
- (j) by virtue of his / her election, he / she may serve as delegate to the District Council and all other local labor bodies with which the Local Union is affiliated;
- (k) make reports to the Board of Director meetings;
- (l) be responsible under the Constitution for all actions taken by the Association;
- (m) coordinate all of the other Officers and Executive Board meetings, where deemed necessary;
- (n) coordinate with all the other Officers in the Association for implementation of new ideas, new plans, etc.;
- (o) work with the Secretary to the Board with all mailings and communications necessary, including the processing of grievances, and other related legal matters.
- (p) establish where deemed necessary, various Committees, Steering Groups, or Task Force for the benefit of the Association;
- (q) sign as Chief Agent all contracts for all units;

- (r) be the sole responsible person for any and all actions taken by each and every unit in the Union, as well as the Union as a whole.
- (s) be responsible for the LIUNA per capita and work with the Secretary to the Board to keep accurate LIUNA membership lists.

**SECTION 901B:** The Business Manager:

- (a) the Business Manager's function and term shall be defined by the Board of Directors.
- (b) the Business Manager shall be responsible for all recruitment and the organizing of any school wishing to become part of the LFA/LIUNA. (d) shall act as a liaison between the Board of Directors and the Executive Committee.
- (c) shall chair all Public Relation Committees.
- (d) be responsible for processing membership cards

**SECTION 902:** (A) The Vice President shall:

- (a) assume the Presidency in the event of the death, resignation or inability of the President to perform his/her duties until the Board of Directors determines otherwise;
- (b) formulate, chair and / or act as ex-officio member of all committees established by the Board of Directors;
- (c) replace the President when the President so deems necessary;
- (d) make a monthly report to the Board of Directors concerning the activities for that month;
- (e) work with the President to actively seek new membership in our Schools;
- (f) work with the President to organize and help other Schools in the area, primarily to seek new memberships in the Lay Faculty Association.
- (g) coordinate all social events run by the Association;
- (h) be the main coordinator or any activities that the Board of Directors deems necessary, under the Constitution.
- (i) seek membership promotions or materials and relaying and coordinating with the Secretary to the Board.
- (j) work with the Secretary – Treasurer as a membership chairman in relationship to the dues and / or any plans that the Union might initiate.
- (k) maintain an updated list of all member benefits and promotions for retirees and active members

**SECTION 903:** A: The Secretary to the Board shall:

- (a) keep the minutes of the proceedings of this Association and of the Board of Directors and shall keep a record of all matters deemed necessary or advisable;
- (b) work with the President/Business Manager to update all membership lists every month, and distribute updated copies to the Board of Directors and Delegates;
- (c) attend to all correspondence, mailings, and other Secretarial duties for the best interest of the Association

- (d) attend all meeting of the Executive Board, Board of Directors, and committees when requested.
- (e) work with the Secretary Treasurer to maintain accurate records of Retired Members, and Associate Fee paying individuals;
- (f) coordinate all general mailings of the Association and order all supplies;
- (g) prepare files for Delegates/Alternate Delegates to be distributed at the Board of Directors meetings.
- (h) Maintain and update as needed, the Electronic Per Capita Tax data base.

