

Constitution

Association of Administrative Law Judges Judicial Council No. 1, IFPTE, AFL-CIO, CLC Constitution Sections

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n.b Various articles and sections of this constitution were amended effective April 10, 2012 through a membership referendum conducted and certified by the American Arbitration Association (AAA). Substantial changes in Article VI (“Elections”) include changes in the terms of office, voting cycle and replacement of officers with unfulfilled terms. By National Executive Board (NEB) action on August 29, 2012 policies regarding election rules (Article XX B.) were change to ensure consistency with Constitution changes and previous NEB action to incorporate use of technology into the election process.

Preamble

As the men and women who comprise the corps of Administrative Law Judges, we recognize that an Administrative Law Judge must uphold the integrity and independence of the administrative judiciary. An independent and honorable administrative judiciary is indispensable to justice in our society. Administrative Law Judges have the authority to conduct constitutional due process hearings under the process provided by the Administrative Procedure Act. Administrative Law Judges should participate in establishing, maintaining, enforcing, and observing high standards of conduct, so that the integrity and independence of the administrative judiciary may be preserved. To this end we have come together as the Association of Administrative Law Judges, IFPTE, AFL-CIO, CLC and hereby establish this Constitution to govern us in these efforts.

Article I Name and Objectives

Section 1

This organization shall be known as the Association of Administrative Law Judges (Association), Judicial Council No. 1, IFPTE, AFL-CIO, CLC.

Section 2

The objectives of the Association shall be:

- a. To preserve, promote, and improve the guarantees and protections provided by the United States Constitution, the Administrative Procedure Act, the Social Security Act, and all other Federal laws;
- b. To preserve, promote, and improve the working conditions of Administrative Law Judges;
- c. To preserve, promote, and improve the professionalism and competence of Administrative Law Judges by insuring opportunities for continuing professional education and training;
- d. To preserve, promote, and improve the rights of its members through collective bargaining, political action, and all other lawful concerted activities.

Article II Membership

Section 1

Any Administrative Law Judge appointed pursuant to 5 U.S.C. Section 3105 and employed by the federal government as an Administrative Law Judge in a bargaining unit organized by the Association, shall be eligible for active membership.

Section 2

Any Administrative Law Judge who occupies a management or supervisory position shall not be eligible for active membership.

Section 3

Should a member in good standing be terminated or suspended from the bargaining unit for any reason as a result of a personnel action, he/she shall be considered an active member as long as his/her case is under appeal.

Section 4

Any member in good standing shall be eligible for retired member status. Retired members shall be entitled to all privileges and benefits of membership except the right to vote to and to hold office.

Section 5

The Association will accept associate members under rules established by the National Executive Board.

Section 6

Members not in duty status but who are in full time pay status or members in regular part-time status shall retain the rights, privileges and responsibilities of full active membership. Those members who are granted a leave of absence where pay is not provided shall be entitled to all privileges and benefits of membership, except the right to vote or hold office. It shall be the responsibility of the member to keep the Regional Vice-President informed of his/her status under the provisions of this section.

Section 7

An active member shall be considered in good standing if:

- a. The payment of his/her dues is not more than 45 days in arrears; or
- b. His/her membership has not been modified by disciplinary action imposed in accordance with this constitution.

Section 8

An active member shall stand automatically suspended if his/her unpaid dues or assessments are not paid within 30 days after receipt of a written notice that his/her dues, fees, or assessments are 45 days in arrears.

Section 9

The Association may also seek to organize Administrative Law Judges appointed pursuant to 5 USC Section 3105 in the employ of Federal agencies other than the Social Security Administration (SSA) and petition the Federal Labor Relations Authority for exclusive recognition as the bargaining representative. Any such bargaining units so organized collectively shall be designated one Region of the Association.

Article III Rights and Responsibilities of Members

Section 1

Subject to the provisions of this Constitution, all active members in good standing of the Association shall have the right to nominate candidates, to vote in membership elections and referenda, to attend the general membership meetings as they may from time to time be called by the President, to have a voice at such meetings, to stand for and hold office, to freely assemble with other members, and to freely speak on any issue affecting the Association.

Section 2

The National Agreement covering each bargaining unit represented by the Association shall be sent to the union members of that bargaining unit for ratification by electronic

mail. Ratification shall be by electronic mail and shall require a majority of votes cast by the members covered by the contract.

Section 3

It shall be the responsibility of each member to comply with the Constitution and all duly established policies of the Association.

Section 4

No person shall be discriminated against by the Association on account of race, color, sex, creed, national origin, age, handicap, or sexual orientation.

Article IV Organizational Structure and Officers

Section 1

The officers of the Association shall consist of a President, Executive Vice-President, Secretary, Treasurer, and Regional Vice-Presidents. These officers together shall constitute the National Executive Board. The National Executive Board shall be responsible for the creation of policy for the Association.

Section 2

There shall be an Executive Committee consisting of the President, the Executive Vice-President, Secretary, and the Treasurer. The Executive Committee shall be responsible for advising the President in carrying out the specific determinations of policy otherwise created by the National Executive Board. The Executive Committee shall meet as called by the President or by a quorum of the Executive Committee. Three members of the Executive Committee shall constitute a quorum for all purposes. All decisions of the Executive Committee shall be made by a majority vote of the entire Executive Committee.

Section 3

The Association shall consist of a number of regions. The regions shall normally correspond to the regions into which the operations of SSA-OHA are presently divided with the following exceptions: that Region IV shall be divided into Region IV North

consisting of North Carolina, South Carolina, Kentucky, and Tennessee and Region IV South consisting of Mississippi, Alabama, Florida, and Georgia that other regions may be divided or hearing office alignment changed as determined necessary by the National Executive Board; and that Regions VIII and X shall be considered as one region. In addition, pursuant to Section 9, Article II, there shall be one Region designated Region XI representing Administrative Law Judges employed by Federal agencies other than the Social Security Administration.

