

**CONSTITUTION OF THE  
CORRECTION CAPTAINS ASSOCIATION, INC.  
CITY OF NEW YORK**

**ARTICLE I - NAME**

This organization shall be known as the Correction Captains Association, Inc. of the City of New York, hereinafter referred to as the Association.

**ARTICLE II - PURPOSE AND OBJECTIVE**

The purpose of the association shall be to foster and engender good fellowship and understanding among the Captains of the New York City Department of Correction.

The Association shall endeavor to advance and protect the interests of all members of the uniformed force and strive to bring about those conditions which will reflect credit upon the Department of Correction.

The Association will be empowered to administer any and all Security Benefits Funds, to enter and conduct all negotiations relative to labor relations of the Association members and to officially represent the interests of the members in all matters pertaining to employment.

In all areas, including the community, the collective bargaining table and elsewhere, we pledge ourselves to be an effective organization of Correction Captains; to secure for all Captains full recognition and enjoyment of the rights to which they are justly entitled; to the achievement of high standards of living and working conditions.

The Association shall have perpetual succession, with power to sue or be sued in courts of law and equity; to receive, hold, own, use and dispose of such real and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter same in accordance with prescribed procedure; to adopt a constitution, by-laws and regulations to carry on its purposes which shall not be inconsistent with the laws of the United States or the State of New York; to use, in carrying out the purposes of the Association, such emblems and badges as it may adopt; to establish and maintain offices for the conduct of its business; to publish a newspaper or other publication devoted to the purposes of the Association.

**ARTICLE III - MEMBERSHIP**

**Section 1 - Active**

Active members are those members that hold the rank of Captain in the Correction Department - City of New York.

**Section 2 - Retired**

Retired members are those former active members who were enrolled under dues check off during their active membership and prior to their retirement. These members are entitled to all retiree benefits.

### **Section 3 - Honorary Membership**

Honorary membership may be conferred upon such persons as may be proposed by a member in good standing and approved by a two-thirds majority vote of those members present. Such honorary membership shall not confer the right, to vote, to receive benefits, or hold elective office in the Association.

### **ARTICLE IV - OFFICERS**

The Officers of the Association and their order of rank shall be as follows:

#### **A. Executive Board**

1. President
2. First Vice-President
3. Second Vice-President
4. Treasurer
5. Secretary
6. Financial Secretary
7. Legislative Chairman
8. Sergeant at Arms

#### **B. Board of Trustees**

1. President
2. First Vice-President
3. Treasurer
4. Secretary
5. Financial Secretary

#### **C. Delegate Body**

Shall consist of those individuals elected to the office of either Delegate or Alternate Delegate by the members of their respective Facilities/Commands.

### **ARTICLE V - ELECTION OF OFFICERS**

#### **1. Nominations**

Nominations for office shall be held every four (4) years at the regular meeting of the Association in April. Nominations shall be accepted from the floor by active members in good standing.

Facility/Command delegates shall be elected in the above described manner and on the same ballot as the Executive Board.

No member shall be eligible for nomination or election as an officer of this Association unless they have been appointed through a competitive Civil Service Examination to the rank of Captain and been a member in good standing of the Association for at least one (1) year prior to nomination. For the office of President and First Vice President the above qualifications are in force and the nominee for President and First Vice President shall have been a member of the Association for the immediate prior two (2) year period. A candidate not present may be placed in nomination for office providing

that the nominating petition has the written consent of the candidate who is placed in nomination for the office.

A notice that nominations are in order for offices in the Association shall be placed in a CCA Bulletin thirty (30) days prior to the April Meeting.

## **2. Election to Office**

Subsequent to nominations, elections of the officers shall be conducted by mail ballot. Ballots shall be opened and tabulated by a reputable firm designated for that purpose thirty (30) days after they were distributed by mail.

Newly elected officers shall assume their offices and duties in the Association on July first. Officers elected shall serve for a period of four (4) years. Any member elected to the Executive Board of the Association may not hold a position on the Executive Board of any other fraternal organization.

## **3. Vacancy in Elective Office**

### **President:**

Whenever the Office of President is vacated, the First Vice President shall assume the Presidency and perform the duties of the office until the expiration of the former President's term of office.

### **Executive Board:**

Whenever an Executive Board position other than that of President becomes vacant for any reason during the course of the term, the Executive Board shall appoint a Delegate in good standing to fill the remainder of the term. Notice of such vacancy will be announced at the Delegates' meeting and a successor shall be appointed by the Board to fill the unexpired term of office. Any such appointment will be published in the next Newsletter.

### **Delegate:**

Whenever a member of the Delegate body is no longer qualified to serve by reason of transfer out, or promotion, the Executive Board member responsible for overseeing that facility/command shall hold a special election for a new Delegate.

Whenever a Delegate is out sick, or assigned for any other reason outside their facility/command for a period of ninety days or more, they shall be relieved of their position until such time that they return and a temporary Delegate will be assigned by the President.

## **4. No Contest for Office**

When there is no contest for any elective office, the President shall direct the Recording Secretary to cast (1) ballot for the candidates nominated, at the next regular meeting. The candidates shall then be declared to have been duly elected to hold the said office in the Association.

