

BYLAWS OF THE LEGAL SERVICES STAFF ASSOCIATION

Adopted 9/13/2007. Amended: 11/6/2013, 2/5/2014, 6/1/2016, 6/5/19

Article I – Name

The name of this union shall be The Legal Services Staff Association (LSSA), National Organization of Legal Services Workers (NOLSW), Local Union 2320 of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO.

Article II – Subordination

The Constitution of this union shall be the Constitution of the UAW. These bylaws shall be subordinate to said Constitution of the International Union, UAW and to the Bylaws of NOLSW, and the Agreement of Affiliation between LSSA and NOLSW.

Article III – Principles & Purposes

The purposes of this union shall be:

- to function as a democratic and participatory wall-to-wall labor organization, working and fighting primarily through the mobilization of our membership, and collaborating with the rest of the National Organization of Legal Services Workers, the UAW, and the labor movement as a whole, to achieve our collective goals.
- to advance the interests of our members as workers, to improve the programs by which we are employed, to advance the interests of the client communities that we serve, and to constitute a force for social and economic justice more generally.
- to educate ourselves concerning the history and issues that affect us as workers and members of the labor movement, to keep our membership well-informed concerning the circumstances and challenges facing us, and to contribute to the levels of solidarity and organization among workers both within and beyond our union.

Article IV – Membership

Section 1

Membership shall be open to all employees of the bargaining units at Legal Services NYC (LSNYC) and its constituent Programs and at Mobilization for Justice (MFJ), their successors and assigns, as well as retirees and members who have been laid-off and remain on the recall list pursuant to the relevant CBA. Retirees from the bargaining unit who have attained the age of at least 55 years and who have had 10 years of employment in the bargaining unit and are not still employed full-time in any position, shall be entitled to “retired membership status” which shall

entitle him/her to all of the privileges of membership pursuant to Article 6, Section 19 of the Constitution.

Section 2

The Membership is the highest authority within the union and has the exclusive authority in accordance with these bylaws, those of NOLSW and the Constitution of the UAW, to ratify Collective Bargaining Agreements, to vote to strike, to return to work, to set dues and elect officers.

Section 3

Members who have authorized, and have not revoked, checkoff of dues to LSSA/NOLSW, shall be members in good standing, unless suspended or expelled from membership as specified in Article 31 of the Constitution. Members on leave of absence pursuant to the relevant CBA, and laid-off members on the recall list pursuant to the relevant CBA, and retired members, shall remain members in good standing unless otherwise terminated. All references in these bylaws to members, in connection with voting or holding office, shall be deemed to refer to members in good standing who are not retired.

Section 4

Membership in the union shall be terminated under any of the following circumstances: (1) final termination of employment, other than retirement, from the bargaining unit. In the event a grievance or arbitration concerning the termination is pending the member shall remain a member until final determination, settlement or withdrawal; (2) expulsion pursuant to Article 31 of the Constitution or (3) resignation or termination pursuant to Article 6, § 17 of the Constitution.

Section 5

- (A) Members shall meet once a month by holding meetings in each of offices where members are employed. These meetings are intended to comply with Article 37 of the Constitution. Meetings may be postponed during the summer months by appropriate action and in accordance with Article 37.
- (B) Members shall meet at least annually in one location in the month of September for the purpose of officer elections and any other business. The Annual Membership Meeting may be postponed pursuant to Article VIII, Section 2 of these bylaws.
- (C) At all other times, members shall meet upon the call of the President, a majority vote of the Delegates Assembly or Executive Committee, or petition of at least 25 members presented to the President. The meetings shall be held at a time and place set by the President within 15 business days of the vote or presentation of the petition to call it. Notice of said meetings shall be emailed to each member of the Delegates Assembly within two business days of the vote or presentation of the petition, who shall within one business day forward or otherwise disseminate to each shop member, including posting on a shop's union bulletin board if so provided and by notice on the LSSA website.

- (D) A quorum at a citywide membership meeting shall be 25 members. Once a quorum is reached it shall be maintained for the remainder of the meeting. Voting at all meetings shall be in person and in accordance with the Constitution. Provision for absentee ballots for membership votes may be made by the Executive Committee or Delegates Assembly upon application of a member showing good cause and on a case by case basis.
- (E) Childcare reimbursement shall be provided for all meetings and when meetings are held outside the member's regular working hours, childcare shall be reimbursed in an amount and in a manner directed by the Delegates Assembly.