Section 4

The President shall be the Chief Executive Officer of the Association. The President shall preside at all meetings of the National Executive Board, the Executive Committee and shall Chair or direct the Chair of the Association's Negotiating Teams. In the event of the absence or incapacity of the Treasurer, the President is empowered to disperse funds of the Association as otherwise provided in this Constitution. A resolution granting such dispersing authority shall be filed with the banks and depositories where the accounts of the Association are maintained.

Section 5

The Executive Vice-President shall preside at any meeting from which the President is absent and shall perform such other duties as may be required by the President or National Executive Board.

Section 6

The Treasurer shall receive, hold, and keep proper accounts of all monies of the Association and shall pay all legitimate bills as need be or as directed by the President or the National Executive Board and shall cause to be rendered annual financial reports to the National Executive Board. Any single expenditure in excess of \$2000.00 (two thousand dollars) remain subject to the procedure set forth in Article VII, Section 8, for approving disbursements from the Treasury, unless the expenditure is approved by a vote of the National Executive Board.

In addition, the Treasurer shall cause to be prepared and filed all reports required by the International Federation, Internal Revenue Service, and the Department of Labor, and any other entity pursuant to law, regulation, or contract. The Treasurer shall cause to be issued a fiduciary bond in an amount approved by a vote of the National Executive Board that is in compliance with federal labor law requirements. The premium for the fiduciary bond shall be paid by the Association.

Section 7

The Secretary shall administer to the affairs of the Association; shall record the minutes and votes of all meetings of the National Executive Board; shall provide written notice of the regularly scheduled annual meeting of the National Executive Board; shall maintain and protect all records, books, papers, and contracts of the Association; shall receive nominating petitions and certify candidates for election to office; prepare a correct list of the members of the Association eligible to receive ballots; and shall certify the outcome of the balloting in accordance with constitutional requirements.

Section 8

The Regional Vice-Presidents shall administer to the affairs of their region; implement all policies established by the Constitution and the National Executive Board; and provide assistance and guidance to the hearing offices in their regions.

Section 9

The National Executive Board shall have at least one regularly scheduled meeting a year at a time and place designated by the President. A quorum of the National Executive Board shall be at least two-thirds (2/3) of its members. All meetings of the National Executive Board shall be governed by this Constitution. Robert's Rules of Order, Newly Revised may be used as a guide in conducting meetings. A copy of the minutes shall be prepared by the Secretary and forwarded to each Officer within 30 days and made available for review by any member in good standing. Any Regional Vice-President unable to attend a regularly scheduled meeting may appoint an alternate with full voting rights, however, the alternate must be a member in good standing from the same region or another member of the National Executive Board.

Section 10

The National Executive Board may conduct its business via telephone conferences provided the minute criteria and quorum requirements are satisfied. A telephone conference may never satisfy the requirements of at least one regularly scheduled meeting per year. Any Regional Vice-President unable to participate in a telephone conference may appoint an alternate with full voting rights, however, the alternate must be a member in good standing from the same region or another member of the National Executive Board.

Article V
National Standing Committees

Section 1

There shall be maintained at all times a Membership Committee, a Continuing Legal Education Committee, a Legislative Committee, a Labor-Management and Grievance Committee, a Practice and Procedure Committee, an Elections Committee and such other committees as established by the National Executive Board.

Section 2

The Chair of the Membership Committee, the Continuing Legal Education Committee, the Legislative Committee, the Labor-Management and Grievance Committee, the Practice and Procedure Committee and the Collective Bargaining Committee as well as Chairs of such other committees as established by the National Executive Board, shall be appointed by and serve at the pleasure of the National Executive Board.

Section 3

The National Grievance Chair, upon the advice and consent of the National Executive Board, shall be appointed by the President and serve a term in office corresponding to the other Officers of the National Executive Board. The National Grievance Chair shall only be removed from office upon a two-thirds vote of the National Executive Board.

Section 4

The Chair of each Standing Committee shall be responsible to the President who in turn shall report to the National Executive Board.

Article VI
Elections

Section 1

Members of the National Executive Board, as defined in Article IV shall take office on January 1 and shall serve for a term of three years.

Section 2

Any person nominated, elected or appointed to any office must have been a member in good standing of the Association for a continuous period of six months before her or his nomination or appointment; however this condition shall not apply for the first election cycle following the adoption of this Constitution.

Section 3

By August 1 of each election year, the President, with the approval of the National Executive Board, shall appoint a Nominating Committee which by September 1 shall notify the membership of the opening of nominations for each of the offices set forth in Article IV. Nominations will be closed on midnight September 25. The Elections Committee shall have oversight authority for conducting elections and such other authority and responsibility granted by the National Executive Board. The National Executive Board can obtain support from other organizations or persons to conduct the election.

Section 4

Nominations for President, Executive Vice-President, Secretary, and Treasurer may be made by a petition signed by at least 15 members in good standing. Nominations for Regional Vice-Presidents may be made by a petition signed by at least five members in good standing of the candidate's region. Nominations shall be submitted in writing to the Nominating Committee. No person may be a nominee for more than one office.

Section 5

In the event no nominations have been received for a particular office by September 25, the Nominating Committee shall select one or more nominees for the affected office. All nominees shall be promptly notified of their nominations by the Nominating Committee and their nominations shall be considered valid unless any nominee shall by not later than October 1 of each election year notify the Nominating Committee of that nominee's refusal to accept office if elected. The Nominating Committee shall certify to the Secretary a list of nominees for each office.

Section 6

By August 1 of each election year, the President, with the approval of the National Executive Board, shall appoint an Elections Committee. Members of the Elections

Committee may not be candidates for any office. All elections shall be conducted by secret ballot and by mail.

Section 7

By October 17 of each election year, ballots shall be prepared and sent to all eligible members. Only votes received on or before midnight, November 2 shall be counted and the tally report furnished to the National Executive Board by November 9.