## **ARTICLE VI - DUTIES OF OFFICERS**

## **A. EXECUTIVE BOARD**

### **1. President**

The President shall inform, advise, and report to the membership on all matters of mutual concern and in furthering their individual interests. The President shall:

- a) Preside at all meetings of the Association and preserve order.
- b) Decide all questions of order subject to appeal to the meeting; enforce compliance to the laws, rules, regulations and principles governing the Association.
- c) Appoint all committees not otherwise provided for, and are an ex-officio member of all committees.
- d) Call a regular Delegate membership meeting once each month with the exception of the August meeting which may be held simultaneously with any monthly meeting.
- e) Change the regular monthly meeting day for reasonable cause, directing the Recording Secretary to notify the membership of said change.
- f) Retain an auditor to audit the financial records of the Association annually, being responsible for the issuing of a financial report to the membership.
- g) Approve and sign all vouchers and/or checks drawn by the Association for the payment of obligations.
- h) Have the full power to conduct the business of the Association.
- i) Preside over and have one vote in all Board of Trustee meetings regarding changes in security benefits and annuity fund distributions.
- j) Deliver to a successor all books, papers, records, forms, instruments, and/or other property in his/her possession upon vacating the office.

### **2. First Vice President**

The First Vice President shall:

- a) Assist and advise the President in carrying out the functions of the office.
- b) During the absence or disability of the President perform the duties of the President as prescribed.
- c) Be authorized to sign checks in the absence of the President.
- d) Presides over the Political Action and Grievance committees.
- e) Sit as a member with one vote at all Board of Trustee meetings.
- f) Perform all other duties incidental to the office not herein included or as directed by the President, promptly submitting reports as directed.

- g) Perform such other duties as may be provided by the Constitution & By-Laws.
- h) Deliver to a successor all books, papers, records, forms, instruments, and/or other property in his/her possession upon vacating the office.

### **3. Second Vice President**

The Second Vice President shall attend to the ceremonies of the Association, attending to visitors and guests. The Second Vice President shall:

- a) Assume the duties of the President in the absence of the President and First Vice President.
- b) Ensure that meeting locations and sound systems are operational, and open each meeting with the Pledge of Allegiance.
- c) Co-chair of the Grievance Committee.
- d) In conjunction with the Sergeant-at-Arms, tabulate votes at meetings and promptly report the results to the President and the Recording Secretary.
- e) Perform all other duties incidental to the office not herein included or as directed by the President, promptly submitting reports as directed.
- f) Deliver to a successor all books, papers, records, forms, instruments, and/or other property in his/her possession upon vacating the office.

### **4. Treasurer**

The Treasurer shall:

- a) Deposit and invest funds and monies received in commercial banks, savings banks, and/or commercial paper (certificates of deposit, bonds, notes, et cetera) for the Association. The above transactions shall require the approval and signatures of the President or Vice President and Treasurer.
- b) Provide that two out of the three signatures of record be required for all withdrawals, with all withdrawals being made on check instruments of the Association.
- c) Receive, process and deposit funds in the accounts of the Association when they are received from the Controller, Financial Secretary, and any other sources as prescribed.
- d) Maintain a true and accurate recording of the finances of the Association. Preserve all vouchers, invoices directing payment, canceled checks, and all documents relating to payment for such time as prescribed.
- e) Ensure that an annual auditing of the records is completed by a C.P.A. as prescribed by the Association.
- f) During each year provide a financial report for the President listing receipts, disbursements, and the financial condition of the Association for the previous fiscal year.
- g) Have available at all reasonable times the books and records for inspection by the President and/or any committee authorized by this Constitution & By-Laws.
- h) Sit as a member with one vote at all Board of Trustee meetings.

- i) Perform all other duties incidental to the office not herein included or as directed by the President, promptly submitting report as directed.
- j) Deliver to a successor all books, papers, records, forms, funds, instruments, and/or other property in his/her possession upon vacating the office.

## **5. Secretary**

The Secretary shall:

- a) Record and preserve an accurate set of minutes of meetings.
- b) Present and read communications, minutes and matters of interest as required.
- c) Conduct necessary correspondence.
- d) Have available at all reasonable times the books and records for inspection by the President and/or any committee authorized by this Constitution & By-Laws.
- e) Be responsible for certification of all Delegates.
- f) Sit as a member of and have one vote at all Board of Trustee meetings. Record all minutes of such meetings.
- g) Perform all other duties incidental to the office not herein included or as directed by the President, promptly submitting reports as directed.
- h) Deliver to a successor all books, papers, records, forms, instruments, and/or other property in his/her possession upon vacating the office.

## **6. Financial Secretary**

The Financial Secretary shall:

- a) Be the financial advisor of the Association.
- b) Be responsible, with the Treasurer, for the administration of the Annuity Benefits Fund, Security Benefits Fund, and General Fund.
- c) Sit as a member of and have one vote at all Board of Trustee meetings, and advise the President and Board of all matters pertaining to the fund.
- d) Have available at all reasonable time the books and records for inspection by the President and/or any committee authorized by this Constitution & By-Laws.
- e) Perform all other duties incidental to the office not herein included or as directed by the President, promptly submitting reports as directed.
- f) Deliver to a successor all books, papers, records, forms, funds, instruments, and/or other property in his/her possession upon vacating the office.

