

**Constitution & Bylaws  
of the  
New Jersey Law Enforcement  
COMMANDING OFFICERS ASSOCIATION**

Ratified: July 11, 2006  
Amended: October 9, 2007  
Amended: November 11, 2008  
Amended: October 21, 2009

**PREAMBLE**

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; and

WHEREAS, the New Jersey Law Enforcement Commanding Officers Association is a law enforcement employee organization established under the laws of New Jersey in order that the interests and aspirations of supervisory law enforcement personnel in the employ of the State of New Jersey holding the rank of Captain or its equivalency in the State's classified career service may be collectively represented and advanced; and

WHEREAS, the New Jersey Public Employment Relations Commission (PERC), under the New Jersey Employer-Employee Relations Act, has certified this employee organization as the exclusive majority representative of said employees; and

WHEREAS, PERC has also certified, pursuant to law, this employee organization as the exclusive majority representative of employees holding the classified title *Director of Custody Operations*;

THEREFORE, we do herewith form ourselves into an employee organization under the name and for the purposes hereinafter set forth, and do hereby adopt the Constitution & Bylaws hereof for its proper conduct and governance, preserving the fundamental structure and identity of this employee organization, as well as its relative autonomy and sovereignty—including its right to affiliate or disaffiliate with any group, federation, etc., and to forge new relationships and alliances. Accordingly, we agree to adopt the charter, constitution, bylaws, or other applicable governing document of any group, federation, etc., with which we may be affiliated, provided that the affiliation is maintained by mutual agreement among the parties.

**ARTICLE I  
Name & Purposes**

**Section A** The official name of this law enforcement employee organization shall be the New Jersey Law Enforcement Commanding Officers Association (hereinafter referred to as the Association).

**Section B** The Association is established for the mutual protection and benefit of all its members. The Association 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 negotiations, in and on behalf of its membership. For instance, the Association shall act in and on behalf of its membership when there are grievances and other problems in connection with public employment and/or the public employer.

In addition, the Association 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 Association 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.

## **ARTICLE II Membership**

**Section A** There shall be four (4) classes of membership:

- Active
- Active Sub-Unit
- Retired
- Associate
- Honorary

**Section B** Active membership in the Association shall be made available to any law enforcement officer employed by the State of New Jersey (hereinafter referred to as the State) who holds the rank of Captain or its equivalency in the State's classified career service.

**Section C** Eligibility for active membership shall be limited to such employees.

**Section D** Any eligible applicant for active membership shall fully complete and sign the official membership application form, which shall be supplied to the applicant by the Secretary of the Association. In completing and signing the official membership application form, the applicant affirms his or her allegiance to the Constitution & Bylaws, duly enacted motions, and valid orders of the Association. The applicant further agrees to return to the Association any membership card(s), as well as any other material belonging to or bearing the insignia of the Association, if membership should be suspended or discontinued. The application form, once completed and signed by the applicant, shall be submitted to the Executive Board of the Association for investigation prior to any vote of approval. Active membership in the Association 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 Association. The applicant shall authorize the deduction of dues duly assessed by the Association from his or her pay through the public employer's authorized dues-deduction check-off system. 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 E** Active members in good standing as herein defined shall have voice and vote in the Association and be entitled to all the rights and privileges of active membership.

**Section F** Active sub-unit membership in the Association shall be made available to any law enforcement officer employed by the State who holds the classified title *Director of Custody Operations*.

