

NATIONAL ASSOCIATION OF
GOVERNMENT EMPLOYEES

Assistant Chief Court Officers
LOCAL 806

CONSTITUTION & BY-LAWS

DATE OF ADOPTION
(October 11, 2022)

TABLE OF CONTENTS

ARTICLE	NAME	PAGE
I	ORGANIZATION	3
II	MEMBERSHIP	4
III	GOVERNING BODY	5
IV	POWERS AND DUTIES OF OFFICERS	6
V	APPOINTED OFFICERS AND COMMITTEES	8
VI	NOMINATION FOR ELECTION OF OFFICERS	9
VII	ELECTION OF OFFICERS	10
VIII	MEETINGS	11
IX	HANDLING OF GRIEVANCES	13
X	DELEGATES TO CONVENTIONS AND REGIONAL MEETINGS	15
XI	DISCIPLINE	16
XII	APPEALS	18
XIII	FINANCIAL RECORDS	19
XIV	BONDING	20
XV	AMENDMENTS	21
XVI	CONFLICTS	22

ARTICLE I

ORGANIZATION

Section 1. NAME

This organization shall be known as The Massachusetts Association of Assistant Chief Court Officers Local R1-806 of the National Association of Government Employees, affiliated with Service Employees International Union and may also be referred to as SEIU/NAGE Local 5000.

Section 2. ORGANIZATION

This Local shall be organized and conducted within the framework of these Local Constitution and By-Laws and the National Constitution and By-Laws of the National Association of Government Employees and any amendments thereof.

Section 3. OFFICE

The Local shall maintain its headquarters and hold scheduled meetings at locations designated by the Executive Board.

ARTICLE II

MEMBERSHIP

Section 1. ELIGIBILITY

Subject to the provisions of this article any person shall be eligible for membership in this organization who is (i) employed by the Commonwealth of Massachusetts Trial Court as an Assistant Chief Court Officer and (ii) pays all dues and maintains his/her dues on a current basis with the Union.

Section 2. NO DISCRIMINATION

There shall be no discrimination against any member, or any applicant for membership by reason of race, ethnicity, creed, color, religion, gender, marital status, sexual orientation, national origin, ancestry, age or disability.

Section 3. APPLICATION

Any individual desiring membership in this Local shall complete and sign an application form prescribed by the Local Unit.

Section 4. REINSTATEMENT

No person may become a member of this Local who has at any time been found guilty of any conduct violative of Article XI of these Local Constitution and By-Laws and Article XII of the National Constitution and By-Laws entitled "Discipline of Local and Members" without obtaining a waiver of these provisions by the Executive Board of the Local Unit and the National Executive Committee.

Section 5. GOOD STANDING

A member employed by the Commonwealth of Massachusetts Trial Court as an Assistant Chief Court Officer and who maintains their dues on a current basis will be considered a member in good standing.

Section 6. RETIREMENT

A member, upon retirement or separation from employment is entitled to become a retired member. Such retired member can attend Local Meetings but may not vote or hold Local Office unless they are a full dues paying member in good standing and has received a waiver from the National Executive Committee.

ARTICLE III

GOVERNING BODY

Section 1. ELECTED OFFICERS

The elected officers of this Local shall be:

1. President
2. Vice President
3. Secretary
4. Treasurer
5. Chief Steward

Section 2. EXECUTIVE BOARD

The Elected Officers members referenced in Section 1 of this Article shall constitute the Governing Body of this Local and shall be called the Executive Board.

Section 4. TERM OF OFFICE

The term of office for an elected Executive Board member shall be three (3) years.

Section 5. VACANCIES

Board members shall serve until the election and installation of their successors. An office shall be considered vacant upon creation of the office, or the death, discharge, resignation, or removal of an officer from Trial Court jurisdiction. The Local President shall have the authority to appoint, subject to majority approval of the Executive Board, a member to fill any vacancy for the remainder of the term of office. In the event that the office of the President is vacant, the Vice President shall serve for the remainder of the term.