Section 8

Election to each office shall be by a majority of valid votes cast by the members in good standing as of September 1 of the election year. Eligible to vote for Regional Vice-Presidents are members within the jurisdictional area of the respective Regional Vice-Presidents. Where no majority is achieved, a run-off election for that office shall be held forthwith between the two candidates who received the highest number of votes in the original election.

Section 9

Any candidate may file objections to conduct affecting the results of the election alleging violations within the scope of the provisions of Title IV of the Labor-Management Reporting and Disclosure Act. To be timely such objections must be in writing and be received by the Elections Committee not later than 14 days after the date of issue of the tally of ballots. The National Executive Board shall rule on any such objections within 21 days of receipt. Upon the issuance of its ruling on any such objection, or in the absence of any objections being filed by the close of the 14-day filing period, the Secretary shall promptly certify the results of the election. After this certification, the newly elected officers shall begin their term of office, effective January 1.

Section 10

A petition for the recall of any elected person may be initiated solely by a petition signed by 30 per cent of the membership, except that recall of a Regional Vice-President may be initiated solely by a petition signed by 30 per cent of the membership within the Region. Such a petition may be filed by submitting it to the Secretary at any time during the elected person's term of office. Upon receipt of such a petition the Secretary shall forward copies to all officers. The vote on the referendum shall be conducted according to the rules promulgated by the National Executive Board. If the referendum results in a majority of valid votes cast for recall, the office shall be declared vacant and a new election to fill the vacancy shall be ordered by the National Executive Board. Such new

election shall be conducted according to the rules promulgated by the National Executive Board. Eligible voters for such new election shall be all members in good standing who had attained that status as of the date the office in issue was declared vacant.

Section 11

Any Amendment of this Constitution pursuant to Article XIII or ratification of any National Agreement negotiated between the Association and a Federal agency employing Administrative Law Judges represented by the Association shall be conducted by secret ballot by a majority of valid votes cast by members in good standing 30 days prior to the sending of the ballots. The Secretary shall be responsible for conducting any ratification or referendum election. To the extent practicable all procedures for such ratification or referendum election shall be guided by the framework for elections as set forth in this Article.

Article VII Finances

Section 1

The revenue of the Association shall be derived from dues and assessments as required, and other fund raising activities that may be authorized by the membership.

Section 2

The dues for members of this organization shall be set at \$15.00 per pay period, and shall be paid in advance annually by check, or per pay period under dues allotment. Beginning on January 1, 2002, dues shall increase annually by the same percentage as the cost of living increases for Federal Administrative Law Judges. Any such increase, however, shall not include any other type of pay increase, including locality pay. Other changes in dues may be made by a majority vote of the voting members by electronic or mail ballot.

Section 3

An Administrative Law Judge who becomes financially unable to pay dues because of injury or sickness may request the National Executive Board to waive dues payments.

Section 4

Special assessments to cover emergencies may be imposed by a majority vote of the voting members by electronic or mail ballot. The members shall be notified, in writing, of a pending assessment at least ten days in advance of the vote.

Section 5

No loans of money shall be made from the funds of the Association.

Section 6

The fiscal year of the Association shall begin on the first day of January.

Section 7

The funds of the Association shall be used to further the interests of the Association.

Section 8

Disbursements from the Treasury, other than for normal operating expenses, shall be made only on vouchers signed by the President and the Secretary. This requirement of a counter-signed voucher may be satisfied by the President and the Secretary each signing a duplicate voucher that by facsimile is transmitted to the Treasurer. All checks of the Association shall require the signature of the Treasurer, except as otherwise permitted pursuant to Article IV, Section 4, or as otherwise authorized by a vote of the National Executive Board.

Section 9

Disbursements from the treasury shall be made to the International Federation for per capita charges.

Article VIII Labor-Management and Grievance Committee

Section 1

The Chair of the Labor-Management and Grievance Committee shall implement the grievance policy of the Association.

Section 2

The Chair of the Labor-Management and Grievance Committee shall ensure compliance by the members of the Association and by management of any collective bargaining agreement; shall train and supervise Local Association Representatives, shall prepare unfair labor practice charges related to grievances; shall evaluate grievances and have the discretion to recommend to the President the arbitration of grievances; shall recommend to the Executive Committee the establishment and amendment of grievance processes contained in any collective bargaining agreement; and shall have the power to adjudicate disputes between members of the Association.

Section 3

The members of the Labor-Management Grievance Committee shall advise and assist the Chair of the Grievance Committee in carrying out the responsibilities in Section 2 of this Article.

Article IX Local Association Representatives

Section 1

Local Association Representatives shall be members in good standing designated for a term of one year by members assigned to each SSA hearing office and each Federal agency other than SSA, subject to removal at the discretion of the members of the SSA hearing office or other agency. The Local Association Representative may be removed by a vote of the National Executive Board for good cause, such as neglect of duties or engaging in activities that jeopardize the Association. A Regional Vice President is eligible to also serve as the LAR.

Section 2

The Local Association Representatives shall advise and assist all members in their hearing office on matters pertaining to their rights as established by a collective bargaining agreement, law, or regulation; receive and process all grievances of members of the hearing office; and assist the Association in enlisting Administrative Law Judges as members of the Association.

**Article X
Grievance Process**

Section 1

The President in consultation with the Executive Committee shall determine the policy and procedure for handling and processing of grievances in implementing the collective bargaining agreement. Grievances and other actions commenced or continued on behalf of the Association or members included in the bargaining unit will be considered and processed on a non-discriminatory basis as defined by the Federal Labor Relations Authority.

Section 2

The Association shall establish a grievance procedure according to the collective bargaining agreement with SSA and according to the rules promulgated by the National Executive Board. The need to alter this process on a case by case basis vests with the Chair of the Labor-Management Grievance Committee in consultation with the President. The right to settle, compromise, arbitrate, appeal, or dismiss any grievance is the exclusive right of the Association.