- Section G** Eligibility for active sub-unit membership shall be limited to such employees.
- Section H** Any eligible applicant for active sub-unit membership shall fully complete and sign the official membership application form, which shall be supplied to the applicant by the Secretary of the Association. In completing and signing the official membership application form, the applicant affirms his or her allegiance to the Constitution & Bylaws, duly enacted motions, and valid orders of the Association. The applicant further agrees to return to the Association any membership card(s), as well as any other material belonging to or bearing the insignia of the Association, if membership should be suspended or discontinued. The application form, once completed and signed by the applicant, shall be submitted to the Executive Board of the Association for investigation prior to any vote of approval. Active sub-unit membership in the Association shall be subject to approval by a majority vote of the active and active sub-unit 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 Association. The applicant shall authorize the deduction of dues duly assessed by the Association from his or her pay through the public employer's authorized dues-deduction check-off system. If so approved, the applicant shall henceforth be considered an active sub-unit member in good standing and shall remain in such status, except as otherwise provided herein.
- Section I** Active sub-unit members in good standing as herein defined shall have voice and vote in the Association on matters directly pertaining to their sub-unit and be entitled to all the rights and privileges of active sub-unit membership, except as otherwise provided herein.
- Section J** Retired membership in the Association shall be made available to any active or active sub-unit member in good standing who retires under honorable circumstances from such public employment as qualified him or her for active or active sub-unit membership in the Association.
- Section K** Any eligible applicant for retired membership shall fully complete and sign the official membership application form, which shall be supplied to the applicant by the Secretary of the Association. In completing and signing the official membership application form, the applicant affirms his or her allegiance to the Constitution & Bylaws, duly enacted motions, and valid orders of the Association. The applicant further agrees to return to the Association any membership card(s), as well as any other material belonging to or bearing the insignia of the Association, if membership should be suspended or discontinued. The application form for retired membership, once completed and signed by the applicant, shall be submitted to the Executive Board of the Association for investigation prior to any vote of approval. Retired 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 Association. The applicant shall then pay dues in the amount and manner hereinafter prescribed. If so approved, the applicant shall henceforth be considered a retired member in good standing and shall remain in such status, except as otherwise provided herein.
- Section L** Retired members in good standing as herein defined shall be entitled to all the rights and privileges of retired membership.
- Section M** The application form for associate membership shall be fully completed and signed by the applicant and shall be submitted, along with the application fee and/or dues that may be hereinafter established or prescribed, to the Executive Board of the Association for investigation prior to any vote of approval. In completing and signing the official

membership application form, the applicant affirms his or her allegiance to the Constitution & Bylaws, duly enacted motions, and valid orders of the Association. The applicant further agrees to return to the Association any membership card(s), as well as any other material belonging to or bearing the insignia of the Association, if membership should be suspended or discontinued. The application form for associate membership, once completed and signed by the applicant, shall be submitted to the Executive Board of the Association for investigation prior to any vote of approval. Associate membership in the Association shall be subject to approval by a majority vote of the active and active sub-unit 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 Association. The applicant shall then pay dues in the amount and manner hereinafter prescribed. If so approved, the applicant shall henceforth be considered an associate member in good standing and shall remain in such status, except as otherwise provided herein.

- Section N** Associate members in good standing as herein defined shall be entitled to all the privileges of associate membership.
- Section O** Payment of properly assessed dues and the maintenance thereof shall be a requisite of *good standing* for any member of the Association, except as otherwise provided herein.
- Section P** All members shall comply with the Constitution & Bylaws and duly enacted motions of the Association, as well as with any valid order or directive issued by an officer(s) of the Association.
- Section Q** No member shall purposely or knowingly cheat, defraud or otherwise wrong the Association. No member shall purposely or knowingly disclose privileged information obtained from any meeting, proceeding or official of the Association, nor shall any member purposely or knowingly act in a manner likely to discredit the Association unjustly or otherwise injure its public standing.
- Section R** The Association may deny membership or continuation thereof to anyone who is, or has been, a member of the communist party or any other party or organization, regardless of its name, that 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 S** The Association may deny membership or continuation thereof to anyone convicted of a felony or an offense of moral turpitude in any court in the United States of competent jurisdiction once all appeals have been exhausted.
- Section T** The Association may suspend or expel from its membership any applicant or member for nonpayment of dues to be paid to the Association in the amount and manner hereinafter prescribed.
- Section U** Honorary membership in the Association may be extended to an individual recognized by the Association for exceptional service or contributions to the nation, any state or political subdivision thereof, the law enforcement community, or the Association. Honorary members shall be entitled to such privileges as may be provided for honorary membership by the Association.