ARTICLE IV

POWERS AND DUTIES OF OFFICERS

Section 1. PRESIDENT

The President shall preside over all meetings and conduct them in accordance with parliamentary rules as well as those set forth in these Local and the National By-Laws. The President shall maintain order, and enforce the Constitution and By-laws of this local as well as the National Constitution and By-Laws. The President shall execute all official documents that pertain to the Local. They shall cast the deciding vote in the event of a tie. The President shall counter sign all checks drawn on the Local Treasury. They shall perform all the necessary duties to advance the welfare of the Local.

The President shall have the authority to appoint all appointed officers and committee members subject to a majority approval of the Executive Board. They shall have the authority to remove any officer or committee member who holds their office by appointment. The President shall have the authority to establish or dissolve committees, subject to a majority approval of the Executive Board. The President by virtue of his or her office shall be the voting delegate to all intermediate, national, or international bodies, including all conventions.

Section 2. VICE PRESIDENT

The Vice President shall assist the President as required in operation of the Local. In the absence of the President, they shall preside over meetings and perform the duties of the President.

Section 3. SECRETARY

The Secretary shall record the minutes and call roll at all Executive Board, general membership and special meetings of the Local. They shall maintain a current list of the names, home addresses and telephone numbers of all members of the Local as well as committee lists. They will keep copies of applications for membership and shall keep the National informed of any status change regarding members of the Local. They shall assist the President in the handling and preparation of brochures, pamphlets, articles, bulletins, and shall be responsible for getting out notice of General Membership meetings, reports of meetings, and various materials such as advertisements, notices, posters, and/or flyers.

Section 4. TREASURER

The Treasurer will keep a true and accurate record of all money received, all appropriations and/or expenditures from the Local Treasury. They will disburse money only upon receipts approved by the Executive Board. The Treasurer shall make a financial report at each Executive Board meeting and General Membership meeting indicating monetary receipts, disbursements, and the balance on hand. The Treasurer shall submit all bank statements, cancelled checks, and financial documents to the Executive Board as directed. The Treasurer shall co-sign all orders for funds drawn on the Local Treasury.

Section 5. CHIEF STEWARD

The Chief Steward shall keep an accurate record of all grievances. The Chief Steward shall advise the Executive Board of all grievances and submit any grievance to the Executive Board for approval prior to application for arbitration.

Section 6. EXECUTIVE BOARD

The Executive Board shall be the governing body of this local and shall act between membership meetings on all matters affecting the membership. Executive Board action, not specifically authorized by the Constitution and By-Laws or requiring approval by a vote of this Local, shall be taken by a majority vote of the Executive Board, providing such action does not violate the Constitution and By-Laws of this Local or of the National Organization. The Executive Board shall determine and approve salaries and expenses as they may deem appropriate for the conduct of union affairs. All expenses shall be supported by receipts and/or expense vouchers.

ARTICLE V

APPOINTED OFFICERS AND COMMITTEES

Section 1. APPOINTMENT OF OFFICERS

The President shall nominate the Appointed Officers of the Local and said appointment is subject to a majority approval of the Executive Board. The President shall have the authority to remove Appointed Officers with the majority approval of the Executive Board.

Section 2. STEWARDS

The duties of the Stewards shall be to advise members and attempt to settle minor first step grievances with the review and concurrence of the grievance committee and to accompany member to the appropriate Local Officer if further assistance is required. Stewards shall also be responsible for notifying the Executive Board members of unsatisfactory conditions within his or her work area or division.

Section 3. CREATION OF COMMITTEES

The President may establish and/or appoint members in good standing to any committee subject to approval by a majority vote of the Executive Board. Any committee, whether “standing” or other, may be dissolved by the President and a new committee established in its place subject to approval by a majority of the Executive Board or by a majority vote at any meeting of the local.

Section 4. GRIEVANCE COMMITTEE

The Local Executive Board shall serve as the Grievance Committee. The Grievance Committee shall review all grievances submitted by Local Stewards for merit and shall render a decision in writing on whether or not to process the grievance. The Grievance Committee shall screen all grievances prior to requesting arbitration. Any grievance that is not meritorious, or is frivolous or detrimental to the Local may be denied final binding arbitration. The decision of the Grievance Committee shall be based on recommendations of the NAGE National Representatives, NAGE Attorneys, or Executive Board Members who handled the prior step. Appeal of the Grievance Committee’s decision not to proceed to arbitration shall be handled in accordance with Article IX of these By-Laws, titled “Handling of Grievances,” and/or Article IVA of the National Constitution and By-Laws.