**SECTION 904:** The Secretary Treasurer shall:

- (a) chair the Finance Committee, collect all dues and other assessments and have custody of the Association's funds;
- (b) maintain an accurate listing of all expenditures according to the categories adopted by the Board of Directors;
- (c) submit a report of the financial condition of the Association at each regular meeting of the Board of Directors and at any other time that the Board may require;
- (d) deposit all monies and other valuables belonging to this Association in such a place as shall be designated by the Board of Directors; the account shall be a checking / savings account in the name of the Association;
- (e) at the discretion of the Board of Directors, post a bond, the said bond shall be in the amount determined by the Board; the cost of such bond shall be borne by the Association;
- (f) pay the per capita tax due to the International Union, after the accuracy of the per capita lists and membership lists are coordinated and updated with the Secretary to the Board, for and in behalf of each member who has paid his dues or fees to the Association, in the second month after such dues were payable but in no event later than 25 days after the last day required for the payment of the dues by the member. This 25 – day period is allowed to the Secretary – Treasurer for the purpose of preparing and forwarding his per capita tax report to the General Secretary – Treasurer but does not inure to the benefit of the member as an extended time within which he may pay his dues to the Association;
- (g) pay directly to the LIUNA LOCAL UNION AND DISTRICT COUNCIL PENSION FUND, the payment as aforesaid by the last day of the following month for which said salary is due, but in no event later than the last day of the month following the month in which payment is due;
- (h) from time to time make reports, complete prescribed forms and any other documentations to the International;
- (i) prepare and send the 941 quarterly and the 940 tax returns annually, the NYS 45 quarterly, in addition to the New York State Wage Scale Governmental forms, in addition to the IRS forms necessary for depositing the funds in terms of the salaries of the employees and the Board of Directors on the 990 form, W 3, W2 at the end of the fiscal year, in addition to form I 9 for new hires;

- (j) be responsible for the year end report in a timely fashion, according to the fiscal year of our Association, December 1<sup>st</sup> to November 30<sup>th</sup> each year;
- (k) prepare the Labor Management – 2 (LM-2) Report form in January of each year
- (l) maintain all of the books and records of the Association and periodic balancing / small auditing of same;
- (m) collect all dues; collect and send all per capita dues to the Mason Tenders' District Council and to LIUNA and be responsible for the timely submission of the ACH Payment to LIUNA for the per capita tax in addition to any deposits that are associated with dues' collection, agency fee collection, and other monies collected by the Association.
- (n) maintain a separate listing of all agency fee payees with the amounts of dues collected, off- setting same for the negotiations in each of the Schools that have agency fee payees. In relationship to this, shall make a line by line break – down in terms of the expenditures for same, using the agency fee monies in conjunction with that reported on in the form 990.

**SECTION 905:** The Sergeants-at- Arms shall:

- (a) determine the right of those who shall be permitted to enter the meeting hall; they shall execute such orders given to them by the President for the maintenance of order and decorum at any and all Union meetings.
- (b) taking and recording attendance, lateness, and or early departure of the delegates, alternate delegates and officers.

**SECTION 906:** The Auditors shall:

- (a) form a Finance Committee, the said Committee shall be established each year by the President in consultation with the Board of Directors. The Committee should meet at least twice a year, every other quarter. The committee should be made up of at least three (3) members who will then appoint a chairperson. The Finance Committee made up of the Auditors shall have the sole function to examine the books and records of the Association and report back to the Board of Directors at least once per year.

**SECTION 907:** The Executive Board shall:

- (a) be composed of seven (7) members.
- (b) consist of the President/ Business Manager, the Vice President, Secretary to the Board, Secretary – Treasurer, the Sargent of Arms, and two (2) Auditors elected by the Board of Directors. In the event that there is a combination of officers, there shall be elected from among the membership of the Association, such number of Executive Board members as to complete the complement of seven members
- (c) The Executive Board, in interim periods between meetings, shall have the authority to conduct normal Association actions except for commitments and disbursements for the regular, recurrent and incidental expenses of the

Association, shall be binding until and unless modified by vote of membership at a meeting of the Association when the report of the Executive Board is made to it.

(d) The presence of at least four (4) members of the Executive Board shall constitute a quorum; a majority of those present and voting shall be required for all official acts.

(e) The Executive Board shall meet at least once a month and when possible, prior to the regular meeting of the Association; it shall also hold such special meetings as, in its judgment, it may deem appropriate or necessary.

(f) The Executive Board shall submit a report of its activities and its minutes, to each regular meeting of the Association.

(g) It shall be the duty of the Executive Board to see to it that the affairs and business of the Association are being properly conducted, in accordance with the Constitution.

(h) The executive Board shall see to it that bond is provided which protects against loss by reason of acts of fraud or dishonesty covering every officer, delegate, alternate delegate or other representative who handles funds or other property of the Association, in an amount not less than the minimum required by the provisions of applicable law, and by any ruling of the General Executive Board.