### **ARTICLE III**

#### **Election(s)**

**Section A** The officers of the Association and their order of organizational rank shall descend as follows in the numerical order listed:

- 1) President
- 2) Executive Vice President
- 3) Vice President
- 4) Treasurer
- 5) Secretary
- 6) Sergeant-at-Arms
- 7) Chiefs' Representative

**Section B** The officers of the Association shall hold office for an elected term of two (2) years. Said term shall commence once the oath of office is administered at the general membership meeting held in May of every even year until the oath of office is administered at the general membership meeting held in May of the subsequent even year. The officers of the Association shall comprise its Executive Board, and all members of the Executive Board shall be appropriately bonded. During their respective terms of office, members of the Executive Board may represent the membership of the Association at all conferences and/or conventions and shall, by virtue of their elected station, be considered duly elected delegates.

**Section C**

- 1) The Secretary of the Association shall notify all members in good standing of the date, time and place of nominations for officers. Such notification shall be made at least fifteen (15) calendar days prior to nominations. Nominations for officers shall be held at the general membership meeting in February of every even 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 special Election Committee shall be a nominee for any elected office.
- 3) Nomination(s) shall be made from the floor by an active member in good standing, except that the nomination(s) for *Chiefs' Representative* shall be made from the floor by an active sub-unit member in good standing.
- 4) Only those active members in good standing who have attended at least six (6) general membership meetings during the preceding twelve (12) months may be nominated for the following offices:
  - President
  - Executive Vice President
  - Vice President
  - Treasurer
  - Secretary
  - Sergeant-at-Arms
- 5) For the position of *Parole Representative*, only those active members in good standing serving in Parole who have attended at least six (6) general membership meetings during the preceding twelve (12) months may be nominated; and for the position of *Chiefs' Representative*, only those active sub-unit members in good standing who have attended at least six (6) general membership meetings during the preceding twelve (12) months may be nominated.

- 6) 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—acceptance or declination of the nomination—to the special Election Committee. Such alternate means of acceptance or declination shall be received within twenty-four (24) hours of the nominations. The nominee’s acceptance of the nomination shall be a prerequisite to qualify as a candidate for elected office.
- 7) No one shall be a nominee for more than one (1) elected office.
- 8) The special Election Committee shall, to the greatest extent practical, oversee the election(s)—which shall be by mail and by *secret ballot*—and its manner of conduct in accordance with the guidelines promulgated by the U.S. Office of Labor-Management Standards (OLMS) pursuant to the *Labor-Management Reporting and Disclosure Act of 1959, as amended* (LMRDA). The special Election Committee may conduct the election(s) 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 Association*) for the purposes of conducting the election(s) on its behalf.
- 9) All active members in good standing at the time of nominations shall be eligible to vote for the following offices: President, Executive Vice President, Vice President, Treasurer, Secretary, and Sergeant-at-Arms. Notwithstanding, only active members in good standing serving in Parole at the time of nominations shall be eligible to vote in the election contest for the position of *Parole Representative*; likewise, only associate active sub-unit members in good standing at the time of nominations shall be eligible to vote for the office of *Chiefs’ Representative*.
- 10) Each candidate for elected 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 or active sub-unit member in good standing may serve as an observer.
- 11) No write-in vote(s) shall be permitted in any election.
- 12) The candidate receiving the plurality of the valid votes cast in each election contest shall be declared elected to the office to which he or she has been duly nominated.
- 13) Where there is but one (1) nominee for a particular elected office, that sole nominee shall be declared elected to the office to which he or she has been duly nominated.
- 14) The special Election Committee shall certify and announce the results of the election(s) at the general membership meeting held in April of every even year. The special Election Committee shall surrender all election records to the Secretary-elect of the Association, who shall maintain the election records for a minimum of one (1) year.
- 15) Any challenge relating to a nominee or his or her qualifications to run for office shall be submitted in writing to the special 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 any election or its manner of conduct shall be submitted in writing to the special 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 special Election Committee’s ruling on any such challenge or appeal shall represent the Association’s final determination and disposition of the

matter.

**ARTICLE IV**  
**Duties & Powers of Executive Board & Association Officials**

**Section A      Oath of Office**

The oath of office for any position in the Association—whether it be elected or appointed—shall be as follows:

*“I, (legal name), do solemnly affirm, without duress or any mental reservation whatsoever, that I shall faithfully execute the duties of the office to which I have been duly elected/appointed. So help me God.”*

**Section B      Executive Board**

The Executive Board shall be the executive body authorized to carry out the duly enacted motions, as well as the regular duties and responsibilities, of the Association; and between the monthly general membership meetings, the Executive Board may decide any and all matters of considerable urgency and accordingly make determinations and decisions that cannot await, in its good judgment, the next monthly general membership meeting. The Executive Board shall have the authority to call special membership meetings.