ARTICLE VI

NOMINATION FOR ELECTION OF OFFICERS

Section 1. NOMINATION

A reasonable opportunity shall be given for the nomination of candidates and every member in good standing shall have the right to nominate, vote or otherwise support the candidate of his/her choice without being subject to penalty, discipline or improper interference or reprisal of any kind by the Local Unit or any member thereof.

Section 2. ELIGIBILITY

A member may run for and hold local office if they have maintained good standing for a period of one year prior to the date of the Election.

Section 3. NOTICE OF NOMINATION

Timely notice of nomination must be given in a manner reasonably calculated to reach all members in good standing.

Section 4. NOMINATION PROCEDURE

All nominations shall be made on a form supplied by the Local. All nominations must be seconded by at least one member in good standing. Candidates must submit notice of the acceptance of the nomination indicating a willingness to serve. A member in good standing may only accept one nomination and may not run for or hold two local offices at the same time. Self-nominations are permissible and must also be seconded by at least one member in good standing.

ARTICLE VII

ELECTION OF OFFICERS

Section 1. ELECTIONS The election of officers shall be by secret ballot not less than once every three (3) years.

Section 2. ELIGIBILITY TO VOTE

Each member in good standing shall be eligible to vote and shall be entitled to one vote. The votes cast shall be counted and the results published.

Section 3. NOTICE OF ELECTIONS

No less than fifteen (15) days prior to an election, notice thereof shall be mailed to each member at his/her last known home address.

Section 4. BALLOTS

No less than fifteen days prior to an election, ballots shall be mailed to each member at his/her last known home address.

Section 5. ELECTION TABULATION

All officers of the Local Unit shall be elected by a plurality vote of the membership participating in the election that is eligible to vote. The votes cast shall be counted and the results published.

Section 6. RECORDS OF ELECTION

The ballots and records pertaining to the election shall be preserved for three (3) years.

Section 7. ELECTION EXPENSES:

No monies received by way of dues, assessments, or similar levy shall be contributed or applied to promote candidacy of any person in the election. However, such monies may be utilized for notices, factual statements of issues not involving candidates, and other expenses necessary for holding an election.

ARTICLE VIII
MEETINGS

Section 1. EXECUTIVE BOARD MEETINGS:

The Executive Board will meet monthly to conduct routine business of the Local and also is required to prepare the agenda for General Meetings. The Executive Board shall be comprised of the following members with full voting power: President, Vice President, Secretary, and Treasurer.

The quorum for the purposes of casting a vote or transacting business by the Executive Board shall be more than 50 percent of the Executive Board members.

Section 2. GENERAL MEMBERSHIP MEETINGS:

General Membership Meetings will be held annually at a reasonable place and time as determined by the majority of the Executive Board. The meeting place and time will be announced prior to the meeting. Members shall be notified of each meeting by any practical means of communication, reasonably calculated to reach each member of the local.

Section 3. SPECIAL MEETINGS:

Special Meetings may be called by the President, a majority of the Executive Board in session, or upon written request of at least 33 percent of the membership in good standing.

Section 4. QUORUM:

A Quorum for the purpose of transacting business at a general or special meeting shall be nine (9) members in good standing.

Section 5. CONDUCT:

All procedural rules not provided for in these By-Laws or the National By-Laws will be decided in accordance with the current edition of Roberts Rules of Order.

Section 6. RECORDS

Records of the Local Unit, including bank statements; financial records, checks, correspondence, grievances, grievance records, notes and minutes or official meetings, shall be maintained for six (6) years from the last year filed. Said official records shall be turned over to the duly elected president or his/her designee upon succession to office.

Section 7. ORDER OF BUSINESS:

The order of business shall be conducted by agenda, including but not limited to the following:

1. Call the meeting to order
2. Roll Call of Officers
3. Reading of the minutes of the previous meeting.
4. Old business
5. New Business
6. Report of Officers
7. Report of Committees
8. Treasurer's Financial Report.
9. Adjournment.