**Article XI
Discipline-Offenses**

Section 1

Members and Officers of the Association may be charged only with the offenses specified in the International Constitution. The procedures set forth in the International Constitution shall govern all trials and appeals.

**Article XII
Succession**

Section 1

In the case of a vacancy in the Office of President, the Executive Vice-President shall assume the office and duties of the President for the remainder of the Presidential term.

Section 2

In the case of a vacancy in the Office of Executive Vice-President, Secretary, or Treasurer, the National Executive Board by majority vote shall elect a member in good standing to fill the vacancy for the remainder of the term.

Section 3

A. In the case of vacancy in the office of any Regional Vice President (other than that occasioned by removal pursuant to Article VI, Section 10 which governs replacement of that officer), the Secretary shall first determine the remaining term of the officer who held the office just vacated. The dates to be used are the date the vacancy occurred and the last date of term of office. If it is determined that more than one-half of the days remain in the term of the officer whose office is vacated, the National Executive Board (NEB) shall conduct an election to fill that office upon such rules as promulgated by the NEB. Such election shall be by secret ballot and shall be conducted within 60 days of the date of the vacancy. Those judges voting shall be judges in good standing in the AALJ, who are assigned to a Hearing Office on the date of the vacancy, within the region where the vacancy occurs and remain assigned to a hearing office in the region on the date the ballots are mailed.

A majority of the judges voting shall determine the replacement, who shall serve the balance of the term of the Regional Vice President whose position was vacated. If the nomination period closes and only one candidate is seeking the office vacated, that person shall be declared the winner and take office immediately. If no one obtains a majority, there shall be a run-off election conducted by the NEB, within 30 days of the election results, under the same terms as the original election between the two candidates who obtained the most votes.

B. All of the provisions of Article VI shall apply, except the dates by which the actions are to be completed, and those dates shall be established by the NEB when the NEB announces the election to the appropriate membership.

C. The person elected to fill the vacancy shall take office immediately.

D. If less than one half of the term remains of the Regional Vice-President's term of office, the President shall appoint a replacement, subject to the approval of a majority of the NEB.

Section 4

This Article shall not apply to any vacancy in office occasioned by Article VI, Section 10.

Article XIII Amendments

Section 1

This Constitution may be amended by a majority vote of the members voting on such amendment.

Section 2

Upon a proposal of an amendment by the National Executive Board or by petition forwarded to the Secretary containing the signatures of at least of 20 per cent of the members in good standing, the Secretary shall prepare and send to the members a ballot containing the proposed amendment within a reasonable time according to rules established by the National Executive Board.

Section 3

A period of at least 60 days after the sending by the Secretary shall be allowed for the return of the ballots following which the Secretary shall certify to the National Executive Board the balloting results.

Article XIV Adoption and Transition

Section 1

This Constitution shall amend and supersede the existing By-Laws and Constitution of the Association.

Section 2

This Constitution shall be considered adopted by and binding upon all members of the Association when approved by the written vote of the two-thirds (2/3) of the members voting for that purpose as provided in the existing By-Laws and Constitution.

Section 3

Upon the adoption of this Constitution, the officers and members of the Board of Directors shall constitute a Transition Team to carry on the business of the Association until the officers of the National Executive Board are first elected and take office. The Transition Team shall ensure that elections are conducted consistent with Article VI of this Constitution at the next regularly scheduled election of the Association.

Section 4

In the event this Constitution is adopted beyond a point where the time lines set forth in Article VI can be met, the Transition Team shall nevertheless comply with those nomination and election time lines and provisions. However the term of office for the first elected officers of the National Executive Board shall extend only through June 14, 2002.

Article XV Delegates

Section 1

The President and the Executive Vice-President or their designees shall be delegates and the President shall be chair of the delegation to the regular convention of the International Federation. To this end the ballots for these officers shall additionally include the following designation: "Name of officer position/delegate to the () IFPTE convention." The President and the Executive Vice-President will be the only automatic delegates for the specific convention noted in the blank on the foregoing statement. The Executive Committee shall determine the size of the delegation for each convention of the International Federation.

Section 2

Other delegates shall be nominated and elected in a manner provided by the National Executive Board provided that adequate notice of nominations and elections of such delegates shall be given and provided further that all such delegates shall be elected by secret ballot. In order to qualify for nomination and election as a delegate for this Association, each delegate shall, at the time of nomination, be a member in goodstanding for one year immediately prior to being nominated.

Article XVI International Constitution

Pursuant to its Affiliation Agreement with the International Federation, the Association is recognized as an autonomous affiliate. However the Association understands that its constitution or any amendments will be consistent with the International Constitution and the AFL-CIO Constitution.

Article XVII
Exhaustion of Remedies

No member or officer of the Association shall resort to any court or agency outside of this Association or the International Federation until all forms of relief and avenues of appeal as provided by this Constitution or by the International Constitution have been exhausted unless otherwise provided by law.

Article XVIII
Savings Clause

If any provision of any Article shall be held invalid by operation of Law or by any tribunal of competent jurisdiction, the remainder of the Article or the application of such provision to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby.

Article XIX
Administrative Procedure Act Compliance

The Association shall not enter into any agreement with SSA, HHS-DAB, or any other Federal agency that creates case production standards and/or performance standards for Administrative Law Judges or which in any manner adversely impacts upon the right of an Administrative Law Judge to conduct a constitutional due process hearing according to the Administrative Procedure Act.

Article XX
Rules For Implementation

The National Executive Board shall have authority to adopt rules to implement this Constitution.

ARTICLE XX RULES OF IMPLEMENTATION

The following policies have been adopted by the National Executive Board of AALJ and have been designated as rules of implementation pursuant to Article XX of the AALJ Constitution.

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A. MEMBERSHIP / DUES

Associate Members:

HOCALJs are eligible for Associate Membership in AALJ with dues set in the same amount as for active AALJ membership.

ALJs of other agencies which do not have an IFPTE/AALJ bargaining unit are eligible for Associate Membership with dues set in the same amount as for active AALJ membership.