**Section C      President**

- 1) The President shall be the chief executive officer of the Association.
- 2) The President shall chair, and preside at, all general and special membership meetings, as well as all meetings of 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) Additionally, the President shall have the authority to call special membership meetings.
- 4) The President shall not be entitled to vote at any general or special membership meeting, as well as at any meeting of the Executive Board, 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 their chairs, and may remove any member or chair 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 them.
- 6) The President shall serve as chair of the special Contract Negotiations Committee and as chair of any special contract-negotiations committee that may be established with respect to the Chiefs’ Sub-Unit.
- 7) The President is authorized and empowered to summon any member of the

Association to appear at any meeting or proceeding of the Association in connection with the business or interests of the Association. Any member failing to comply with any such summons may be subject to the provisions of ARTICLE IX.

- 8) While ARTICLE III, Section B, provides that members of the Executive Board may represent the membership of the Association as delegates to all conferences and/or conventions, the President may appoint such additional delegates and alternate delegates as he may deem necessary and/or appropriate to represent the interests of the Association.
- 9) The President shall appoint all other officials of the Association, except as otherwise provided herein. For instance, the President may appoint a legislative liaison and/or an official to represent active members in good standing not employed by either the New Jersey Department of Corrections or the Juvenile Justice Commission.
- 10) Between the monthly general membership meetings, the President shall, in the absence of a consensus among the Executive Board, decide any and all matters of considerable urgency and accordingly make determinations and decisions that cannot await, in his good judgment, the next monthly general membership meeting.
- 11) The President shall perform other responsibilities usual and incidental to the Office of President and such other duties and obligations as may be directed by the Executive Board or the active membership of the Association.

**Section D                      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 all the authority of the President in the discharge of Presidential duties and obligations.
- 2) The Executive Vice President shall serve as the vice-chair of the special Contract Negotiations Committee and as a member of any special contract-negotiations committee that may be established with respect to the Chiefs' Sub-Unit.
- 3) The Executive Vice President shall perform other responsibilities usual and incidental to the Office of Executive Vice President and all such other duties and responsibilities as may be directed by the Executive Board or the President.

**Section E                      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 all the authority of the President in the discharge of Presidential duties and obligations.
- 2) The Vice President shall serve on the special Contract Negotiations Committee and as a member of any special contract-negotiations committee that may be established with respect to the Chiefs' Sub-Unit.
- 3) The Vice President shall perform other responsibilities usual and incidental to the Office of Vice President and all such other duties and responsibilities as may be directed by the Executive Board, the President, or the Executive Vice President.

**Section F****Treasurer**

- 1) The Treasurer shall act as the receiver and custodian of all funds, securities and other fiscal property of the Association. Additionally, the Treasurer shall act as the receiver and custodian of important documents like the Association's certificate of incorporation, etc.
- 2) The Treasurer shall make all the necessary arrangements to ensure that each officer of the Association, or member of the Executive Board, is appropriately bonded in accordance with ARTICLE III, Section B. Additionally, the Treasurer shall cause to be appropriately bonded any appointed official of the Association whose duties should require it.
- 3) The Treasurer shall maintain a true and accurate record of the finances of the Association.
- 4) The Treasurer shall preserve all vouchers, invoices, cancelled checks and other fiscal papers of the Association. The Treasurer shall produce any such record(s) upon the Executive Board's demand or that of a superior officer of the Association.
- 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 Association.
- 7) The Treasurer shall prepare monthly financial reports and shall make them available for disclosure to any active member(s) in good standing upon request.
- 8) The Treasurer shall serve on the special contract negotiations committee.
- 9) The Treasurer shall perform other responsibilities usual and incidental to the Office of Treasurer and such other duties and obligations as hereinafter provided by ARTICLE XIII and as may be directed by the Executive Board or a superior officer of the Association.