**SECTION 908:** The Newspaper Editor shall:

(a) be responsible for publishing a minimum of ten (10) issues per year. All expenditures will be assumed by the Association.

(b) must attend Board of Director meetings and if requested the Executive Board meetings;

(c) must coordinate with the web master.

**SECTION 909: DIRECTOR OF WEBSITE SERVICES SHALL:**

(a) be appointed each year by the President who shall consult with the Board of Directors.

(b) a budget will be established by the Board of Directors when and if needed.

(c) be responsible for creating the official Website

(d) be responsible for maintenance and updating of the Website and records as required by the Executive Board.

**ARTICLE X: BOARD OF DIRECTORS**

**SECTION 1001:** The Board of Directors shall consist of the Association and the delegates or alternate delegates representing each unit.

**SECTION 1002:** (a) Any expenditures, obligations or transactions that bind the Association shall be approved by a majority of the Board of Directors.

(b) The Board of Directors shall meet twelve (12) times per year or as often as the President deems necessary to conduct the affairs of the Association.

(c) The Board of Directors shall have the power to decide such matters



as are referred to it by these by – laws and shall meet immediately prior to all general meetings of the membership to draw up an agenda.

- (d) A special meeting of the Board of Directors may be called upon the written request of 2/3 of its members, such request being delivered to all members of the Board at least five (5) days prior to the date for this special meeting.

**SECTION 1003:** (a) Members of the Board of Directors: Executive Board Members / delegate / alternate delegate may be excused from one (1) meeting. If a member of the Board is excessively absent, the position may be declared vacant. After a full year of service for each position held, a Christmas bonus shall be paid at the rate of \$750.00 if the member attends all of the meetings, with the exception of the one excused absence. If a member of the Board is absent two (2) or three (3) times there will be a \$75.00 reduction for each meeting not attended. Four (4) or more absences will result in a loss of the Christmas Bonus for that year. In the event of a long-term illness of four (4) months or more, the bonus will be set at \$500.00 per position. For the members who do not complete a full calendar year of service, the Christmas bonus will be pro-rated.

- (b) The membership will be notified by the Secretary to the Board of such a vacancy. The vacancy will be filled according to the provisions of these by – laws.

**SECTION1004:** The Board of Directors shall have the power to determine and or modify the responsibilities of the President and the Business Manager as circumstances warrant.

## **ARTICLE XI: STANDING COMMITTEES**

**SECTION 1101:** The Board of Directors, by a majority vote, may create special committees. These committees will continue as long as they are deemed necessary.

**SECTION 1102:** Bargaining teams shall be chaired by the President / Business Manager and be comprised of an odd number of members which include:

- (a) the Delegate;
- (b) the Alternate Delegate; and
- (c) at-large members elected by the membership of each unit.

**SECTION 1103:** All committees shall report regularly to the Board of Directors.

**SECTION 1104:** (a) The President / Business Manager, with the consent of the Board of Directors, shall have the power to dissolve any committee which is not performing the duty for which it was created.

- (b) The President / Business Manager, with the consent of the Board of Directors, shall have the power to remove any member of a committee, whose removal has been requested in writing by the chairperson of that committee. This written request must contain the reasons for the committee member's removal.