Any Administrative Law Judge who is not eligible for active membership under Article II, Section 1 of the Constitution because he or she occupies a management or supervisory position under Section 2, is eligible for Associate membership with dues set in the same amount as for active AALJ membership.

In addition to other restrictions on associate membership, Associate Members shall not be granted access to the AALJ website, except under conditions promulgated by the AALJ National Executive Board.

Retired Members:

Dues for retired members is set at \$50.00 per year.

Active Military Service:

The dues obligation of any AALJ member called to active duty is waived and such member shall be considered in “good standing” during his/her active duty service.

B. AALJ ELECTION RULES

ASSOCIATION OF ADMINISTRATIVE LAW JUDGES

Judicial Council No. 1

IFPTE, AFL-CIO, CLC

1.0 Authority

These election rules are made pursuant to Article XX of the Constitution of the Association of Administrative Law Judges, as amended, and applicable federal law.

1.1 The rules are intended to provide adequate safeguards to insure that fair elections shall be conducted as required by Section 401(c) of LMRDA.

Title IV of the Labor-Management Reporting and Disclosure Act, 73 Stat. 532-535, 29 U.S.C. 481-483 (“LMRDA”) governs the election of officers of labor organizations in the private sector and unions composed of employees of the United Postal Service. The Act prescribes minimum standards to insure that such elections – periodically held – will be fairly conducted. Title IV sets forth the rights of candidates, provides for secret ballots in appropriate cases, and requires notice of nominations and elections, preservation of election records and other safeguards to insure fair elections. Elections required to be held by title IV are to be conducted in accordance with the validly adopted constitution and bylaws of the labor organization insofar as they are not inconsistent with the provisions of the Act.

Title IV is implemented by U.S. Department of Labor regulations promulgated at 29 CFR Part 452. Unions –including the Association of Administrative Law Judges - which represent employees of most agencies of the executive branch of the Federal government and which meet the definition of “labor organization” in section 7103 of the Civil Service Reform Act of 1978 (“CSRA”), 5 U.S.C. 7103, are subject to the standards of conduct of CSRA section 7120, 5 U.S.C. 7120. The CSRA regulations at 29 CFR Parts 457-458 specifically incorporate by reference and apply to public sector unions the standards of conduct, including standards governing election of officers, imposed by LMRDA on private sector unions. See 29 CFR 457.1, 457.14, 458.1, 458.29. Thus, the

standards of conduct for AALJ elections are based on the standards set forth at 29 CFR Part 452.

2.0 Definitions

2.1 “Association” and/or “Union” shall mean the Association of Administrative Law Judges, Judicial Council No. 1, IFPTE, AFL-CIO, CLC.

2.2 “Constitution” means the Association Constitution adopted and ratified in 2000, as amended.

2.3 “Active member” is an Administrative Law Judge

(a) appointed pursuant to 5 U.S.C. Section 3105,

(b) employed by the federal government

(c) who has applied for and been granted membership in the Association,

(d) whose appointment or employment has not been finally terminated or suspended after exhaustion of appellate remedies, and

(e) who does not hold or occupy, other than on a temporary basis, a management or supervisory position in the Office of Disability Adjudication and Review.

2.4 “Active member in good standing” means an active member whose payment of Association dues is not more than 45 days in arrears and whose membership has not been modified by final disciplinary action imposed in accordance with the constitution.

2.5 “Elections Committee” means a group of three or more active members in good standing appointed on or before August 1 of each election year by the Association President, with the approval of the National Executive Board. Members of the Elections Committee may not be members of the Nominating Committee or be candidates for any office; provided, however, that for purposes of these rules the position of Local Association Representative shall not be considered an Association office.

2.6 “Midnight” as used in these procedures as stated in this rule shall be determined to be as of the location to which ballots are submitted, whether by mail or electronic transmission.

3.0 Eligibility To Hold Office

3.1 The right to stand for election or to be appointed to an office of the Association is accorded to all active members in good standing for a continuous period of not less than six months prior to nomination or appointment.

4.0 Eligibility To Vote

4.1 Subject to the provisions of Articles II and VI of the Constitution and these rules, all active members in good standing have the right to vote in elections and on Association referenda.

4.2 The right to vote in membership elections and referenda is accorded to all active members in good standing as of September 1 of an election year who as of the time of determination of good standing are neither retired nor in leave of absence without pay status.

5.0 Election Cycle

5.1 The Association will hold elections for officers constituting the National Executive Board every three years. Members elected to the National Executive Board shall serve a term of three years commencing January 1 of the year immediately following the election year.

5.2 The Association Secretary shall prepare a list of active members of the Association who are

(a) in good standing as of September 1 of an election year and

(b) eligible to vote.

The list shall consist of the member's name, home address and non-government email address, if any, and shall be available for inspection by any candidate for office. Ballots shall be mailed only to members on the Secretary's list of eligible voters.

5.3 By October 17th of each election year, ballots will be sent to all members whose names and addresses appear on the list of active members in good standing eligible to vote prepared by the Association Secretary in accordance with the provisions of Articles IV, Section 7 and Article VI, Section 8 of the Association Constitution. Notice will be given to the membership of the time limits in which to cast ballots and date of the ballottally.

5.4 Only ballots received on or before midnight November 2 shall be counted.

5.5 An election tally report shall be furnished to the National Executive Board on or before November 9 of the election year.

5.6 In the case of voting in membership referenda held at a time other than in conjunction with an election of officers, the Executive Committee of the National Executive Board shall determine and provide the membership with notice of the date the Secretary shall use for deciding which members are in good standing and eligible to vote on such referenda.

6.0 Administration of Election Services

6.1 In carrying out their duties under these rules, the Secretary and members of the Elections Committee, with the prior approval of the National Executive Board, may utilize the services of an independent organization possessing expertise in administering elections.

7.0 Campaigning For Office

7.1 All members may support the candidates of their choice without being subject to penalty, discipline or reprisal of any kind.

