



Constitution of the New York City Deputy Sheriffs' Association

As Amended September, 2018

Article I: Name

The association shall be known as “The New York City Deputy Sheriffs’ Association.”

Article II

The object of the association shall be to unite the sheriff’s deputies in the five (5) counties of the City of New York for their mutual benefit and welfare, social and economic good, and to represent the members in collective bargaining of the terms and conditions of employment. The association shall propose, support and promote favorable legislation on behalf of the sheriff’s deputies of the City of New York, and look to oppose legislation detrimental to the interest of deputy sheriff’s and law enforcement in general. The association shall look to investigate problems, hazards and opportunities in an effort to promote benefits, solutions, career enhancement and a positive image for all sheriffs’ deputies of the City of New York.

Article III: Membership

Membership in the association is limited to employees in the titles of supervising deputy sheriff II (undersheriff), supervising deputy sheriff I (lieutenant), deputy sheriff II (sergeant), and deputy sheriff I (deputy sheriff), who have completed three (3) months of service with the New York City Sheriff’s Office, regardless of race, color, creed, gender, or sexual orientation, or a retiree who has served in at least one of the above mentioned titles for a combination of at least (15) years, or a member who has retired due to disability and is receiving a disability pension from the City of New York, and whose dues are current.

Article IV: Rights and Duties of Members

Each member has the right and responsibility to:

1. Attend meetings and participate in discussion.
2. Nominate and vote for officers.

3. Be nominated for and run for any office, subject to the eligibility requirements set forth in article X.
4. Vote on issues.
5. Support the association.
6. Protect the rights of fellow members.

Members not in good standing shall have rights 1, 2, 3, and 4, suspended until their standing is returned. Members who are delinquent in dues for more than (4) pay periods shall be considered not in good standing.

Article V: Dues

The dues of the association shall be voted on by the membership at a regular or special meeting and require a majority vote of the members present. Members shall be considered delinquent and dropped from the membership rolls if they are in arrears for more than four (4) pay periods.

Article VI: Agency Shop Fee

Any employee from whose salary an agency shop fee is deducted pursuant to law shall have the right to demand the return of that part of the agency shop fee which represents the employee's pro rata share of expenditures by the association in aid of activities or causes of political or ideological nature only incidentally related to the terms and conditions of employment. Such a demand shall be made by notifying the association by registered or certified mail during the fifteen (15) days following the close of the association's fiscal year.

Following the close of the fiscal year, the executive board shall determine the proportion of the agency shop fees spent by the association in aid of activities or causes of political or idealistic nature only incidentally related to the terms and conditions of employment. Members who have filed a timely demand therefore to shall receive a refund of their agency shop fee corresponding to the proportion determined by the executive board. If employees are dissatisfied with the amount of their refund, an appeal may be taken to the executive board within fourteen (14) days of receipt of the refund or receipt of notice of the proportional

determination, whichever is sooner. The executive board shall render a decision on such an appeal within thirty (30) days of its receipt.

Article VII: Meetings

An annual regular meeting shall be held during the month of September. Special meetings may be called by:

1. The president upon written notice to all commands not less than seven (7) days prior to the meeting, announcing the purpose of the meeting.
2. A majority of the executive board, upon written notice to all commands not less than seven (7) days prior to the meeting, announcing the purpose of the meeting.
3. A petition signed by more than fifty (50) percent of the membership stating the subject of the meeting and giving written notice to all commands at least seven (7) days prior to the meeting.

Order of business:

1. Call to order.
2. Pledge of allegiance to the flag.
3. Roll call of officers.
4. Reading of the minutes of the previous meeting.
5. Treasurer's report.
6. Reports of committees.
7. Unfinished business.
8. New business.
9. Good and welfare.
10. Adjournment.

The order of business may be suspended, transposed or reopened by a majority vote of the members present. Robert's rules of order shall be the authority for all procedural questions not covered by this document. Any member ordered to sit in judgement of another member (of the same title) on a disciplinary committee

and votes to find said member guilty shall be expelled from the association and only readmitted after applying, in writing, and being voted on by a majority of the members attending a regular or special meeting. If a conflict of interest regarding departmental discipline or disciplinary investigation should occur between a member and an executive board trustee or delegate, the president shall appoint a trustee, delegate or another member in good standing to represent said party for the duration of the conflict. If such conflict involves the president, then the board of the association, excluding the president, shall have the same power as the president in such instances.