## **ARTICLE XII: AFFILIATIONS**

**SECTION 1201:** The Lay Faculty Association may maintain any affiliation it deems necessary.

## **ARTICLE XIII: DUTIES OF DELEGATES AND ALTERNATE DELEGATES**

**SECTION 1301:** The duties of the Delegate are:

- (a) to act as a liaison between the school administration and the Association;
- (b) to be a watch dog on all contractual matters;
- (c) to work with each of the unit Schools so as to increase the labor management relationship and have a better understanding of the Agreement process; to be a sounding board to the Administration when changes may have to be arranged. The contractual agreement is an “organic” document, and therefore, changes may be necessary during the contractual years.
- (d) To be a sounding board to the Administration when changes may have to be arranged. The contractual agreement is “an organic” document, and therefore, changes may be necessary during the contractual years.
- (e) to follow the procedures for initiating and following through with grievances, such as:
  - 1. notify the President / Business Manager of any apparent contractual violation prior to filling of any documents, and putting anything in writing to the Administration (being cognizant of the time limitations in each of the contracts).
  - 2. discuss with the President / Business Manager the Article, the Section, and the Sub-Section under the Contract where the alleged grievance is happening, or taken place.
  - 3. upon agreement, and only upon agreement, with the Union President / Business Manager and / or the Attorney for the Association, file the necessary documentation with the School, and/ or distribute any material in the School
  - 4. meet formally, if necessary, with any School Officials. Do not put anything in writing, except as agreed to with the Union President / Business Manager and / or Counsel.
  - 5. if time constrained, the Union President or Business Manager will file the necessary second stage grievance when and where necessary.
  - 6. the Attorney, at the discretion of the President, Business Manager or the Board of Directors, will file all the necessary documentation and notice the grievance for arbitration.
  - 7. the Board of Directors will act as a sounding board for all grievances (This will be discussed at the regularly occurring

Board of Directors meetings in any given month with the Delegate under the School Reports).

If for some reason, in conflict with other filed decisions and /or settlements, or AAA decisions, the official grievance may be withdrawn after consultation with the President or Business Manager and / or Counsel and their decision will be final. If the NYSPERB, SLRB or the NLRB is involved with any action within the School, or happenings within the School, the Delegate will work closely with the Union President or Business Manager and /or Counsel concurrently, so as to file the necessary documentation. (The NYSPERB, SLRB or the NLRB is not so time barred – one year from the occurrence will still initiate a charge).

- (f) the Union Delegate will be responsible to the Union Secretary to the Board for a complete mailing list of all the dues paying members / agency fee paying individuals / and associate fee-paying individuals in his / her School. This should be done at each regularly scheduled Board of Directors meetings, so as to keep the membership list current. (For example: name changes, marital status, department switches, address changes, etc.) This is easily accomplished since in each Board of Directors packet the Union Delegate has current listings for that month.
- (g) the Delegate will be responsible for notifying the Secretary to the Board in our office of any name and address changes so that the Union can have an updated listing, as well, in the Union Office.
- (h) the Union Delegate will be responsible for posting all communications from the Board of Directors, the President / Business Manager, and any related information the Board deems necessary to be disseminated to the membership, in addition to the monthly Newsletter, and act as an information conduit back to the Association, and to the Newsletter Editor.
- (i) the Union Delegate will be responsible for all the election procedures in each of the unit member Schools. The election process takes place every three (3) years and it is the job the Union Delegate to either establish a procedure with a nominating Committee and / or an Election Committee within the School.
- (j) the Union Delegate will be responsible for collection of all special project funds, Social events information and data, and funds, in addition to any special programs that may be deemed necessary by the President, Business Manager or the Board of Directors.
- (k) the Delegate will coordinate all efforts with the Union President/ Business Manager and / or the Counsel during negotiations.
- (l) the Union Delegate will not contact the Counsel without first clearing with the Union President / Business Manager. The attorney has also been instructed in this case. This does not preclude contacting the attorney if the Union President / Business Manager is unavailable and that the Vice President(s) has / have been notified of this fact, so as not to engender a conflict between the Officers of the Association and the Union Delegate and the Attorney.

(m) the Union Delegate will also be a liaison between the Attorney and any Union Member who needs legal advice beyond the contractual concerns. (For example, doing Wills, Legal Documentation, Buying or Selling a House, etc.)

(n) the Union Delegate will be the main witness in any and all grievances and legal proceedings concerning anything that involved the individual unit. This is an integral part of the function of the Delegate and the Delegate must be aware of the handling and procedures taking place within a courtroom setting. To this end, any Delegate may contact the Attorney of the Association to make sure he / she is practiced in the proceeding formalities.

(o) the Union Delegate will also work with the officers for membership in all the promotions, as well as Working with the Vice President and President / Business Manager on organizing the Schools in the area surrounding the Delegates' unit.

(p) the Union Delegate may be asked to authorize claims for union sponsored and / or administrated programs within each of the units.