Article V - Dues and Assets

Section 1

Dues shall be 2% of gross salary biweekly for all members, with no maximum amount. Any change in the dues structure must be approved by the Membership by majority vote and secret ballot subject to the minimums prescribed by NOLSW Bylaws Article XII, § 1 and the Constitution Article 16, § 2 and Article 47.

Section 2

The LSSA Hardship Fund shall be funded to reach or exceed LSSA's target minimum which shall be the amount predicted to be sufficient to support the needs of the predicted size of the LSSA membership in the event of a strike. A minimum of fifty-five percent (55%) of all dues rebated to LSSA by NOLSW shall be placed in the LSSA Hardship Fund until the fund reaches the target minimum. After a target minimum is met and while it is kept or exceeded, a minimum of thirty percent (30%) of all dues rebated to LSSA by NOLSW shall be placed in the LSSA Hardship Fund. The target minimum shall not be less than \$400,000. The target minimum for 2018 is set at \$800,000. Future target minimums shall be based on projections of membership numbers and projections of hardship requirements, and shall be reviewed, and adjusted as needed, at least once every three years by the Delegates Assembly.¹

The Hardship Fund shall be used exclusively for the purpose of making loans and/or grants to members in good standing to address financial hardship caused by the loss of income and/or benefits during a strike. Distributions from the fund must be approved by the Executive Committee. The purpose of the Hardship Fund is to support the Membership's ability to successfully carry on a strike. The Executive Committee shall take into account all relevant circumstances including the nature of the hardship, all other financial resources available to the member's family and the amount of funds available. The decision of the Executive Committee shall only be challenged or reviewed pursuant to Article 33 of the UAW Constitution and Article XIV of the NOLSW Bylaws.

Section 3

The remainder of dues rebated by NOLSW shall be deposited in the LSSA Operating Account which shall be maintained and used exclusively for union business and expenses.

¹ On December 5, 2018, the Delegates Assembly voted to raise the target minimum for 2020 at \$1,000,000.

Section 4

All funds shall be maintained in fully insured accounts in banks or depositories or other secure financial instruments as approved by the Executive Committee.

Section 5

Any and all drafts, checks, instruments or orders for the payment of money drawn against any of the accounts of LSSA must bear the signature of two (2) members of the Executive Committee, at least one of whom must be an officer of the Union. No union member shall be a signatory on a check for which they are the payee.

Section 6

The Treasurer, in conjunction with the President, shall prepare a report to be presented to each Delegates Assembly concerning the financial status of LSSA. Said report shall include the balance of funds in the Operating Account and Hardship Fund and LSSA's expenditures since the last such report.

Article VI - Delegates Assembly

Section 1

The Delegate Assembly shall be the governing body of the organization. The Assembly shall consist of the officers of the organization and the representatives from each program, which shall include at least one legal worker and one attorney. The members of each program shall be the shop.

The shop shall elect attorney and legal worker delegates with parity except that, upon good cause shown concerning a skew in the ratio of attorneys or legal workers in a program, the DA may permit an attorney delegate position to be occupied by a legal worker or vice versa.

Shops are urged to elect delegates sufficient to ensure a ratio of no more than 10 shop members per delegate in each location. Programs with members on different floors or offices are strongly encouraged to allocate their delegates by location and in such a manner as to make it easier for members to meet with a delegate. Delegates should be elected out of voting order to the extent that this helps ensure representation at each physical location with at least three members. The shop may also elect additional delegates as needed in order to respond to needs within the shop.

Delegates shall be elected by a majority vote of members of LSSA in each program and shall serve a term of one year. The names of the people so elected shall be submitted to the President within ten (10) days of the annual meeting of LSSA and within ten (10) days of any vote by the members of the program to replace a delegate or fill a vacancy.

Section 2 Semi-Proportional Representation

Programs with 10% or less of our total membership shall have two votes at the Delegates Assembly. Programs with shop members less than 20% but more than 10% of our total membership shall have four votes. Programs with 20% or more of our total membership shall have six votes.

