

# **Arizona Corrections Association, Inc.**

## **By-Laws**

23 June 2009

Revised 1 December 2009  
Revised 2 December 2010  
Revised 3 March 12, 2011  
Revised 4 September 14, 2013

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ARTICLE I  
NAME AND DURATION OF ASSOCIATION

This Association shall be known as the Arizona Corrections Association, Inc., an Arizona non-profit organization (hereinafter referred to as the "Association"). The Association shall be affiliated with the Arizona Police Association, NAPO and PORAC (Legal Defense Fund).

ARTICLE II  
OBJECTIVES OF ASSOCIATION

The objectives of the Association shall be to improve working conditions, wages, economic and personal security, to insure the safety of its members in the workplace, to promote the economic, legislative, educational, and political interest of its members, and to foster a sense of camaraderie among its members. The Association shall also defend and extend democratic institutions, procedures, and the civil rights of its members and maintain true allegiance and faith in the laws of the State of Arizona and the Constitution of the United States of America.

ARTICLE III  
STRUCTURE OF ASSOCIATION

The structure of the Association shall consist of the following:

- A. Members
- B. Chapters
- C. Executive Board of Directors

## ARTICLE IV MEMBERS

The Association is a voluntary organization. Persons eligible to be members of the Association are all employees of the Arizona Department of Corrections ("ADC") with the rank of Major and below, including administrative, clerical, educational, maintenance and medical staff.

Members within the Department of Corrections holding the rank of Lieutenant and higher (or Civilian Manager) shall be associate members and shall not hold elected office in the Association. These members may serve on committees and shall enjoy all the rights, privileges and benefits of the Association, excluding the right to vote. Members within the Department of Corrections holding the rank of Assistant Deputy Warden ("ADW") may be associate members if they were previously member in good standing prior to their acceptance as ADW. They shall not hold elected office in the Association and are excluded from the right to vote.

The Association is open to all eligible employees of the Department and is not denied because of race, creed, color, gender, national origin, ancestry, religion or age. The general objectives of the association consist of promoting public safety, promoting employee safety, enhancing the professional development of Corrections personnel, enhancing the development of the Corrections field, and fostering professional relationships within the Department and in the field of Corrections.

## ARTICLE V CHAPTERS

The membership shall be divided into Chapters. Preliminarily, only each ADC complex shall have a Chapter. Parole shall be considered a separate facility, thereby constituting a Chapter. Each Chapter shall have a president who is elected by a majority vote of the membership within the Chapter to serve a three year term. The Executive Board of Directors will oversee and conduct the election. Each Chapter President shall also serve as a voting member of the Executive Board.

Such other and further Chapters may be created by the Executive Board as it may deem necessary to adequately represent members in a particular job classification or location. However, such additional Chapter Presidents are non-voting members of the Executive Board of Directors.

## ARTICLE VI EXECUTIVE BOARD of DIRECTORS

The Executive Board of Directors is made up of each of the Chapter Presidents as set forth in Article V, a President, Chief Executive Officer, Vice-President, Secretary, and Treasurer. All members of the executive board will have one equal vote.

SECTION 1: The Executive Board of Directors will meet at least once every month. The agenda will be: last month's business, this month's business, financial report, political action committee report, recruiter report, grievance report, chapter report and legislative report. The Executive Board shall have the power to administer the affairs of the Association by a majority of the executive board. The Executive Board shall have the power to authorize:

1. The expenditure of funds and the use of property of the Association for any objectives of the Association,
2. The borrowing of money and the pledging of property of the Association,
3. The making of guarantees,
4. The making of contracts,
5. The buying, selling, exchanging, renting, leasing or otherwise acquiring or disposing of real or personal property.

SECTION 2: Elections for members of the Executive Board shall be held every three years. Only members who have maintained their membership with the Association for at least one year or more, have worked at least a year and half (1 ½) as an ACA representative and who are in good standing with the Association are eligible to run for an Executive Board position. All Executive Board of Director positions, except for the Chapter Presidents (elected in accordance with Article V), shall be elected on a majority vote of the entire membership. A member of the Executive Board shall hold office until a successor is elected and assumes office.