(q) the Union Delegate may / should work with the Alternate Delegate in the School and keep the Alternate Delegate abreast of what is happening on grievances, litigation, etc. since the Alternate Delegate is primary sounding board within the School.

(r) the Union Delegate will attend all the regularly scheduled Board of Directors and / or Special Meetings of the Unit. Should the Delegate have more than one (1) excused absence within the School Year, the Delegate will receive a reduction in salary and / or not receive a Christmas Bonus as stipulated in Article X Section 1003.

(s) establish a procedure for setting up meetings within the individual Schools for the new members and instruct them in their contractual rights, under the current agreement. In other words, set up a training session for each new teacher, alone or in concert with other new teachers within the building.

**SECTION 1302:** The duties of Alternate Delegate are:

- (a) to assist the Delegate within the School and attend to the needs of the unit within the contractual limitations
- (b) to act in place of the Delegate when requested to do so by the Delegate;
- (c) to attend all Board of Directors meetings that occur on a monthly basis and / or any Official meetings of the unit and / or meetings of the entire Union.
- (d) attend all unit meetings in the School and act as the contract person for establishment of Committees and / or Special Projects and / or Funds to be collected within the Unit.
- (e) help / work with the Delegate and assist him / her as often as possible, act as Secretary for minutes of the individual unit, if no other Officer has been elected.
- (f) act as a sounding board and a confidante for the Delegate, as to matters concerning members of the Lay Faculty Association in the

School, and any serious problems that may or may not arise concerning the contract and / or benefits and / or salary.

- (g) work with the Delegate in any and all service programs to fill in and update the new members within the building.
- (h) when, if necessary, attend negotiations, and all AAA hearings.
- (i) serve as a Committee person to assist any Officers of the Association and volunteer for one of the Committees so establish each year by the President / Business Manager.
- (j) head up communications and / or Committee structure on special promotions, constitutional changes, social events, and as requested by the President / Business Manager, Vice President or the Union Delegate.
- (k) although a non-voting Board of Directors member, actively contribute to discussion at the Board of Directors meetings, and if and when necessary, voice an opinion to certain questions that may arise for each of the individual units.

## **ARTICLE XIV: VOTING**

**SECTION 1401:** When voting for officers, adopting by – laws, and amending or ratifying the constitution, a secret ballot must be used. See 502.

**SECTION 1402:** Votes will be counted by the delegate and the results will be reported to the Board of Directors at the next regular meeting.

**SECTION 1403:** Voting shall be done in accordance with Robert's Rules of Order and Procedures set forth in the LIUNA'S Constitution.

## **ARTICLE XV: DELEGATE AND AFFILIATES TO OTHER GROUPS**

**SECTION 1501:** (a) all delegates of Local Unions to Conventions of the International Union shall be nominated and elected at the time prescribed in the International Union Constitution. The manner of nominating and electing such delegates to regular Conventions of the International Union, shall be as provided for in Article V, Section 9 of the International Union Constitution;

(b) The Business Manager of a Local Union elected in conformity with the provisions of Article VI of the Uniform Local Union Constitution shall, by virtue of such election, serve as a delegate from his Local Union to the appropriate District Council and all other local labor bodies with which the Local Union is affiliated. All other delegates of a Local Union to a District Council shall be nominated and elected in accordance with all the constitutional provisions. The foregoing provision does not apply to the selection of delegates to the International Union Convention;

(c) Delegates to all other bodies, conventions, meetings or conferences may be either elected by the membership or appointed by the Executive Board / Board of Directors of the Association, in accordance with the vote of the membership at a meeting or as required by the constitution, rules or regulations of such other body. Compensation, allowances and reimbursement for expenses may be provided by the Executive Board / Board of Directors to such delegates for the performance of their duties and responsibilities.

## **ARTICLE XVI: COMPLIANCE**

**SECTION 1601:** The Lay Faculty Association, Local 1261 will comply with the L.I.U.N.A. Constitution in all areas where it directly applies to the Teaching profession / members.