7.2 Certified candidates for office will be treated equally and have an equal opportunity to campaign for office. Following the certification of candidacy for office by the nominating committee, the candidates and their supporters may campaign until the balloting period closes. Notice of the period for campaigning will be included in the notice of nominations and election that initiates each election cycle. In determining what is a reasonable period of time for campaigning, the Election Committee will consider such factors as the method of nomination, the number of members of the Union, and the geographic area in which the contest(s) will take place.

7.3 Within the 30-day period of time prior to the date of the election, certified candidates for office shall have the opportunity to inspect the list of members of the Association eligible to receive ballots. The list will contain the names and last known addresses of all eligible members of the Association. If the Association chooses to make the eligibility list available to certified candidates or permits use of the list in any way other than the right of inspection, the Association will inform all candidates of the availability of the list and accord the same privilege and use of the list to all candidates who request it.

7.4 The Association will honor any reasonable request by a candidate to distribute campaign literature to members at the candidate's expense.

7.5 To facilitate each candidate's equal opportunity to campaign for election to office, the Association will provide each candidate for contested office with two (2) sets of eligible voter name and address mailing labels. Additional sets of mailing labels and all other costs of campaigning shall be the sole responsibility of the candidate.

7.6 No candidate or member shall engage in any electioneering or campaigning for office in a manner inconsistent with a member's status as an Administrative Law Judge.

7.7 There shall be no campaigning or electioneering during duty time.

7.8 Federal law 2 prohibits the use of any union or employer funds or equipment to promote the candidacy of any person in a union officer election; this applies to electioneering, petitioning, campaigning, and any other elections-related activity in support of, or in opposition to, any candidate. This prohibition applies to computers (including the use of e-mail, both sending and receiving), computer software, fax machines, copiers, telephones, cash, facilities, equipment, vehicles, office supplies, services and similar items.

7.9 Union officers, candidates and members may not campaign on time paid for by the union.

7.10 Postings to the Members' Posting Board on the Association's Web Page in order to support or oppose any candidate may not be made from a union or employer owned computer; viewing a posting from a union or employer owned computer is not prohibited. See also 7.11 below.

7.11 Posting to the Members' Posting Board on the Association's Web Page by a member or candidate to exercise his or her individual rights in any elections-related activities to support or oppose any candidate is permissible, so long as the posting is not made from a computer that is owned by the union or employer (See 7.10). This use is subject to the rule against anonymous posting. No otherwise permissible posting on the Members' Posting Board shall be subject to the editorial control of the Association or constitute the Association's promotion of any candidate for election.

7.12 Consistent with equal opportunity principles and subject to the approval of the National Executive Board, the Election Committee reserves the right to determine the time, scope and manner for the posting of campaign and electioneering materials on the Association's Web Page. 2 Section 401(g), LMRDA.

7.13 All candidates for office shall be provided by the Election Committee upon request a roster of Union members who are eligible to vote and have furnished AALJ a non-

government email address. Email addresses shall be provided to candidates for the exclusive use of sending limited election campaign email(s). The election Committee shall provide guidelines to candidates that reflect expected use and safeguard of such information.

8.0 Secret Ballot Voting

8.1 All officers of the Association shall be elected directly by secret ballot by the active members in good standing. Unless the membership is otherwise notified by the National Executive Board prior to an election cycle, all balloting shall be conducted by mail, electronic submission and/or a combination thereof.

8.2 A double-envelope return ballot system or similar electronic safeguards will be used to ensure the integrity of the election process and preserving voter secrecy.

8.3 Write-in votes are not permitted in the election.

8.4 The candidate who receives a majority of the valid votes cast for each office will be declared elected. In the event of a tie vote or if no candidate receives a majority of the votes, a run-off election between the two candidates with the highest vote totals will be held forthwith.

9.0 Observers

9.1 Candidates are entitled to have a reasonable number of observers present at the opening and counting of the ballots-whether the election is conducted via mail- in ballot or the election results are determined by electronic computer tally. Candidates may be observers

9.2 Candidates should submit the names of their observers in writing to the Chair of the Elections Committee prior to the tally day.

10.0 Tally of Ballots

10.1 On or before November 9, the ballots will be counted and a tally report of the election results will be prepared.

10.2 Ballots not timely received and ballots determined to be void will not be counted in determining the election results. A special accounting will be made of all such ballots and included in the tally report.

10.3 The Elections Committee will certify the election results to the National Executive Board within the time frame specified by these rules.

10.4 Article IV of the Association Constitution provides that the Secretary will certify the outcome of the balloting. As soon as practicable, the Secretary will provide the membership with the election results.

11.0 Election Records

11.1 Elections records, including any voided ballots, will be maintained for a period of not less than one year after the election.

12.0 Objections

12.1 Article VI of the Association Constitution provides that any candidate may file objections to conduct affecting the results of an election. Objections should specify the conduct involved and allege violations of the Association Constitution or federal law.

12.2 Objections must be in writing and physically received by the Elections Committee not later than 14 days after the date of issuance of the tally of the ballots by the Elections Committee.

13.0 Miscellaneous

13.1 In computing any period of time prescribed by or allowed by these rules, the day of the act, event, or default after which the designated period of time begins to run, shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or Federal legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or Federal legal holiday.

13.2 These rules are not comprehensive or all inclusive. The Elections Committee may issue additional election rules or clarifications as needed during any nomination and election period.

n.b: These rules were originally promulgated on July 5, 2000 by the Elections Committee. They were amended March 15, 2002 by the Elections Committee and ratified by the National Executive Board. On November 14, 2003, the Elections Committee proposed a series of amendments to the National Executive Board. On November 19, 2004 the National Executive Board ratified the amended election rules. These rules were further amended on April 10, 2012 through referendum conducted and certified by the American Arbitration Association (AAA). By National Executive Board

action on August 29, 2012 policies regarding election rules (Article XX B.) were change to ensure consistency with Constitution changes and previous NEB action to incorporate use of technology into the election process.