SECTION 3: The President shall have the following powers:

1. Will preside at meetings of the Executive Board of Directors. In the absence of the President, the Chief Executive Officer shall preside over the Executive Board meetings,
2. Oversee the vice president, coordinate and facilitate decisions of the executive board.
- 3 The President shall be responsible for promoting the agenda of the Board to the membership.
4. Represent and promote the Association's agenda to the public at the direction of the Executive Board.

SECTION 4: The Chief Executive Officer shall have the following powers:

1. The Chief Executive Officer is responsible for the day to day operations of the Association and shall exercise general supervision over its property and affairs. The Chief Executive Officer or his designee shall sign all legal documents on behalf of the Association and shall perform all duties which the Board may require of him.
2. Will assemble monthly meetings of the Executive Board of Directors.

3. Appoint all committees and be an official member of all committees, including but not limited to: Finance committee, Grievance Committee, Political Action Committee, Recruiting Committee and Association and Chapter Elections Committee.

4. Employ and discharge such administrative, technical, and other employees as may required pursuant to any existing contracts between the association and it employees and personnel rules adopted by the executive board,

5. Have such further powers in addition to those herein enumerated as are usual to his office.

SECTION 5: The Vice President shall:

1. Represent the interests of the Executive Board to the Chapter Presidents.
2. Maintain and promote the goals of the Association and directions of the Executive Board.
3. Coordinate recruiting activities with the Chapter Presidents of the respective chapters.

SECTION 6: The Secretary shall:

1. Keep records of all proceedings,
2. Maintain custody of the books, records, and papers of the Association, excluding those records maintained by the Treasurer, at the Association Office.
3. Attend all Board meetings and perform all other duties as set forth in the Bylaws.

SECTION 7: The Treasurer shall:

1. Shall oversee all financial accounts of the Association.
2. Shall provide all financial information to the finance committee as it may require from the Treasurer.
3. Make recommendations to the Executive Board on all expenses
4. Will submit a monthly report, to the Executive Board, which shall include an itemized list of all expenses related to the Association. This monthly report shall include all income and identify its sources and all expenses (one time and recurring), including but not limited to: salaries, stipends, travel and meal expenses, operating expenses, rent payments and expenses of any description. In addition, the Treasurer shall provide beginning and ending checking and savings balances, political action committee incomes and expenses and the legal fund balance held by the Arizona Police Association, and PORAC (Legal Defense Fund).
5. Make all financial documents available to the membership upon request.
6. Facilitate a yearly audit by an independent Certified Public Accountant.
7. Keep accurate accounts of all financial transactions of the Association and receive all funds due and deposit in its name, as authorized by the Executive Board.

## ARTICLE VII COMMITTEES

The Association shall maintain the following permanent committees: (1) Association and Chapter Elections Committee, (2) Finance Committee, (3) Grievance Committee, (4) Political Action Committee, and (5) Recruiting Committee. Such other committees may be created upon recommendation of the Chief Executive Officer with a majority vote of the Executive Board of Directors.

### SECTION 1: Association and Chapter Elections Committee

The Association and Chapter Elections Committee will create the rules, not inconsistent with these bylaws, to govern Executive Board and Chapter President Elections. The rules will be publicly announced to the membership and posted on the Arizona Corrections Association website at least 90 days prior to any election. The Association and Chapter Elections Committee will conduct and oversee all elections. The Association and Chapter Elections Committee shall ensure that all Executive Board Candidates are eligible pursuant to Article VI, Section 2 of these bylaws. The Association and Chapter Elections Committee will prepare reports to the Executive Board of Directors.

### SECTION 2: Finance Committee

The Finance Committee will serve as a check on the expenses of the Association. The Finance Committee will establish rules and regulations regarding expenses and reimbursements and will post the rules and regulations on the Arizona Corrections Association website. Additionally, any proposed expense over \$500 must be approved by the Finance Committee. The Finance Committee will monitor Association expenses and will prepare reports to the Executive Board of Directors.