Each shop's percentage of total membership shall be calculated annually, or upon request of a shop. If a shop is unable to decide which of its delegates in attendance at a Delegates Assembly shall vote, then this shall be decided by a random process such as drawing straws or drawing names from a hat.

Section 3 Members At Large

The DA may elect up to two additional voting members of the DA from the membership for the purpose of making the DA more inclusive of the whole of LSSA. This may include legal workers if underrepresented, or persons of color if underrepresented, or some other portion of the membership which the DA finds to be underrepresented on the DA.

Section 4

The Delegate Assembly shall have general charge and management of the affairs and funds of LSSA. It shall have full power and it shall be its duty to carry out the purposes of LSSA according to its bylaws and the Constitution. Any resolution adopted by the Delegate Assembly shall be distributed to the Membership prior to the next Delegate Assembly and posted on the LSSA website.

Section 5

The Delegate Assembly shall have the authority to refer charges to a Trial Committee to determine whether any member of LSSA has violated the Constitution or has engaged in conduct unbecoming a union member pursuant to Article 31 of the Constitution. Such action must be taken by a two-thirds ($\frac{2}{3}$) of the elected members of the Delegate Assembly.

Section 6

- (A) The Delegate Assembly shall have the power to remove any officer of LSSA for "just cause." Just cause may include, but is not limited to, malfeasance in office or misfeasance in office. Charges may be preferred by members of the Delegate Assembly in a petition signed by at least ten (10) current delegates. Said charge or charges, with specifications, must be forwarded to the President of LSSA. In a case where the President is the subject of said charges then they shall be forwarded to the Vice-presidents, and in such case it shall be the duty of the Vice-presidents to follow the procedure set forth below.
- (B) The officer receiving such charge and specification shall serve a copy upon the officer charged either personally or by registered mail and shall demand an answer within fifteen (15) business days of the officer's receipt of such charge. When the answer is received, or after fifteen (15) business days have passed since service the officer has received a return receipt signed by the party charged, the notifying officer shall forward a copy of the charges and specifications and the answer of the party charged, if one has been submitted, to all members of the Delegate Assembly.
- (C) The Delegate Assembly must convene a meeting within ten (10) business days of the receipt of the charges to consider such charges and answer. Said meeting shall be held in the manner determined by the Delegate Assembly both shall be conducted so as to afford the charging party and the party so charged the opportunity to make a full and true

disclosure of the facts. Formal rules of evidence or procedure in use in court shall not govern.

- (D) Within five (5) business days of this meeting, the Delegate Assembly shall render a decision. A two-thirds ($\frac{2}{3}$) of elected vote of the Delegate Assembly is necessary to remove any officer and if removal is the decision, a date shall be set but the effective date shall be no sooner than five (5) business days following the decision. The Delegate Assembly's decision shall be set forthwith to the officer charged by registered mail.
- (E) Within three (3) business days of receipt of said decision an officer who is removed may notify the notifying officer that she/he desires a general membership meeting be convened to hear the charges and be given an opportunity to affirm or reverse the decision of the Delegate Assembly.
- (F) Such a general membership meeting must be convened within fifteen (15) business days. Notice to members must be sent out to all members at their officers within two (2) business days of receipt of the demand for such a meeting, and the notice must state a purpose of the meeting. A vote to overturn the Delegate Assembly's decision must pass by fifty percent (50%) of the members voting.

Section 7

The Delegate Assembly may appoint such committees as they may deem necessary in carrying out their functions and shall have the authority to appoint two (2) Delegates At Large elected from and by the Delegate Assembly, to serve on the Executive Committee who shall serve the same term as the elected officers.

Section 8

The Delegate Assembly shall hold at least one (1) meeting in every two (2) month period, and shall meet at such other times as it may deem necessary. The Executive Committee shall notify the delegates of the dates of said meetings. Meetings of the Delegates Assembly shall be open to all members.

Section 9

One-third ($\frac{1}{3}$) of the voting members of the Delegate Assembly, not counting unfilled voting delegate positions, shall constitute a quorum. Said quorum shall be necessary to transact all business except scheduling matters to a new meeting time or date. In the event that any other provision of these bylaws requires that a quorum be a larger number of the members of the Delegate Assembly, that provision shall govern with respect to the purposes of that section. Adoption of any proposal before the Delegate Assembly requires a majority of those voting, however any provisions within these bylaws requiring a larger than majority vote for adoption, that provision shall govern with respect to the purposes of that section.