# LAY FACULTY ASSOCIATION

2017 revisions recommended by the constitution committee

LOCAL 1261

## CONSTITUTION AND BY-LAWS

**2015**

**2017**

### ARTICLE I: NAME

SECTION 101: The name of this organization shall be: ~~Lay Faculty Association, Local 1261, an affiliate of Laborers' Union of North America-~~ **Laborers' International Union of North America, Local 1261 Lay Faculty Association.**

### ARTICLE II: PURPOSE

The purposes of this Association are:

SECTION 209: To organize the unorganized ~~on Long Island~~ as stated under our Charter from the International.

### ARTICLE III: ELECTION OF DELEGATES

SECTION 301: The election of the Unit's delegate and alternate delegate shall follow the procedures of Robert's Rules of Order (1995- **2011 edition**) and the guidelines established under the ~~Landen~~ **Landrum** Griffin Act (**1959**) with regard to the election process for union delegate and alternate delegate.

SECTION 303: The delegate ~~shall~~ **may** have an alternate.

### ARTICLE IV: OFFICERS AND BOARD MEMBERS

SECTION 401: The officers of the Association shall consist of the President, Business Manager, Vice President, ~~Vice President for Retiree Affairs~~, Secretary - Treasurer, ~~Recording Secretary~~ **to the Board**, the Sergeant-at- Arms and **two Auditors** who shall be elected by ballot; and additional Vice Presidents as

deemed necessary by the Board of Directors. ~~In addition, the Sergeant-at-Arms and Auditors shall be elected by ballot.~~

#### ARTICLE VI: MEETINGS

SECTION 605: The order of business for each given meeting shall be as outlined by Robert's Rules of Order (1995 2011 edition) except as altered by the President, policy statements or by existing by-laws.

SECTION 608: All other notifications of the membership will be governed by Robert's Rules of Order (1995 2011 edition).

SECTION 609: Parliamentary procedures shall be as outlined in Robert's Rules of Order (1995 2011 edition) except as altered by the President and except as otherwise provided by the constitution and / or by – laws.

#### ARTICLE VII: VOTING AT ASSOCIATION MEETINGS

SECTION 704: Voting questions and disputes not covered by this Article shall be covered by Robert's Rules of Order (1995 2011 edition).

#### ARTICLE VIII: QUORUM

SECTION 802: A special membership meeting called by the Board of Directors or the President shall have their quorum set by Robert's Rules of Order (1995 2011 edition).

#### ARTICLE IX: DUTIES OF THE OFFICERS

SECTION 901 A: The President / Business Manager shall:

- (b) represent the Association in all **New York State Public Employment Relation Board** , National Labor Relation Board, State Labor Relations Board and AAA grievances, where necessary;
- (h) have the power to appoint General Counsel for the Association for a **minimum** period of one (1) year with the approval of the Board of Directors;
- (j) by virtue of his / her election, he / she ~~shall~~ **may** serve as delegate to the District Council and all other local labor bodies with which the Local Union is affiliated;
- (o) work with the ~~office~~ Secretary **to the Board** with all mailings and communications necessary, including the processing of grievances, and other related legal matters.
- (s) be responsible for the LIUNA per capita and work with the ~~Recording~~ Secretary **to the Board** to keep accurate LIUNA membership lists.

SECTION 901B: The Business Manager:

- (a) the Business Manager's function **and term** shall be defined by the Board of Directors.
- ~~(b) the position of Business Manager is a contracted position, approved by the Board of~~



~~—Directors for the term of 3 years.~~

(be) the Business Manager shall be responsible for all recruitment and the organizing of any

school wishing to become part of the LFA/LIUNA. (d) shall act as a liaison between the Board

of Directors and the Executive Committee.

(ce) shall chair all Public Relation Committees.