ARTICLE IX

HANDLING OF GRIEVANCES

Section 1. : Any person employed in a bargaining unit represented by this Local Unit of the National Association of Government Employees (hereinafter the “Grievant”) shall have the following rights and shall employ the following remedies under the provisions of this Constitution and By-Laws if he or she believes that the Local Grievance Committee has acted improperly in handling that member’s grievance under the Collective Bargaining Agreement.

Section 2. : The Grievant, upon receiving written notification from the Local Unit Grievance Committee that the Committee has determined either to (1) reject his or her grievance (2) settle the grievance; or (3) decline further process of the grievance, shall take the following action to protect his or her rights:

A. STEP ONE: The Grievant shall, within seventy-two (72) hours of notification of the Local Committee’s action complained of, notify at least one member of the Grievance Committee, in writing, that the Grievant appeals the Committee’s decision to the National President. **The Local shall immediately take the required action to protect the Grievant’s rights under the Collective Bargaining Agreement by proceeding to the next step of the Grievance Procedure.**

B. STEP TWO – The Grievant must notify the National President, in writing within five (5) calendar days following the decision of the Local Grievance Committee, that s/he appeals the Local Committee’s decision.

(a) Such appeal shall set forth a complete narrative as to the facts in support of the Grievance, a copy of the Collective Bargaining Agreement, the decision of the Local Grievance Committee and whatever documents are reasonable necessary for an understanding of the case.

(b) The Appeal will be decided by a National Officer duly designated to act by the National President.

(c) The duly designated National Officer will schedule and conduct a hearing on the Grievant’s Appeal as soon as is administratively possible.

(d) The duly designated National Officer, at his or her sole discretion may (1) render a decision conducting whatever investigation s/he deems necessary or (2) refer the matter for decision to the National Executive Committee.

(e) The duly designated National Officer may, at any time, (1) order the Local Grievance Committee to take all steps necessary to protect the Grievant’s rights under the Grievance Procedure pending the decision of the National Officer under (d) above, or (2) if the final decision is in favor of the Grievant, such National

Officer shall order the Local to take whatever actions s/he deems necessary under the Collective Bargaining Agreement. Arbitration of termination cases so decided by the National Officer or National Executive Committee will be paid for by the National.

Section 3. Any member of a NAGE Local Unit who believes that his or her grievance has been improperly handled by the Local Unit Grievance Committee or other authorized local bargaining agent shall, without exception, employ the remedies and procedures contained herein. No complainant shall be entitled to enforce or present his or her claim against NAGE or its Local subordinate in any Court or other administrative body without first exhausting these internal procedures.

ARTICLE X

DELEGATES TO CONVENTIONS AND REGIONAL MEETINGS

Section 1. DELEGATES:

The Local Unit Officers who have been elected by secret ballot shall serve as the voting delegates to intermediate and/or national bodies including National Conventions. If the total number of officers is greater than the number of delegates allowed, the officers shall attend as delegates in the following order:

1. President
2. Vice President
3. Secretary
4. Treasurer
5. Chief Steward

Section 2. NUMBER OF DELEGATES:

The number of delegates and/or alternates the Local designates to the National Convention shall be in accordance with “Article VI, Section 5” of the National Constitution and By-Laws, which states that each Local Unit shall be allocated one delegate for 500 members or less, and one additional delegates for every 500 members or fraction thereof.

Section 3. SELECTION OF ADDITIONAL DELEGATES

If the number of elected officers is less than the number of delegates, then arrangements shall be made for nominations in the Local Unit and secret ballot election.

ARTICLE XI

DISCIPLINE

Section 1. Local officers or members may be charged with the following:

- (1) Violation of any specific provision of this Local Constitution and By-Laws and/or the National Constitution and By-Laws of the National Association of Government Employees;
- (2) Violation of the oath of loyalty and/or their duty to the International Union, NAGE the Local Unit and/or the members thereof;
- (3) Misfeasance, malfeasance, or nonfeasance such that they have breached their duty to the International, NAGE, the Local Unit and/or the members thereof;
- (4) Disloyalty or conduct unbecoming a member;
- (5) Financial malpractice;
- (6) Corrupt or unethical practices or racketeering;
- (7) Advocating or engaging in dual unionism or secession;
- (8) Disobedience to the regulations, rules, mandates and decrees of the International Union or NAGE or the Local Unit;
- (9) The wrongful taking or retaining of any money, books, papers, or any other property belonging to the International Union, NAGE or the Local Unit; or the wrongful destruction, mutilation or erasure of any books, records, bills, receipts, vouchers or other property of the National Union or the Local Unit;
- (10) Working as a strike breaker or violating wage or work standards established by the International Union or NAGE or the Local Unit;
- (11) The bringing of false charges against a member or officer without good faith or with malicious intent;
- (12) Failing to pay his or her proper union membership dues, or failing to remit proper dues from the Local to the National;
- (13) Discrimination or advocacy of forbidden discrimination against any other member on the basis of race, ethnicity, creed, color, religion, gender, marital status, sexual orientation, national origin, ancestry, age or disability.

If such charges are substantiated in accordance with the procedures established hereafter, such remedial and/or punitive action can be taken as is justified and in the best interest of the organization and its members.

Section 2. DISCIPLINARY PROCEDURES:

Charges brought by Member(s) of the Local Unit and Determined at the Local Level:

A. Charges alleging any conduct in Section 1 above on the part of any member or officer of a Local Unit shall be filed in duplicate with the Secretary of the Local Unit, who shall serve a copy thereof on the accused either personally or by registered or certified mail, directed to the last known address of the accused, at least ten (10) days before the hearing

upon the charges. The Local Unit President shall send a copy of this Notice to the National President. The charges must specify the events or acts which the charging party believes constitute the basis for charges and must state which subsection(s) of Section 1 of this Article the charging party believes have been violated. If the charges are not specific, the Trial Body may dismiss the charges either before or at the hearing, but the charging party shall have the right to re-file more detailed charges which comply with this Section. No Charges may be filed more than six (6) months after the charging party learned, or could have reasonably learned, of the act or acts which are the basis of the charges.

B. The Executive Board of the Local shall act as the Trial Body.

The accused may appear in person and with witnesses to answer the charges against him/her and shall be afforded a full and fair hearing. The person charged may select any member to act as his or her advocate unless otherwise limited by these Local Constitution and By-Laws.

C. If any portion of the charges is sustained by the evidence, then the trial body shall render such judgment and impose such discipline as it considers just. If the charges are not sustained, they shall be dismissed and the accused shall be restored to full rights or membership and/or office.

D. If the charges brought are against member(s) of the Local Executive Board or Trial Body, that person(s) charged shall not sit as a member of that body for the purposes of deliberating on the charges. If this results in an insufficient number of persons to constitute a quorum of the Trial Body, the parties shall agree to a method of establishing a fairly constituted panel to determine the sufficiency of the charges and to issue a judgment. If the parties cannot agree, either party may submit that issue to the National President by contacting the National President in writing. The National President shall determine the method of establishing a fairly constituted panel, or shall order that the National take immediate jurisdiction.

E. If the accused is unable or unwilling to be present at any hearing provided for herein, a defense may be presented in writing. In default of appearance or defense, the Trial Body shall proceed with the hearing regardless of the absence of the accused.

F. The Trial Body, after requisite due process has been afforded, may impose such penalty as it deems appropriate and as the case requires. The National President shall be notified of the Hearing Decision.

ARTICLE XII

APPEALS

Section 1. APPEAL OF DISCIPLINARY ORDER:

Any person or body against whom disciplinary action has been taken or whose charges have been dismissed in whole or in part shall have the right to appeal. An appeal to the National Executive Committee may be taken either by the accused or the member filing the charges from any decision of this Local Unit with respect to such charges, provided such decision is a final decision under the terms of the Constitution and By-Laws of the Local Unit. Any such appeal must be filed in writing with the National President by registered or certified mail, within fifteen (15) days after the decision. No specific form or formality shall be required, except that such appeal shall clearly set forth the decision being appealed and the grounds for the appeal. During the pendency of any appeal, the decision being appealed from shall remain in full force unless it is stayed by the National President. The National President may decide the appeal on the records made by the Trial Body or may, in its discretion, upon at least ten (10) days notice, hear arguments or hold a rehearing either itself or before a hearing officer or officers designated by it. The National President may confirm, reverse, or modify the decision appealed from.