**Section G****Secretary**

- 1) The Secretary shall record and provide a written summary of all general membership meetings and such other meetings and proceedings (i.e., minutes) as directed by the Executive Board or a superior officer of the Association.
- 2) The Secretary shall prepare a monthly newsletter or maintain a similar method of communication with the general membership.
- 3) The Secretary shall conduct the general correspondence of the Association as directed by the Executive Board or a superior officer of the Association.
- 4) 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 Association, etc.

- 5) The Secretary shall serve on the special contract negotiations committee.
- 6) The Secretary shall perform other responsibilities usual and incidental to the Office of Secretary and such other duties and obligations as may be directed by the Executive Board or a superior officer of the Association.

**Section H                    Sergeant-at-Arms**

- 1) The Sergeant-at-Arms shall inspect all persons present before the opening of the monthly general membership meeting to ascertain their right, privilege or authorization to be present and shall preserve order while the monthly general membership meeting is in progress.
- 2) The Sergeant-at-Arms shall serve on the special Contract Negotiations Committee.
- 3) The Sergeant-at-Arms shall perform other responsibilities usual and incidental to the Office of Sergeant-at-Arms and such other duties and obligations as may be directed by the Executive Board or a superior officer of the Association.

**Section I                    Parole Representative**

- 1) The Parole Representative shall represent members of the collective negotiations unit serving in Parole on all employment-related matters.
- 2) The Parole Representative shall perform other responsibilities usual and incidental to the position of Parole Representative and such other duties and obligations as may be directed by the Executive Board or a superior officer of the Association.

**Section J                    Chiefs' Representative**

- 1) The Chiefs' Representative shall represent the active sub-unit members of the Association on all employment-related matters. The Chiefs' Representative shall serve as vice-chair of any special contract-negotiations committee that may be established with respect to the Chiefs' Sub-Unit.
- 2) The Chiefs' Representative shall perform other responsibilities usual and incidental to the office of Chiefs' Representative and such other duties and obligations as may be directed by the Executive Board or a superior officer of the Association.

**Section L                    Appointed Officials**

Any appointed official of the Association shall serve at the leisure of the President and shall perform other responsibilities usual and incidental to the office to which he or she has been duly appointed and such other duties and obligations as may be directed by the President.

**ARTICLE V  
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 other than the President vacates his or her office, the President shall declare the office vacant; and the President may appoint an active member in good standing to the vacated office 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. In the event that the Parole Representative vacates his or her position, the President shall declare the position vacant; and the President may appoint an active member in good standing serving in Parole to the vacated position in the interim until the elected term for that position expires. In the event that the Chiefs' Representative vacates his or her office, the President shall declare the position vacant; and the President may appoint an active sub-unit member in good standing to the vacated position in the interim until the elected term for that position expires.

**Section C** Whenever any officer or representative of the Association transfers or is promoted out of the collective negotiations unit that the Association is certified by PERC to represent, or retires from public employment, he or she shall not continue to hold that office or position past the next monthly general membership meeting.

**Section D** Whenever an officer or representative of the Association is on a leave of absence, or is suspended or removed from public employment for cause resulting from charge(s) in the workplace or through the criminal-justice system, 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 the officer is removed from public employment upon final adjudication and exhaustion of all legitimate appeals, he or she shall forthwith resign, or be automatically discharged from, his or her office or position.

**Section E** Where the duties of an official of the Association are in conflict with his or her duties in the workplace, whether they be in or out of his or her classified title, or where there is otherwise a conflict of interest, he or she shall be placed on a specified or indefinite leave of absence from his or her office or position, while remaining a member in good standing, until the conflict of interest 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 VI Committees**

**Section A** There shall be the following standing committees:

- Bylaws
- Legislative/Political Action Committee (PAC)
- 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 Association, and/or transacting business of the Association. Special committees shall be, but not necessarily limited to, the following:

- Election
- Contract Negotiations
- Judiciary

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 not 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 him- or her- self 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.

**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 VII**

### **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 that he or she reschedules, with due notice, the meeting in question within the same month.
- 2) Five (5) active members in good standing present and properly assembled shall constitute a quorum at any general membership meeting.
- 3) Only active members in good standing shall have the right to vote, except that active sub-unit members may vote on matters exclusive to them or that affect the Association in general.
- 4) Within any given 12-month period, no officer of the Association shall be absent for more than one (1) general membership meeting without having been duly excused in

advance by a superior officer of the Association.