(dƒ) be responsible for processing membership cards

SECTION 902: (A) The Vice President shall:

**(i)seek membership promotions or materials and relaying and coordinating with the Secretary to the Board.(**

**j)work with the Secretary – Treasurer as a membership chairman in relationship to the dues and / or any plans that the Union might initiate.**

**(k)maintain an updated list of all member benefits and promotions for retirees and active members**

~~——(B) The Vice President of Retiree Affairs shall:~~

~~(l) work with the Retiree Coordinator to keep the retiree membership mailing list up to date (see Section 907)~~

~~(m) maintain an updated list of all member benefits and promotions for retirees and active members~~

~~(n) seek membership promotions or materials and relaying and coordinating with the Secretary to the Board and / or the Retiree Coordinator;~~

~~(o) make a monthly report to the Board of Directors concerning the activities for that month;~~

~~In addition the Vice President of the Retiree Affairs may be called upon to:~~

~~(a)work with the Secretary — Treasurer as a membership chairman in — relationship to the dues and / or any plans that the Union might initiate;~~

~~(b)be the main coordinator or any activities that the Board of Directors deems — necessary, under the Constitution.~~

~~(c) maintain an updated list of all member benefits and promotions;~~

~~(d) seek membership promotions or materials and relaying and coordinating — with the office Secretary;~~

~~(e) work with the President to actively seek new membership in our Schools;~~

~~(f) work with the President to organize and help other Schools in the area, — primarily to seek new memberships in the Lay Faculty Association.~~

SECTION 903: A: The Secretary to the Board shall:

(b)work with the President/Business Manager to update all membership lists every **month** ~~two (2) months~~, and distribute updated copies to the Board of Directors and Delegates;

- ( e )work with the **Secretary Treasurer** ~~the appointed Director of Retirees and Vice President of Retiree Affairs~~ to maintain accurate records of Retired Members, and **Associate Fee paying individuals Members**;
- (f)coordinate all general mailings of the Association and order all supplies ~~necessary for carrying out the duties of the Office Secretary ;~~
- (h)Maintain and update as needed, the Electronic Per Capita Tax data base.**

SECTION 904: The Secretary Treasurer shall:

- (f)pay the per capita tax due to the International Union, after the accuracy of the **per capita lists and membership lists is- are coordinated and updated** with the **Secretary to the Board President/Business Manager**, for and in behalf of each member who has paid his dues **or fees** to the Association,
- (i)prepare and send the 941 **quarterly** and the 940 tax returns **annually**, the **NYS 45** quarterly, in addition to the New York State Wage Scale Governmental forms, in addition to the IRS forms necessary for depositing the funds in terms of the salaries of the employees and the Board of Directors on the 990 form, **W 3, W2** at the end of the fiscal year, in addition to form **I 9 for new hires**;
- (k)prepare the Labor Management – ~~3~~ **2 (LM-2)** Report form in January of each year
- (m)collect all dues; collect and send all per capita dues to the Mason Tenders’ District Council and to LIUNA and be responsible for ~~membership lists in relationship to the dues, each month. Check for inaccuracies of same;~~work with the ~~President/ Business Manager in the coordination of the~~ **timely submission of the ACH Payment to LIUNA for the per capita tax in addition to any** deposits that are associated with dues’ collection, agency fee collection, and other monies collected by the Association.
- (n)maintain a separate listing of all agency fee payees with the amounts of dues collected, off- setting same for the negotiations in each of the Schools that have agency fee payees. In relationship to this, shall make a line by line break – down in terms of the expenditures for same, using the agency fee monies in conjunction with that reported on in the form 990.

SECTION 905: The Sergeants-at- Arms shall:

- (b) take and record attendance, lateness, and or early departure of the delegates, alternate delegates and officers.**

~~SECTION 907: The Retiree Coordinator shall:~~

- ~~(e) —be appointed each year by the President who shall consult with —the Board of Directors.~~
- ~~(d) —The Retiree Coordinator shall work directly with the Vice President —of Retiree Affairs, who will oversee this position.~~

~~(e) The Retiree Coordinator shall work with the Secretary to the Board to assist all retirees. A budget line will be established by the Board of Directors as needed.~~

SECTION 908: The Executive Board shall:

(a) be composed of seven (7) members.  
(b) consist of the President/ Business Manager, ~~the~~ Vice President(s), Secretary to the Board, Secretary – Treasurer, the Sargent of Arms, **and two (2) Auditors up to two (2) other members appointed elected** by the Board of Directors.