C. NATIONAL EXECUTIVE BOARD

Civility Rule

No judge in debate shall, directly or indirectly, by any form of words impute to another judge or to other judges any conduct or motive unworthy or unbecoming a judge. Any violation in debate should be reported to the secretary who after investigation shall recommend appropriate sanctions to the national executive board. The National Executive Board shall take the action it deems necessary, if any, by vote of the board.

Urgent Action Motions

If a member of the AALJ National Executive Board believes circumstances exist which require official action on a motion prior to the next scheduled board meeting, a written motion, with a second, and request for an urgent/emergency vote of the Board shall be provided to the AALJ President. If the motion is in order, the AALJ President shall establish the rules for the motion which includes setting a deadline for the return of votes after distribution of the motion to the Board. The AALJ President will distribute the written motion and notice of the deadline for voting to all Board members. Votes on the motion by the Board members shall be sent to and received by the AALJ Secretary no later than the deadline set by the AALJ President. For purposes of quorum, ten members, including the President, would participate, with at least nine votes received by the Secretary to record the vote. Urgent motions are not meetings, and are conducted by email. The motions will be sent to the NEB members' customarily used email addresses.

MOU Ratification

Any memorandum of understanding entered into between a Local Association Representative and any Social Security Administration official on any local issue(s), shall not be binding on the Association of Administrative Law Judges, IFPTE, AFL-CIO until it is approved by the respective AALJ Regional Vice-President and ratified by the National Executive Board.

Committees

Committees established beyond committees under the AALJ Constitution include: Constitution revision; Board phone conferences protocol; and Information Committee.

Notice: The National Executive Board adopted a rule to construe the phrase “written notice” in Article II, Section 8, of the AALJ Constitution to include a letter or an e-mail with a delivery receipt.

D. DUTY OF FAIR REPRESENTATION

Pursuant to the federal service Labor Management Relations Statute, the AALJ is the exclusive representative of all Administrative Law Judges in our bargaining unit. As the exclusive representative the AALJ is responsible for representing the interests of all employees in the unit. The AALJ has, and will continue to, represent all ALJs in the unit in all matters grounded in our role as exclusive representative. In matters outside our statutory representational responsibility (i.e., MSPB, EEOC, lawsuits) the AALJ has established the following policy:

1. The AALJ will not represent any nonmember.
2. In any case that a member requests representation, the member must submit a detailed factual memorandum to the appropriate regional Vice-President identifying all issues relevant to the case. The Regional Vice-President will review the memo, and if necessary obtain additional facts. Thereafter, the regional Vice-President will submit the factual memorandum to the Labor Management Committee (LMC).
3. The LMC will review and consider the facts of each case and any applicable precedent submitted by the member. Thereafter, the LMC, in conjunction with the National Grievance Chair and the Regional Vice-President for the individual making the request, will decide whether to provide representation based on the following factors:
 - A. First, the AALJ will consider representation in only those cases where it believes there is a likelihood that we will prevail on the merits of the case.
 - B. The AALJ will also consider whether the issues subject to the litigation are sufficiently significant to our membership to warrant AALJ representation.

C. The AALJ will consider whether the issues subject to the litigation involve matters important to the administrative judiciary as a whole.

D. The AALJ will consider the budgetary implications in providing any such representation.

4. If there is a tie vote or any Committee member or the Regional Vice-President for the individual making the request disagree with the LMC's decision, they should advise the LMC Chair of the reasons for their disagreement, and thereafter the LMC Chair will submit as soon as practical a report of its decision to the National Executive Board for review and a final decision by majority vote.

E. ROBERT'S RULES OF ORDER

These rules are too lengthy to include here but the "Newly revised" version of Robert's Rules of Order will govern the meetings of the AALJ National Executive Meetings. Each person addressing the National Executive Board in debate on any question may not speak longer than 3 minutes, and no person may yield time to another.

F. MEMBERS' POSTING BOARD

Civility

No judge shall post at or engage in debate on the AALJ website by any form of words that, directly or indirectly, imputes to another judge or to other judges any conduct or motive unworthy or unbecoming a judge. Any violation should be reported to the AALJ Secretary who after investigation may either resolve the complaint informally or recommend appropriate sanctions to the National Executive Board. On referral from the AALJ Secretary the National Executive Board shall take any action it deems necessary, if any, by vote of the Board.

H. PROCEDURES FOR FILING AND PROCESSING GRIEVANCES

This procedure, is applicable only to grievances filed by the AALJ. However, all grievances, including those filed by an individual, must be processed consistent with the procedures set forth in our collective bargaining agreement.

Pre-grievance activity by the LAR must include gathering and discussing the facts with the grievant and his/her witnesses. Reducing the facts to writing in close proximity to the occurrence of the events in question, improves the accuracy of those recorded events. Preparing a written statement of facts also facilitates the necessary analysis of those facts and the collective bargaining agreement provisions alleged to have been breached. If documentary evidence is needed, it is at this stage that consideration should be given as to whether an information request, filed pursuant to the Federal Service Labor-Management Relations Statute, should be filed. In making an information request, it is important to know that this statutory access only requires the Agency to provide copies of existing documents. It does not require the Agency to create documents. Moreover, it is critically important to specifically state in the request why you need the information and the use you intend for the information. Either your Vice- President or the Grievance Chair will provide assistance in drafting the request.

As is obvious, during this pre filing period, the LAR must also be discussing the facts of the potential grievance with the Regional Vice-President. The Vice-Presidents will be able to provide significant assistance because of their experience in handling grievances as well as their knowledge of grievances nationwide.

Settlement should also be a consistent focus in discussing the grievance whether it is at the pre-filing stage or in the formal grievance process. However, ALL settlements, at any stage of the grievance procedure, MUST be approved by the NEB before they become binding on the AALJ.