### SECTION 3: Grievance Committee

The Grievance Committee is responsible for overseeing all facets of member grievances. At a minimum, the Grievance Committee will ensure ongoing grievance training for members, maintain a record of all grievances, assist members in handling grievances and will prepare a monthly report to the Executive Board of Directors.

### SECTION 4: Political Action Committee

The Political Action Committee shall keep record of all contributions and expenditures and will make reports in accordance with Arizona and State Campaign Finance laws. Additionally, the Political Action Committee will prepare the Association's political strategy to include reviewing candidates and issues and advising the Executive Board of Directors.

### SECTION 5: Recruiting Committee

The Recruiting Committee is responsible for acquiring new members and retaining existing members. The Recruiting Committee shall conduct and oversee internal organizing, alone and in conjunction with Arizona Corrections Association. The Recruiting Committee shall prepare a monthly membership report to the Executive Board.

## ARTICLE VIII VACANCIES

Any vacancy occurring on the Executive Board of Directors, to include Chapter Presidents shall be filled by appointment. The remaining members of the Executive Board of Directors shall appoint (by a majority vote) a member of the Association, to serve a term not to exceed 120 days.

An election shall be held within this time period to select a successor in accordance with the Bylaws and rules established by the Association and Chapter Elections Committees.

## ARTICLE IX CALLS AND NOTICES OF MEETINGS

Section 1: Board Meeting Notice - Notice of the board meetings shall be given to each Board Member at least forty-eight (48) hours before the meeting, and such notice shall contain the time, place and general purpose of the meeting. At least forty-eight (48) hours before the time fixed for the meeting, notice of the time, place and general purpose of the meeting shall be posted on the Association Website and emailed to the members of the Board. The Secretary shall prepare the meeting notices and arrange for their posting and delivery.

Section 2: Special meetings of the Board of Directors may be called by the President or by five (5) members of the Executive Board of Directors. Notice of such meeting shall be given to each Board Member via email and telephonically at least twenty-four (24) hours before the time fixed for the meeting and such notice shall advise each Board Member as to time, place and general purpose of the meeting. No notice need be given of a regular meeting of the Board.

## ARTICLE X QUORUM

A quorum of Executive Board members is required for all issues to be voted upon by the Executive Board of Directors. A quorum is a majority of the members of the Executive Board of Directors. No member may vote by proxy. Members must be present, in person, or via telephone or video conferencing.

## ARTICLE XI THIRD PARTY BENEFITS

The ACA is affiliated with outside organizations (“third party”) that provide financial funds, contributions and/or benefits to correctional officers. These third party organizations are contacted by and through the ACA Executive Board to facilitate such benefits when an ACA member has been injured and needs financial assistance.

The ACA Executive Board shall vet all requests for third party benefits. Only ACA members in good standing shall be eligible to participate and/or receive third party benefits and contributions. An eligible ACA member is defined according to Article IV of this document. Those that do not meet the qualifications of Article IV shall not be eligible to participate and/or receive third party benefits and contributions.

In order to ensure credibility, ACA shall review the circumstances of each incident prior to voting and requesting financial funds from third parties. Third party benefits and contributions shall be voted upon at a regular or special meeting of the Board and shall pass only upon a majority vote pursuant to Article X of this document.



ARTICLE XII  
RECALL OF MEMBERS OF  
EXECUTIVE BOARD OF DIRECTORS

Any elected or appointed member of the Executive Board of Directors, in a position that is subject to a general membership vote, shall be subject to recall from office at any time by a majority vote of the membership.

SECTION 1: Any member may submit a request for a recall petition to the Secretary. The request must state the name of the person to be recalled. The Secretary will notify the affected officer within forty-eight (48) hours of the receipt of the request. In the event that the secretary is the affected person, the Chief Executive Officer shall perform all duties of the Secretary under this section.