SECTION 909: The Newspaper Editor shall:

(b) must attend Board of Director meetings and if requested the Executive Board meetings; (c) must coordinate with the web master. ~~and Retiree Coordinator.~~

SECTION 910: DIRECTOR OF WEBSITE SERVICES SHALL:

(d) be responsible for ~~monthly~~ maintenance and updating of the Website and records **as required by the Executive Board.**

ARTICLE X: BOARD OF DIRECTORS

SECTION 1002:

(b) he Board of Directors shall meet ~~at least~~ twelve (12) times per year or as often as the President deems necessary to conduct the affairs of the Association.

SECTION 1003: (a) ~~if any~~ Members of the Board of Directors: **Executive Board Members / delegate / alternate delegate may be excused from one (1) meeting.**

**If a member of the Board is excessively absent, the position may be declared vacant. After a full year of service for each position held, a Christmas bonus shall be paid at the rate of \$750.00 if the member attends all of the meetings, with the exception of the one excused absence. If a member of the Board is absent two(2) or three(3) times there will be a \$75.00 reduction for each meeting not attended. Four (4) or more absences will result in a loss of the Christmas Bonus for that year. In the event of a long term illness of four (4) months or more, the bonus will be set at \$500.00 per position. For the members who do not complete a**

**full calendar year of service, the Christmas bonus will be pro-rated.**  
~~fails to attend three (3) meetings in one LFA calendar year without prior notification to the LFA office, the position may be declared vacant or one month salary will not be paid as per a 2/3 vote of the Board.~~

- (f) The membership will be notified by the ~~Recording~~ **Secretary to the Board** of such a vacancy. The vacancy will be filled according to the provisions of these by – laws.

SECTION1004: The Board of Directors shall have the power to determine and or modify the responsibilities of the President and the Business Manager ~~at any time.~~  
**as circumstances warrant.**

#### ARTICLE XI: STANDING COMMITTEES

SECTION 1102: Bargaining teams shall be **chaired by the President / Business Manager and be comprised of an odd number of members which include:** ~~no more than six members: (a) the President / Business Manager; (b-a) the Delegate; (c b) the Aernate Delegate; and (d c) at-large members elected by the membership of each unit.~~

#### ARTICLE XIII: DUTIES OF THE DELEGATE AND THE ALTERNATE DELEGATE

7. the Board of Directors will act as a sounding board for all grievances (This will be discussed at the regularly occurring Board of Directors meetings in any given month with the Delegate under the School Reports).

If for some reason, in conflict with other filed decisions and /or settlements, or AAA decisions, the official grievance may be withdrawn after consultation with the President or Business Manager and / or Counsel and their decision will be final. If the **NYS PERB, SLRB** or the NLRB is involved with any action within the School, or happenings within the School, the Delegate will work closely with the Union President or Business Manager and /or Counsel concurrently, so as to file the necessary documentation. (The **NYS PERB, SLRB** or the NLRB is not so time barred – one year from the occurrence will still initiate a charge).

(f)the Union Delegate will be responsible to the Union ~~recording~~ **Secretary to the Board** for a complete mailing list of all the dues paying members / agency fee paying **individuals members/ and associate fee paying individuals** in his / her School. This should be done at each regularly scheduled Board of Directors meetings, so as to keep the membership list current. (For example: name changes, marital status, department switches, address changes, etc. ) This is easily accomplished

since in each Board of Directors packet the Union Delegate has current listings for that month.

(g) the Delegate will be responsible for notifying the **Secretary to the Board** ~~President/ Business Manager~~ in our office of any name and address changes so that the Union can have an updated listing, as well, in the Union Office.

(o) the Union Delegate will also work with the officers ~~Vice President~~ for membership in all the promotions, as well as Working with the Vice President and President / Business Manager on organizing the Schools in the area surrounding the Delegates' unit.

(r) the Union Delegate will attend all the regularly scheduled Board of Directors and / or Special Meetings of the Unit. Should the Delegate have **more than one (1) excused absence** ~~3 (three) unexcused absences~~ within the School Year, the Delegate will ~~not be paid~~ **receive a reduction in salary and / or not receive a Christmas Bonus as stipulated in article Article X Section 1003 .**