Section 2. APPEAL OF ELECTIONS:

Any member of this Local may use the following procedure to appeal the results of an election for Local Officers and/or delegates to the National Convention. Within fifteen (15) calendar days after the tally of ballots has been furnished to the members of the Local, any member of the Local may file objections to the conduct of the election or conduct affecting results of the election to the Local's Executive Committee or Board. Objections must be made in writing and must contain specific reasons in support thereof.

Section 3. APPEALS OF LOCAL UNIT ACTION:

Any member or officer aggrieved by any action of this Local Unit not covered by the provisions of Article XIII of the National Constitution and By-Laws (including determinations of election protests) may petition the National President within fifteen (15) days after the act complained of to review the action of the Local Unit or affiliated body. The National President, or other member(s) of the National Executive Board designated by the National President, may decide the appeal on the records made by the Trial Body or may, upon at least ten (10) days notice, hear argument or hold a rehearing. The National President may confirm, reverse, or modify the decision appealed.

ARTICLE XIII

FINANCIAL RECORDS

Section 1. FINANCIAL RECORDS:

Financial records of the Local Unit shall be kept on a fiscal year basis. The Fiscal year shall begin September first (1st) and end on August thirty-first (31st).

Section 2. REVENUES:

The revenues of the Local Unit shall be derived from membership dues and from such other sources as may be approved by the Local Executive Board.

Section 3. FINANCIAL DATA TO NATIONAL:

The Local Unit shall submit bank statements, canceled checks, and any other information as may be requested periodically by the National Audit Committee pursuant to Article VII Section 4(E) of the National Constitution and By-Laws. The Local Unit shall submit this material to the Audit Committee within thirty (30) days from the date of the request. In the event that a Local Unit refuses to comply with this section, the Per Capita payments under Section 6 of Article X of the National Constitution and By-Laws will be suspended until such time as the Local Unit complies. No Local Unit shall be required to provide the requested information more than twice in any year except under special circumstances. Information provided under this section shall be submitted to the Auditors of the National Association of Government Employees.

Section 4. BANK ACCOUNTS:

The Local Unit shall maintain a separate bank account for the business of the Local and shall not commingle union monies with any personal accounts. No bank debit/ATM cards will be utilized for this Local Unit's Banks account(s). The Local may request a waiver from the National President to justify the use of ATM/Debit Cards for this Local's Business.

Section 5. SIGNATORIES:

All checks drafted by the Local Unit must be signed by two (2) officers of the Local.

Section 6. RECORDS:

Records of the Local Units, including bank statements, financial records, checks, correspondence, grievance records, notes and minutes of official meetings, shall be maintained for six (6) years from the last year filed. Said official records shall be turned over to the duly elected president or his/her designee upon succession to office.

ARTICLE XIV

BONDING OF LOCAL OFFICERS

Section 1. BONDING OF LOCAL OFFICERS:

Every Officer, agent, or employee of the Local handling funds or other property of the Local whose property and annual receipts exceeds \$5,000 in value shall be bonded, with a recognized surety company, in accordance with the provisions of Section 502(a) of the Federal Reporting and Disclosure Act of 1959 as amended. The bond of each such person shall be fixed at the beginning of the Local's fiscal year and shall be in an amount not less than ten (10%) of the funds handled by such person and his predecessor or predecessors, if any, during the preceding fiscal year of the Local, but in no case more than \$500,000.

ARTICLE XV

AMENDMENTS

Section 1. AMENDMENTS:

Proposed Amendments to this Constitution and By-Laws shall be submitted to the Executive Board of the Local in writing, and signed by five (5) members in good standing. The proposed amendment shall be cited within the call for a regular or special membership meeting. The proposal may be amended at the regular or special meeting by a simple majority vote of the members present and voting. The Amendment shall require a two-thirds (2/3) vote for adoption by the members present and voting.

ARTICLE XVI

CONFLICTS

Section 1. CONFLICTS: In the event that these Local By-Laws conflict with the National By-Laws and/or are silent, the National By-Laws will supersede and control.

Section 2. PARLIMENTARY PROCEDURE:

All procedural rules not provided for in this Constitution and By-Laws or the National Constitution and By-Laws shall be decided in accordance with the most current edition of Robert's Rules of Order.