Section 10

The President may vote at a meeting of the Delegate Assembly only when the members of the Delegate Assembly are equally divided in a vote upon a matter.

Section 11

Once a quorum has been reached it shall remain in effect until the end of the meeting.

Section 12

For the purpose of this Article, no proxy voting shall be allowed.

Section 13

The Delegate Assembly shall have the power to review and determine the credentials of any delegate.

Article VII - Executive Committee

Section 1

The Executive Committee shall consist of seven (7) members and has the authority to transact the business and effectuate the policies of the union. The Executive Committee shall consist of the elected officers, and one (1) Delegate At Large elected from and by the Delegate Assembly. The Delegate At Large shall serve the same term as the elected officers. At least three (3) members of the Executive Committee must be legal workers and at least three (3) members must be attorneys.

Section 2

The Executive Committee shall have to authority to commit or spend up to \$5,000 in union funds from the General Operating Account in any calendar month on union related expenses apart from any regular and ordinary recurring obligations of the union.

Section 3

- (A) The Executive Committee shall meet at least once every two (2) months. Four (4) members shall constitute a quorum, and there shall be no proxy voting. Executive Committee Meetings shall, except for duly called executive sessions, be open to all LSSA members. Childcare shall be provided for all meetings or reimbursed in an amount and in a manner directed by the Delegates Assembly.
- (B) The Executive Committee may meet in executive session called by a vote of a majority of members of the committee present. Executive sessions shall ordinarily be called only when discussing and/or acting upon an issue regarding a member which is confidential either under a provision of the relevant CBA or at the request of the member(s) involved. If at the request of a member involved, the members of the committee present shall exercise their discretion and consider whether the impact on, or importance to, the union as a whole outweighs the interest of the member making the request and may choose not to meet in executive session.

Section 4 Political Action Representative

- (A) The Political Action Representative shall be elected to serve a term of one year from the effective date of their election which shall take place at the same time as other officers are elected be and subject to the same methods and terms of election as officers. The

Political Action Representative shall be a member of the Executive Committee and Delegate Assembly.

- (B) It shall be the responsibility of the Political Action Representative to be involved in political and lobbying activities on behalf of LSSA as designated by the Delegates Assembly and/or Executive Committee. The Political Action Representative shall be responsible for informing the Executive Committee and/or Delegates Assembly of her/his activities and the activities of the New York Area CAP council and other political coalitions of which LSSA is a participant.

Article VIII – Officers

Section 1

The officers of LSSA shall be: President, Vice President for LSNYC, Vice President for MFJ, Treasurer, Secretary, and Political Action Representative. The position of President may be filled by two Co-Presidents. The President shall have the authority to commit or spend up to \$800 in union funds from the General Operating Account in any calendar month on union related expenses apart from any regular and ordinary recurring obligations of the union.

Section 2

Except as stated below, each of the officers of LSSA shall be elected to serve a term of one year from the effective date of their election, as defined below. Elections shall be held at a General Membership Meeting called for that purpose in September of each year, except that in years where contract negotiations are still in progress in September the Delegates Assembly may postpone such General Membership Meeting and election of officers until within one month after the settlement of the contract. Nominations may be made in advance of this meeting to the Executive Committee or from the floor at this meeting and each office shall be filled by that person receiving a majority of the votes cast for that office. Nominations must be accepted by the person nominated. A person nominated in advance may submit a brief statement to the Executive Committee which shall forward it to the membership in advance of the meeting.

Section 3

The Vice President for LSNYC shall be elected by members of the LSNYC bargaining unit. The Vice President for MFJ shall be elected by members of the MFJ bargaining unit. All other officers shall be elected by members of both bargaining units.

Section 4

If no candidate receives a majority vote on the first ballot, there shall be a runoff election between the two (2) candidates obtaining the greatest number of votes. The persons so elected, shall begin their term on the first day of October following their election, or in a year where contract negotiations are still in progress, within two weeks after their election. Said date shall be known as the “effective date” of their election.