Retired members in good standing shall be entitled to vote via absentee ballot on issues directly concerning them as determined by the board pending proper notification is sent to all such members with proper notice. Administration of such absentee balloting will be determined by a majority of the board of trustees.

Article VIII: Duties of Officers

1. **President:** The President shall be the chief executive officer of the association, he/she shall preside at all meetings of the membership and executive board. He/she shall preserve order and decorum and decide all questions of order and procedure. He/she shall enforce obedience to the Constitution, and shall cast the deciding vote in case of a tie. He/she shall appoint and be an ex-officio member of all committees, fill vacancies on the executive board by election or appointment, determine a budget for the association in conjunction with the executive board, be official spokesperson for the association, be the chairman of the negotiating committee, and sign contracts. When performing union business the President shall be entitled to authorize up to ten days of reimbursed travel outside of New York City annually. For any travel beyond ten days in a calendar year the President must seek approval of the board of trustees.

2. Vice presidents: there shall be three (3) vice presidents to represent the various titles. They shall be voting members of the board of trustees and members of the contract committee.
 - a. The first vice president shall represent all members in the title of deputy sheriff level 1 and shall be elected by a plurality of the voting members in this title.
 - b. The second vice president shall represent all members in the title of deputy sheriff level 2 and shall be elected by a plurality of the voting members in this title.
 - c. The third vice president shall represent all supervisors, who shall encompass the titles of supervising deputy sheriff level 1 and level 2, and shall be elected by a plurality of the voting members within these titles.

The second vice president shall preside in the absence of the president. In the event that he/she is also absent, the first vice president shall preside. In the event that the president leaves office prior to the expiration of his/her term, the entire executive board, including the sergeant at arms, will vote one of its members to serve as interim president. The board will also schedule a special election, within thirty (30) days, for the office of president and any other vacant offices. To be elected interim president, a board member must receive one half of the vote of the members of the executive board plus one (1). If the board is unable to elect an interim president after three (3) ballots, the second vice president will assume the office and call a special election within thirty (30) days to fill the office of president and any other vacant offices.

3. Treasurer: the treasurer is the chief disbursing officer and chief custodian of the funds of the association. He shall keep all financial records and bankbooks of the association and collect the dues and assessments. He shall keep a full and accurate account of each member's financial standing in the association.

He must immediately notify every member who is in arrears. He shall make a report every month, one copy to be given to the secretary for the minutes. The treasurer may be authorized and empowered to invest monies from the treasury into sound investments on the approval of the executive board. The books and records of the treasurer shall be subject to inspection by the executive board, or by a special committee appointed by the president. The treasurer shall engage in the preparation of the proposed budget with the executive board.

4. Secretary: the secretary shall keep the minutes of all meetings and grievances filed, and notify the membership of all meetings. He shall handle all correspondence keep an accurate record of the same, collect and compile data and other information pertinent to union and deputy sheriff matters. He will act as liaison officer between the association and other labor unions and similar organizations. He shall mail out all notices and be assigned other duties by the membership or president. He shall assist the president in the creation of a budget.
5. Retiree Representative: the retiree representative shall represent the interests of retired members and be their voice on the board. The retiree representative shall act as the liaison between the board and retired members. The retiree representative shall be a member of the board of trustees and be entitled to vote on matters directly relating to issues concerning retired members; for all other issues they will be on the board in an advisory capacity.
6. Sergeant at Arms: the sergeant at arms shall be a non-voting member of the executive board, except as stated above, and maintain order at all meetings. He shall assist the president in maintaining order and discipline at all meetings.
He shall have the command of the doors at the meeting place and shall allow no unauthorized persons to enter. He shall also be the union safety officer. He shall investigate complaints of unsafe, unsound or

hazardous working conditions or equipment and make recommendations to the executive board for possible solutions. He shall assist in the drafting of grievances concerning occupational safety and health and shall notify the proper investigating authority of such complaints.

7. Representation Advocate: The representation advocate shall be a non-voting member of the executive board and shall be invited to attend and participate in all meetings of the executive board. He shall be responsible for receiving complaints and suggestions pertaining to the fairness of the association's representation of its members, resolving conflicts relating to such representation issues and assuring the fair representation of all members with respect to all union policies and activities. He shall be trained in the handling of discrimination complaints by an experienced preventive discrimination and sexual harassment educator.
8. Delegates: delegates shall be the non-voting members of the executive board. They will attend and participate in executive board meetings and assist the executive board in disseminating information to the membership. They will be representatives of the membership at regular association meetings and on matters pertaining to the daily affairs. They will be the liaisons between the membership and the executive board representing the union in the handling of questions and the day to day problems of the members in their unit including but not limited to, health and welfare, grievances, contracts, and dues arrears. They will be elected by a vote of only those members of the units, which they represent. The following units shall have one (1) delegate: every enforcement division county office,, the auction unit, auto theft unit, family court division and any other unit created by the department containing more than five (5) deputies. The patrol division shall have two (2) delegates.