AALJ GRIEVANCE PROCESSING PROCEDURES

1. Step one grievance filed by the AALJ.

The LAR will file step one grievances, after discussing all relevant issues with the Regional Vice-President. On occasion, circumstances may warrant the filing of the first step grievance by the Regional VP.

2. Step two grievances filed by the AALJ.

The step two grievances will be filed by the Regional Vice- President and the LAR and the names of both shall be included in the second step grievance. Alternatively, should the Regional Vice- President decline to proceed to the second step, the National Grievance Chair may sign the step two grievance along with the LAR.

3. Step three grievances filed by the AALJ.

The step three grievances will be filed by the National Grievance Chair and the Regional Vice-President and the names of both shall be included in the third step grievance. Any disagreement among the Grievance Chair and the Regional Vice-President as to whether a third step grievance will be filed shall be resolved by a majority vote of the NEB.

4. Arbitrations and MSPB Proceedings

Pursuant to Article X, Sections 1 and 2 and the delegation from the AALJ President, the Labor Management Committee (LMC), and the Vice-President of the region from which the grievance originated are charged with the responsibility of considering and deciding whether a grievance will be submitted to arbitration. The LMC, the National Grievance Chair, and the Vice-President involved will determine by majority vote if the grievance will be submitted to arbitration. If there is a tie vote or an LMC member or the Vice-President involved disagrees with the determination, the issue will be referred to the NEB for a final decision by majority vote.

Consistent with standards adopted by the NEB, the LMC, the National Grievance Chair, and the Vice-President of the region from which the member who is the subject of MSPB charge(s) are responsible for considering and deciding by majority vote whether and to what extent assistance will be provided to the member facing such charge(s). If there is a tie vote or an LMC member or the Vice-President involved disagrees with the determination, the issue will be referred to the NEB for a final decision by majority vote.

In any case, the LMC Chair will regularly report to the NEB on the Committee's actions.

5. List of Grievances

The LAR in each Hearing Office is responsible for reporting all active grievances to his/her Regional Vice-President, monthly. This report shall be filed no later than the first business day of each month. Each Regional Vice-President shall be responsible for maintaining a list of all active grievances filed in his/her Region and the status of said grievances. Fifteen days after each calendar quarter, the VPs will forward their grievance lists to the Grievance Chair who will compile a consolidated list of all active grievances. Also, each quarter the Grievance Chair shall distribute the grievance list to the NEB one month after the end of each quarter.

6. Numbering of Grievances

Beginning January 2007, each grievance will bear an identifying number which will include the Region number, the year and a number based on the sequence in which it

was filed during the year. For example, 3 grievances filed sequentially in Region 4 would be numbered, 4N-2007-1, 4N-2007-2 and 4N-2007-3.

I. PAYMENT OF NORMAL OPERATING EXPENSES

Pursuant to Article IV Section 6 and Article VII Section 8 of the AALJ constitution, the AALJ Treasurer is authorized to pay normal operating expenses on his/her sole signatory authority, not to exceed the amount of \$2,000.00. Examples of normal operating expenses include the following:

- a. Travel and per diem expenses for members of the National Executive Board and the AALJ National Grievance Chair incurred for conducting AALJ business. Expenses are to be submitted on an AALJ voucher form.
 - b. Statements for attorneys fees for professional services rendered for AALJ legal matters, based on an hourly rate that has been previously approved by the National Executive Board.
 - c. Statements for accountant fees for professional services rendered for AALJ financial matters, record keeping and reporting requirements, based on an hourly rate that has been previously approved by the National Executive Board.
 - d. Expenditures for services, products and supplies purchased by members of the Education Committee for support planning and conducting the AALJ annual conference. Expenses are to be submitted on an AALJ voucher form.
 - e. Reimbursements paid to attendees of the AALJ annual conference for overpayments of conference fees.
 - f. Payment of recurring statements for telephone and cell phone expenses.
 - g. Expenditures for business services, products and office supplies purchased for use in performing AALJ business activities by members of the National Executive Board and National Grievance Chair. Examples of business services, products and supplies include items such as: paper, folders, postage, stamps, envelopes, express and priority U.S. mail, express mail service (e.g. Federal Express, United Parcel Service, etc.), printing, copying, toner for offices machines, , reference books, software, computer support, shortage of records etc. Expenses are to be submitted on an AALJ voucher form.
 - h. Payment of per capita tax without limit on amount pursuant to Article VII Section 9 of the AALJ constitution.
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J. BI-WEEKLY MEETING PROCEDURES

1. When it is not necessary to conduct a bi-weekly phone conference of the National Executive Board because of an anticipated lack of a quorum or the absence of urgent business, the call may be cancelled by the AALJ President. If a special phone conference of the NEB is required the AALJ Secretary shall schedule the call at the direction of the AALJ President. The AALJ Secretary shall notify all NEB members of any cancellation as well as of any special conference call.
2. The AALJ Secretary shall prepare and distribute an agenda by 9 P.M. (Pacific) Monday prior to the Wednesday bi-weekly NEB phone conference. Any NEB member who wishes to address an issue as "new business" at the bi-weekly phone conference should so advise the AALJ Secretary by 10 A.M. (Pacific) of the prior Monday. An agenda for a special phone conference meeting of the NEB is not necessary.
3. Motions must be in writing and submitted electronically to the AALJ Secretary by 9 P.M. (Pacific) of the Friday prior to the Wednesday bi-weekly NEB phone conference. The AALJ Secretary shall distribute the requested motion to all NEB members and include the motion in the meeting agenda. This writing and notice requirement for motions may be waived by the unanimous consent of the attending NEB members during a phone conference. Nothing herein is intended to limit the oral use of parliamentary motions during a phone conference.
4. The format of the meeting agenda shall be substantially as follows:
 - A. President's informational report.
 - B. Secretary's report.
 - C. Treasurer's report.
 - D. Old Business
 - E. New business
 - F. Committee Reports
5. These procedures shall become a part of AALJ's Rules.