Section 5

A person nominated to run for the office of President or Co-President shall have been a member of LSSA for a period of at least six (6) months prior to the date of election. A person nominated

to run for any other office shall have been a member of LSSA for at least three (3) months prior to the date of election.

Section 6

In case of vacancy in any office, except that of the President, whether cause by resignation, removal or incapacity to serve, said vacancy shall be filled by appointment of the Delegates Assembly. In the event the vacancy is in one of the offices of the Vice President it shall be filled by appointment of the Delegates from the appropriate bargaining unit. The person so selected must meet the same qualifications as set forth in these bylaws as a person elected to that office and shall serve the remainder of the term of the person replaced.

Section 7

Should a vacancy occur in the office of the President, the Vice-Presidents shall fill the office until a meeting of the Membership to elect a new President, called by the Executive Committee, occurs. The person so elected shall serve the remainder of the term of the person replaced.

Art. IX - Duties of Officers

Section 1 President

It shall be the duty of the President to enforce the provisions of the Constitution and these bylaws and mobilize the members and resources of the union to carry out the decisions of the union's membership and authorized bodies. Additionally, the President shall manage the day to day operation of the union, including contract administration, member services and the maintenance of the union's records and financial records and make minutes and financial reports available to members. The President shall also oversee the management of the union's finances, shall preside or appoint another officer to preside each Delegate Assembly, Executive Committee and Membership meeting of the union, and shall preside over the bargaining committee provided for in Article XIII Section 1(A). Furthermore, the President shall be a member *ex officio* of all committees.

Section 2 Vice Presidents

It shall be the duty of the Vice Presidents, in the case of the absence or incapacity of the President, to perform the duties of the President.

Section 3 Secretary

It shall be the duty of the Secretary to keep accurate records of the Delegate Assembly, Executive Committee and Membership meetings and provide these to the President.

Section 4 Treasurer

It shall be the duty of the Treasurer to keep accurate records of all financial transactions of the union and provide these to the President and to ensure compliance with Article V of these bylaws.

Section 5 All Officers

It shall be the duty of all officers to participate in standing committees as directed by the Executive Committee, to attend meetings of the Delegate Assembly, Executive Committee and Membership, and to assist the President in his or her duties.

Article X – Staffing

The union shall be staffed by its President or Co-Presidents at least two (2) days per week. They shall receive the same salary and benefits they would have received as active employees of the bargaining unit from which they were elected. The Delegates Assembly may hire additional staff as needed and where resources allow.

Article XI - Standing Committees

Section 1 List of Standing Committees

There shall be four (4) Standing Committees: the Political Action Committee, the Membership Education Committee, the Financial Planning & Benefits Committee, and the Legal Services Program Committee.

Section 2 Purposes of Each Committee

The purpose of the Political Action Committee shall be to involve members in political action at all governmental levels to achieve union goals, including but not limited to: lobbying of legislative bodies, supporting political candidates, and coordinating political action with other unions.

The purpose of the Membership Education shall be to initiate and support member education, including but not limited to union leadership training, Collective Bargaining Agreement (“CBA”) provision enforcement training, skills improvement, self-improvement, adult education, and labor movement and LSSA goals and history.

The purpose of the Financial Planning & Benefits Committee shall be to educate and support members in attaining knowledge and skills in financial planning, including but not limited to retirement planning, to educate members on provisions and utilization of financial benefits provided under the CBA, and to advocate for adoption by the union of proposals to expand benefits provided under the CBA.

The purpose of the Legal Services Program Committee shall be to advocate for adoption by the union of positions to improve Legal Services NYC’s (“LSNYC’S”) provision of services to low-income clients, including but not limited to: organization, service delivery, staffing, grant and funding proposals and implementation, and service priorities.

Section 3 Membership in Committees

All standing committees shall be open to any member who wishes to serve. Any member may attend any standing committee meeting. In addition, every committee shall have a member who is a member of the Executive Committee.

Section 4 Committee Meetings, Notice and Agenda

Each standing committee shall establish a regular meeting schedule. Notice of meetings and meeting agendas shall be given to each Delegate, who shall forward such notice to shop members.

Section 5 Committee Structure

All standing committees shall have a chair, or co-chairs, elected by committee members. Standing committees may convene such sub-committees as are necessary to carry out their purposes.

Section 6 Reporting

All standing committees shall report to the Delegates' Assembly quarterly.