9. There shall be a non-voting delegate on the board of trustees to represent the title of supervising deputy sheriff level 2 (undersheriff). This delegate shall be elected from among the members in the title of supervising deputy sheriff level 2 (undersheriff). The undersheriff delegate shall be a member of the contract committee. In the event that an undersheriff holds the position of third vice president, this delegate position will be held by a member of the supervising deputy sheriff level 1 (lieutenant) rank, and will be elected by the members of that rank.

All trustees, advocates and delegates are required to attend and actively participate in discrimination and sexual harassment prevention training pursuant to the order by the New York City Commission on Human Rights dated June 30, 1995.

Removal of officers, delegates and sanctions against a member

Any officer, delegate or member for good cause shown may be removed from office, or suffer some lesser sanction for incompetence or actions detrimental to the welfare of the association pursuant to the following procedures:

- a. Charges and specifications signed by a minimum of ½ the membership or ½ the affected title for a specific vice president, or affected unit submitted to the secretary of the association and the representation advocate.
- b. The secretary shall prepare formal charges and specifications and they shall be read, without discussion, at the next regularly scheduled meeting of the association, if the secretary is the respondent the above functions shall be done by the 1st vice president.
- c. At the following meeting after charges and specifications have been read, a hearing shall be conducted, with the prosecution to be appointed by the president, or the first vice president in the event that the

president is the respondent. This meeting shall be held within one month after the open reading of charges to the membership.

- d. At the hearing the charging party and respondent will be afforded ample opportunity to present their case, position and argument.
- e. At the conclusion of the hearing, the floor will be open for discussion and question by all members. Questions will be issued in written form by the member and read to the various parties by the representation advocate.
- f. The determination of removal or sanction shall be made by the entire membership with 2/3 votes necessary for the removal or sanction of said officer, delegate or member. After a finding against a member, penalty shall be decided by a special committee.
- g. Penalty shall be decided by a special committee appointed by the president. Such committee shall consist of four (4) members chosen at random and the representation advocate. They will decide by majority vote if the respondent shall face removal, sanction or other such penalty determined to be just and fair

Article IX: Committees

The president shall appoint and be ex-officio member of all committees. Any member in good standing shall be eligible to be appointed to any committee.

1. Political Action Committee: There will be a political action committee to promote the political agenda of the organization. This committee is authorized to spend up to \$20,000.00 annually on political contributions. The membership may change or modify this P.A.C. once a year at the September meeting, or upon a special vote ordered by the President.

Article X: Nominations and Elections

Nominations and elections shall be held at the September meeting. The term of office shall be three (3) years for all offices. Terms shall begin on January 1st of the succeeding year and they shall expire on December 31st of the third year. All elections within the association shall be conducted by secret ballot. Such secret ballots shall be counted together by the representation advocate and the sergeant at arms of the association. In the absence of the advocate or sergeant at arms a special committee may be formed by the president to count such ballots.

Candidates shall be elected by a majority of the votes cast by members present at such meeting except that the vice presidents and the retiree representative shall be nominated and elected by a majority of the members who hold the respective titles and status, and the delegates will be nominated and elected only by the members of their units.

Any member in good standing shall be eligible to be nominated and run for all offices subject to the following eligibility requirements:

1. President: must have a minimum of three (3) years of active membership in the deputy sheriffs' association.
2. Vice presidents: must have a minimum of two (2) years of employment at the New York City Sheriff's Office and must hold the same title as the segment of employees they represent, except for third vice president who may be from either the supervising deputy sheriff level 1 or level 2 rank.
3. Secretary, treasurer and other officers must have a minimum of two (2) years of employment at the New York City Sheriff's Office.
4. Retiree Representative: must be a retired member of the association in good standing.
5. Representation advocate: must have a minimum of two years employment at the New York City Sheriff's Office

The secretary shall post notice of the offices up for election and a reminder of the deadline for intent to run notices no later than July 15th of the election year. Any member that meets the above eligibility requirements and plans to run for an office must notify the union in writing of their intent to run and the office they are running for. This written notice must be sent or given to the secretary and representation advocate by July 31st of the election year.