- 5) The order of business at general membership meetings, if possible and/or practical, shall be as follows:
  - calling the meeting to order
  - Pledge of Allegiance
  - moment of silence
  - roll-call of officers
  - President's report
  - Executive Vice President's report
  - Vice President's report
  - Treasurer's report
  - Secretary's report
  - Sergeant-at-Arms' report
  - Parole Representative's report
  - Chiefs' Representative'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) There shall be at least one (1) meeting of the Executive Board per month.
- 2) The time reserved immediately prior to the start of a general membership meeting may be utilized to convene a meeting of the Executive Board.
- 3) Four (4) members of the Executive Board shall constitute a quorum at any meeting of the Executive Board.

- 4) Only members of the Executive Board shall have the right to vote.
- 5) 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 Association.
- 6) Only the President or a majority of the Executive Board may call for a meeting of the Executive Board.
- 7) All questions on procedure at any Executive Board 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.
- 8) 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 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 majority 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 shall have the right to vote, except that active sub-unit members may vote on matters exclusive to them or that affect the Association in general.
- 3) Business conducted at a special membership meeting shall be limited to the specific and narrow 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 VIII  
Funds, Monies, Dues & Assessments**

**Section A                      Dues for Active Members**

- 1) Dues shall be collected biweekly through the public employer's authorized dues-deduction check-off system.
- 2) Biweekly dues shall be assessed at \$30.00 per active member.
- 3) Active members 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 active members who are on an unpaid leave of absence or who otherwise fall out of pay status.

**Section B           Dues for Retired Members**

- 1) Dues shall be collected from retired members annually, and shall be received by the Association no later than the deadline announced reasonably in advance by the Secretary of the Association.
- 2) Annual dues shall be assessed at \$200.00 per retired member.
- 3) Retired members 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 retired members who fall on difficult economic times.

**Section C           Dues for Active Sub-Unit Members**

- 1) Dues shall be collected from active sub-unit members biweekly through the public employer's authorized dues-deduction check-off system.
- 2) Biweekly dues shall be assessed at \$50.00 per active sub-unit member.
- 3) Active sub-unit members 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 associate members who are on an unpaid leave of absence or who otherwise fall out of pay status.

**Section D           Dues for Associate Members**

- 1) Dues shall be collected from associate members annually at a time and in a manner prescribed by the Executive Board or, in the absence of a consensus, by the President.
- 2) The initial fee for applicants seeking associate membership, as well as the annual dues for associate members, shall be set by the Executive Board or, in the absence of a consensus, by the President.
- 3) Associate members 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 associate members or applicants for associate membership.

#### **Section E Reimbursement of Expenses**

- 1) Officials of the Association 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, by the President.
- 2) Reimbursement shall be based upon the availability of funds, the effective use of limited Association resources, and the prioritizing of Association interests. Notwithstanding, officials of the Association shall be reimbursed for all mileage incurred with their respective personal motor vehicles in the performance of Association duties at the effective rate of mileage reimbursement established by the Internal Revenue Service for business.
- 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 IV, Section F.

#### **Section F Accounts and Investments**

- 1) All checks issued or drawn on any account of the Association and all withdrawals therefrom shall be countersigned by the Treasurer and any one of the following officers, except as otherwise provided herein:
  - 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 Association with an outside entity shall be recommended by a majority of the Executive Board with due notice given to the membership 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 G PAC Fund and Demand & Return System**

- 1) The Association adopts a demand & return system as provided hereinafter regarding representation fees received by the Association in lieu of dues from employees who are not active or active sub-unit members of the Association yet who are members of the collective negotiations unit(s) which the Association is certified by PERC to represent.
- 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 Association to its own employed active or active sub-unit members in good standing minus the cost of benefits financed through the dues, fees and assessments and available to or

benefiting only its employed active or active sub-unit 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 Association to its own employed active or active sub-unit members in good standing.