SECTION 2: The recall petition shall state its purpose and require the member's signature, printed name, and serial number. In order to hold a recall election, the member seeking to recall the person must submit signatures from at least fifty percent (50%) of the active membership obtained within (90) days of the receipt of the petition. The secretary shall verify the validity of the signatures within five (5) days of receipt of the petitions.

SECTION 3: The secretary shall notify the requesting member whether the petitions have the required number of valid signatures. In the event that the petitions fail to meet that requirement, the requesting member shall have that time remaining, before the expiration of the ninety (90) days, to submit further petitions.

SECTION 4: If the required number of valid signatures are received by the secretary, a recall election shall be held within forty-five (45) days from the date of validation of the petitions. The recall ballots along with statements from the affected officer and requesting member will be mailed to the active membership. All statements will be reviewed by the association's legal counsel for liability issues prior to distribution.

SECTION 5: The recall election will be conducted by the Association and Chapter Elections Committee in accordance with these bylaws and rules adopted by the committee.

SECTION 6: This article shall also apply to the recall of a Chapter President. However, in such a case, the member requesting the recall must be assigned to that Chapter and the petitions and vote, if any, shall only be among the members belonging to the Chapter.

ARTICLE XIII  
BARGAINING

Every member of the Association shall be deemed to have authorized the Association to act as his or her sole negotiating agent for the purpose of executing agreements with reference to wages, hours, and other conditions of employment. The member shall be bound by the terms of such agreements.

ARTICLE XIV  
DUES AND ASSESSMENTS

The Executive Board may set dues and initiation fees for the membership, provided that such dues and initiation fees are approved by a majority of the members voting by secret ballot in an election held for that purpose. A majority shall consist of fifty percent plus one vote.

ARTICLE XV  
BY-LAW AMENDMENTS

These bylaws may be amended by a favorable vote of a majority of the membership voting. Such vote shall be by secret ballot after such amendments have been submitted in writing and entered upon the minutes of the Board of Directors meeting. Notice by publication of the proposed change or changes and the date of the balloting shall occur at least thirty days prior to the date selected for the balloting.

ARTICLE XVI  
BUDGET

Mandatory Budget and Fiscal Year:

SECTION 1: The Executive Board of Directors will be required to submit and adhere to a yearly balanced budget to be presented to the membership for each fiscal year.

SECTION 2: The fiscal year shall be consistent with the Articles of Incorporation.

ARTICLE XVII  
DISSOLUTION OF CORPORATION

Upon the dissolution of the corporation, The Board of Directors shall, after paying or making provisions for the payment of all of the liabilities of the corporation, dispose of all the assets of the corporation exclusively for the purpose of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501(c)(5) of the internal Revenue Code of 1986, as the Board of Directors shall determine or as provided in the Articles of Incorporation.

## PLEDGE AND OATH OF OFFICE

I \_\_\_\_\_, understand that in order to take the position of \_\_\_\_\_ of the Arizona Corrections Association I must affirm to the following:

1. I understand that I cannot have had any felonies in the past, nor may I have any guilty pleas or *nolo contendere* (no contest) pleas of a felony charge in the present or future while holding office on the Arizona Corrections Association Board. I understand that if I am found guilty of a felony I will be immediately removed from my position on the Arizona Corrections Association Board.
2. I understand that I am an agent of the Arizona Corrections Association and am bound to the principles and ideologies of the Association.
3. I affirm that I am not a member of any competing employee organization.
4. I acknowledge that I have received a copy of the Arizona Corrections Association's By-Laws and understand that I have a fiduciary duty to maintain the integrity of the Association.
5. I understand that the purpose of the Association is assist, and represent Arizona Corrections Association members and maintain their trust within the Association.
6. I hereby pledge and solemnly affirm that I \_\_\_\_\_ will not recruit members away from the Arizona Corrections Association nor use my position to undermine the Association.

Pledged and Affirmed this day \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

Signature