Article XII - Grievances and Arbitrations

Section 1

Any person who files a grievance must attempt to notify an officer of the union prior to filing such grievance. A copy of all grievances at all levels must be sent by fax or email to the President of the union at the union office as soon as possible after filing.

Section 2

Any settlement of a grievance, including the withdrawal thereof, must be in writing and be reviewed and signed by an officer of the union. Any settlement or withdrawal not entered into by an officer of the union shall not be binding upon the union.

Section 3

All grievance hearings at the level of Executive Director must be attended by a member of the Executive Committee.

Article XIII - Collective Bargaining

Section 1 Bargaining Committees

- (A) Collective bargaining with LSNYC shall be conducted by a bargaining committee of seven (7) members including the President and six (6) members appointed by the Delegates from the LSNYC bargaining unit. Each LSNYC shop shall have the right to nominate one (1) member of their shop to serve on the committee. At least three (3) member of the committee shall be legal workers and at least three (3) members shall be attorneys.
- (B) Collective bargaining with MFJ shall be conducted by a bargaining committee of five (5) members including the President and four (4) members appointed by the MFJ bargaining unit. There shall be at least one (1) committee member from each borough in which MFJ has an office. At least two (2) of the committee members shall be non-attorneys, and at least one (1) shall be an attorney.

- (C) Election of a Bargaining Committee shall occur no less than three (3) months prior to the expiration of the relevant CBA then in effect. The Bargaining Committee shall keep the membership informed to the maximum extent possible of the progress of bargaining.

Section 2

Demands shall be formulated by the Bargaining Committees after survey of the membership of the bargaining unit involved. The demands must then be ratified at a meeting of the bargaining unit involved.

Section 3

- (A) The Bargaining Committee of LSSA/LSNYC or LSSA/MFJ shall inform the members of the precise provisions of the proposed agreement or final offer of the employer, including all changes, additions and modifications to the last effective contract, as well as all bargaining demands not met. The proposed agreement or final offer made by the employer shall then be submitted to the membership for a vote.
- (B) The Bargaining Committee shall distribute copies of the proposed agreement or final offer to the Membership and post a copy on the LSSA website at least one (1) week prior to the convening of the General Membership Meeting to vote on formal ratification of the contract. The bargaining unit must approve the contract proposal by majority vote.
- (C) The ratified agreement must be reduced to writing and signed by the NOLSW President, LSSA President, and the Employer. Copies of the contract shall be distributed to the bargaining units and filed with the International Secretary Treasurer. Each local or unit shall be required to maintain a complete and up to date schedule of job classifications and wage rates, a copy of which must be attached to each contract submitted to the International Union.

Article XIV - Strike

Section 1

A strike may be called or authorized by vote of two-thirds ($\frac{2}{3}$) of the relevant bargaining unit. The vote must be held by secret ballot at a meeting of the Membership held for that purpose and in all respects be in accordance with Article 50 of the Constitution.

Section 2

Any member who works for an employer being struck shall be guilty of violating a strike. Any member accused of violating a strike shall be subject to a trial under Article 31 of the Constitution and, if found guilty, to the penalties specified therein.

Article XV - Parliamentary Order

Robert's Rules of Order shall apply in all situations not covered by the International Union Constitution or these bylaws.

Article XVI - Adoption and Amendments

Section 1

These Bylaws must be adopted and ratified by the membership before they are to take effect.

Section 2

The Bylaws may be amended, repealed or altered in whole or part, by a two- thirds ($\frac{2}{3}$) majority of the Delegate Assembly.

Section 3

Any proposal to amend, repeal or alter the bylaws must be sent by email to each delegate at least ten (10) days prior to the meeting which is to consider such change. In addition it must be posted on the LSSA website.

Section 4

At the annual meeting of the Membership, the Delegate Assembly shall report to the members concerning any changes made in the Bylaws since the last annual meeting. In addition, a copy of any change shall be emailed to each Delegate with instructions to forward to all shop members and posted on the LSSA website within thirty (30) days after it has been enacted.

Section 5

For purposes of this Article, a quorum of the Delegate Assembly shall be two- thirds ($\frac{2}{3}$) of the duly elected members of the Delegate Assembly.

Article XVII - Savings Clause

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