- 3) The representation fee paid in lieu of dues by employees of the collective negotiations unit(s) who are not active or active sub-unit members of the Association shall be used by the Association for services rendered by the Association for the benefit of all employees in the collective negotiations unit(s), including members and nonmembers of the Association.
- 4) Any nonmember employee of the collective negotiations unit(s) who pays the representation fee in lieu of dues shall have the right to demand and receive from the Association, 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 Association 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 or active sub-unit 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 negotiations unit(s) who has paid the representation fee to the Association in lieu of dues and seeks to assert his or her rights under the Association's demand & return system shall submit a written demand to the Association 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 negotiations agreement(s) in effect, or the Constitution & Bylaws hereof. Within ten (10) days of receipt by the Association of such written demand, the Treasurer of the Association 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 Association in lieu of dues. The proceeding shall be so conducted as to result in an expeditious disposition on the basis of submissions by the Association and the nonmember employee. The nonmember employee may be represented by someone of his or her choosing. The Treasurer of the Association shall have the burden of proof. Within ten (10) days of the proceeding's conclusion, the Treasurer of the Association shall render a decision. In the decision, the nonmember employee shall be notified of his or her right to appeal the decision to the Appeal Board of the Public Employment Relations Commission.
- 6) Fifteen percent (15%) of all dues collected from active and active sub-unit members and at least sixty percent (60%), from retired members shall be transferred to the fund, or account, of the PAC in such manner as the Treasurer of the Association may direct.
- 7) The Treasurer of the Association shall also be the Treasurer of the PAC, and the Chair of the PAC shall be appointed by the President.

- 8) 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 of the PAC/Legislative Committee. 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 Association's monthly report.

## **ARTICLE IX**

### **Charges**

- Section A** Internal charge(s) may be preferred by any active member in good standing against any member of the Association for any violation of the Constitution & Bylaws hereof.
- Section B** 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 C** The charge(s) shall be preferred within forty-five (45) days of the charging party's reasonably becoming aware of the alleged violation or impropriety.
- Section D** A special Judiciary Committee shall be established and appointed pursuant to ARTICLE VI, except that if the member charged is also a member of the Executive Board, he or she shall recuse him- or her- self from the establishment, appointment, conduct and oversight of the special committee.
- Section E** 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 opt to have an active member in good standing assist in his or her defense or appear before the committee for purposes of representation.
- Section F** The committee shall be empowered to summon any member to testify concerning the charge(s).
- Section G** In cases where civil, criminal, or administrative complaint(s) are pending with the respect to any substantive matter before the committee, the committee may reserve the right to adjourn until the final outcome of the related external complaint(s).
- Section H** 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 I** 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 J** The final action may include, but may not necessarily be limited to, any one or more of the following penalties, provided that the expulsion of any active member who remains a member of the collective negotiations unit which the Association is certified by PERC to represent shall not be for an indefinite or unreasonable period of time: written

reprimand or censure; restitution; fines; suspension from office or position; suspension from membership; or removal from office

**Section K** The charged party may appeal the final determination of guilt 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 that next monthly general membership meeting to reverse the final determination and/or to modify the penalty included in the final action.

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

## **ARTICLE X Death Benefit**

Upon the death of any active, retired, or active sub-unit member in good standing, his or her designated beneficiary may be entitled to receive a death benefit, provided the member complies in advance with all the prerequisites of the death benefit of the Association's third-party insurance.

## **ARTICLE XI 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 Association or the name of the Association or any group, federation, etc., with which it may be 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, from 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 Association or to any group, federation, etc., with which it may be affiliated, or has in his or her possession any property belonging to the Association or any group, federation, etc., with which it may be affiliated, until such time as the matter is resolved.

**Section C** Notwithstanding any other provision herein to the contrary, any past president of the Association, once retired from membership-qualifying public employment, shall become President Emeritus and shall therefore be considered a retired member in good standing in addition to any other benefit, right or privilege befitting the title.

**Section D** Upon the dissolution of the Association, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not disposed of shall be disposed of by a court of competent jurisdiction exclusively for such purposes or to such organization or organizations as said court shall determine, which are organized and operated exclusively for such purposes.

## **ARTICLE XII**

## **Amendments to Constitution & 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 made to the membership, 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 made to the membership, 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 XIII**

#### **Parliamentary Authority and 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 Association.