On or before August 7th of the election year, the secretary must post in each command, in plain view, a list of all offices up for election and the candidates running for each office.

Debates: at association elections the representation advocate shall be the keeper of decorum and the timekeeper during debates.

All ballots shall be in preprinted form and balloting will be the charge of the representation advocate and the sergeant at arms. Each candidate may designate one (1) representative to monitor the election.

The general guidelines for debate shall be as follows:

<u>Office</u>	<u>Speech Time</u>	<u>Rebuttal Time</u>	<u>Open Floor</u>
President	20 Minutes	10 Minutes	20 Minutes
Vice Presidents	10 Minutes	5 Minutes	10 Minutes
Secretary	10 Minutes	5 Minutes	10 Minutes
Treasurer	10 Minutes	5 Minutes	10 Minutes
Retiree Representative	10 Minutes	5 Minutes	10 Minutes
Advocate	10 Minutes	5 Minutes	10 Minutes
Sergeant at Arms	10 Minutes	5 Minutes	10 Minutes

Delegates will be elected by a caucus of each unit

Any member who must work for the Sheriff's Office during an election may request an absentee ballot.

Article XI: Non-Discrimination Policy

The association will not discriminate against nor harass nor tolerate discrimination against or harassment of any member of the association on the basis of race, color, creed, gender or sexual orientation.

Article XII: Request for Amendments

Amendments to this document must be submitted, in writing to the secretary at least one month prior to a regularly scheduled meeting. The secretary will distribute copies to all commands at least seven (7) days prior to the regularly scheduled meeting.

Policy Statement Regarding Sexual Harassment

The purpose of this sexual harassment policy statement is to establish clearly and unequivocally that the New York City Deputy Sheriffs' Association ("the association") prohibits sexual harassment by and of its members, trustees, advocates and delegates and to set forth procedures by which allegations of sexual harassment may be filed, investigated and resolved. The association is committed to vigorously enforcing this sexual harassment policy.

Sexual harassment is a form of misconduct which interferes with and wrongfully deprives members of the opportunity to work and associate in work and union environments free from unsolicited and unwelcome sexual overtones. Sexual harassment is a prohibited union activity and is a violation of the law.

Sexual harassment exists where a member, trustee, advocate or delegate exercises or threatens to exercise the authority and power of his/her membership or position to control, influence, direct or affect the membership duties, benefits or environment of another member to obtain a sexual favor. It also exists when the conduct in question tends to create an intimidating work or union environment or to interfere with a member's ability to perform his or her job or enjoy his or her rights as a member in the association.

Sexual harassment in the union context may take many forms, including, but not limited to:

- a. Verbal harassment or abuse
- b. Sexual teasing or joking
- c. Suggestive comments, sounds, or gestures

- d. Subtle pressure or requests for dates or sexual activity
- e. Unwelcome remarks about a person's clothing, body or sexual activities
- f. Leering at a person's body
- g. Displaying sexually suggestive, demeaning or pornographic materials such as pictures, posters, cartoons, drawings, calendars, graffiti, objects, or promotional or reading materials
- h. Unnecessary touching of members e.g. patting, pinching, hugging, repeated brushing against another member's body.
- i. Requesting or demanding sexual favors accompanied by implied or overt promise of preferential treatment with regard to a member's employment or membership status.

Members should be advised that if they believe that harassment exists or have a complaint or question, that they are free and in fact, are encouraged to discuss the matter with the representation advocate or, if appropriate, the equal employment opportunity officer or other personnel within the Sheriff's Office designated to enforce the sexual harassment policy of the sheriff's office. The representation advocate will be available for discussion and will undertake or arrange for a confidential investigation of all complaints and allegations of sexual harassment and will take positive action to resolve the situation.

Retaliation against a member for making a complaint to the representation advocate or the equal employment opportunity officer or similar personnel of the sheriff's office, regarding sexual harassment, for resisting sexual harassment, or for cooperating with an investigation of a complaint of sexual harassment is also unlawful. Retaliation can include harassing, shunning, disciplining, transferring or refusing to cooperate with a member because that member cooperated with an investigation concerning sexual harassment.

Any member, trustee, advocate or delegate who is found, after appropriate investigation, to have engaged in sexual harassment of or retaliation against another member will be subject to appropriate sanctions.

Procedure for registering complaints

The association has established a convenient, discrete and effective procedure for its members to register complaints against the association or any of its officers. The position of representation advocate has been created to establish and administer this complaint procedure. Any member can register an oral or written complaint with the representation advocate.

All complaints registered with the representation advocate will be treated with confidentiality to the extent possible consistent with the appropriate investigative and remedial procedures. All complaints will be investigated expeditiously by the representation advocate to the extent that the investigation can be conducted consistent with the information provided and consent given by the member(s) who registered the complaint. If sanctions are contemplated to be sought against the individual(s) against whom a complaint is registered, the representation advocate will provide such individual(s) sufficient time to submit a written or oral response to the complaint. Anonymous complaints will also be taken seriously and investigated to the extent possible.

In appropriate cases, the representation advocate will facilitate conciliation between the parties involved in the complaint. The representation advocate may also recommend remedial measures based upon the results of any investigation to the association's executive board. In the event that the representation advocate is dissatisfied with the response of the executive board, the representation advocate may present the issue to the general membership of the association for discussion (subject to confidentiality strictures), take the matter to the New York City Commission on Human Rights for mediation or take such other action as may be necessary and appropriate. Registering a complaint with

the representation advocate is optional and non-exclusive and shall not result in forfeiture of any existing legal rights or remedies.

N.Y.C.D.S.A. Guidelines for Welfare Fund Administration

1. Benefit Processing: Benefit payments shall be reviewed and approved by the treasurer and reviewed by the executive board monthly.
2. Benefit Administration: The treasurer shall maintain information on member usage of benefits on a yearly basis so the prudence of continuing to provide such benefits may be judged.
3. Allocation of Common Expenses: Expense allocation between funds shall establish a reasonable basis for the allocation. Supporting documentation shall be provided substantiating the percent allocation.
4. Documentation for Expenditures: All expenditures shall be documented and approved prior to purchase (see NYCDSA payment request/purchase form) all vouchers, bills and receipts for the expenditure shall be submitted to the treasurer.
5. Competitive Bidding For Professional and Benefit Services: Funds shall competitively bid for the following types of services:
 - a. Consultants (actuary, computer, investments)
 - b. Attorneys
 - c. Fiduciary and liability bonding insurance
 - d. Insurance companies providing benefits
6. Written Contracts: Funds shall maintain written contracts and agreements with:
 - a. Consultants
 - b. Accountants
 - c. Attorneys
7. Internal Control: Funds shall maintain an accurate and adequate set of accounting records including the following:

- a. A general ledger shall be kept for each fund.
- b. A cash disbursement/receipt journal shall be maintained.
- c. Stamp paid on all vouchers, including date and check number.
- d. Checks written to cash or bearer are prohibited.
- e. Cost saving analysis shall be performed prior to purchases and once a year.
- f. Work logs shall be maintained by professionals.
- g. All members who are in arrears shall be notified promptly that they are in arrears to the welfare fund.

The executive board or special committee appointed by the president shall examine all books, records, vouchers, receipts, ledgers and journals of the treasurer upon demand.

8. Payment to Trustees: Trustees shall submit documentation for all allowances and reimbursements. Trustees shall be entitled to the following stipends:
 - a. President: \$300.00 monthly
 - b. Vice Presidents: \$100.00 monthly
 - c. Treasurer: \$200.00 monthly
 - d. Secretary: \$100.00 monthly
 - e. Advocate & Sergeant at Arms: \$75 per month if they attend a special function for the DSA such as general membership meeting, DSA family day, the retirement/holiday party, ect.
9. Travel Policy: The NYCDSA shall institute the following travel policy for all trustees, delegates and committee members involved in travel for the benefit of the association.
 - a. All expenses involving travel shall be paid for from the member dues account. Payment of travel expenditures from the active and retired welfare funds is prohibited

- b. Travel expenditures shall include tolls, fuel and accommodations. Automobile rental, bus or railway travel is also permissible. All travel expenses must have advanced authorization by the executive board. Reimbursement for expenses should be made within ten days.
- c. Extended and overnight travel shall be limited to New York State Association of PBA's functions and travel related to the legislative affairs of the union.
- d. First class travel is prohibited.
- e. Persons authorized to travel on business are to report to the executive board the benefits derived from the trip. The report must be incorporated into the secretary's official minutes.
- f. The number of individuals who travel shall be kept to a minimum.