## **7. Legislative Chairman**

The Legislative Chairman shall:

- a) Be responsible for the preparation, introduction and progress of all legislation sponsored by the Association.
- b) Report on the progress of such legislation to the Executive Board, Delegate body and membership of the Association.
- c) Co-chair of the Political Action Committee.
- d) Perform all other duties incidental to the office not herein included or as directed by the President, promptly submitting reports as directed.
- e) Deliver to a successor all books, papers, records, forms, funds, instruments, and/or other property in his/her possession upon vacating the office.

### **8. Sergeant-at-Arms.**

The Sergeant-at-Arms shall keep order and attend the inner door at all meetings. The Sergeant-at-Arms shall:

- a) Ensure that only members of the Association enter the meeting room.
- b) Ensure that visitors and guests attending the meeting room have the approval of the presiding officer.
- c) Ensure that any messages are promptly received or dispatched by the presiding officer.
- d) Perform all other duties incidental to the office not herein included or as directed by the President, promptly submitting reports as directed.
- e) Deliver to a successor all books, papers, records, forms, funds, instruments, and/or other property in his/her possession upon vacating the office.

### **B. BOARD OF TRUSTEES**

The Board of Trustees consists of five members of the Executive Board: the President, First Vice-President, Treasurer, Secretary and the Financial Secretary. Each trustee has a fiduciary responsibility to the membership to protect the Security Benefits Fund and Annuity Fund.

- a) Review members request of non covered benefits.
- b) Make decisions on disbursements from Security Benefits Fund concerning which benefits should be covered to best serve the entire active and retiree membership.
- c) Meet regularly to discuss and make decisions on which benefits can be improved and what additional benefits are needed to further enhance the program when the Security Benefits Fund allows.
- d) At the end of each quarter, review the status of all of the Annuity Fund's investments.
- e) Review periodically all Security Benefits providers and Annuity Fund investors to ensure that the membership is best served.

### **C. DELEGATES/ALTERNATE DELEGATES**

Delegates/Alternate Delegates shall represent the members of their own facility/command at all meetings of this Association, and at other times as required.

### **Delegate/Alternate Delegate Responsibilities**

- a) Shall attend meetings and inform their membership of the business transacted, hold monthly labor-management meetings with the head of their respective facility/command and perform other duties as assigned by the President, e.g., committees, etc.
- b) Be responsible for the good and welfare of the members of the facility/command to which they are assigned. They will inform the members of their benefits, rights, and privileges in the Association, maintaining the membership body in good standing.

### **ARTICLE VII - COMMITTEES**

Special Committees shall be appointed by the President as required to further the interests of this Association, with one member being designated as Chairperson. Chairperson and members shall serve at the pleasure of the President and such committees will be dissolved when their purposes have been fulfilled. Special committees shall be called for, but not limited to:

- . Contract Negotiations
- . Political Action
- . Good and Welfare
- . Grievance Resolution

### **ARTICLE VIII - FUNDS**

All funds received in the name of the Correction Captains Association by any officer or committee thereof shall be deposited forthwith in such depositories as may be designated by the Board of Trustees, where such funds shall remain the property of this Association until such time as they are properly expended or remitted in accordance with the rules and regulations of the Board of Trustees and the Executive Board.

### **ARTICLE IX - LABOR CONTRACT**

A proposed labor contract shall be presented to the Delegates, voted upon, and be initially approved or disapproved by a majority of the Delegates present at a meeting called for that purpose. In the event the proposed contract is approved by the Delegates, it shall be sent to the active members of the Association for a vote. Approval by a majority of the voting members shall be deemed a ratification of the labor contract.

### **ARTICLE X - LEGAL ASSISTANCE**

All members of the Correction Captains Association may, when needed, use the services of the Organization's lawyers. There will be no cost to the member if the problem is job related. If the problem is not job related, there will be a cost to the member. Members who are, for whatever reason, dissatisfied with the Organization's lawyers may hire their own lawyers at their own expense.

### **ARTICLE XI - MEMBERSHIP CONDUCT & CHARGES**

#### **1. Membership Conduct**

During any C.C.A. meeting/function, members in good standing are required to conduct themselves in a civil manner, observing proper decorum at all times. Should a member become disruptive or abusive during any meeting/function, and refuse to comply with requests from the chairperson to refrain from such

behavior said member shall be asked to leave the meeting/function so that the Association business can continue. If said member refuses to leave of their own volition, the Sergeant-at-Arms will remove the disruptive member. The disruptive member will then be subject to disciplinary proceedings as prescribed in Article XI of these Constitution and By-Laws.

## **2. Charges**

Charges may be preferred by any member against and any other member for a violation of the principles as set forth in the Constitution & By-Laws of the Association. For misconduct, misfeasance, nonfeasance or malfeasance only as these allegations relate to the business and duties of the Correction Captains Association as defined in the Constitution and By-Laws. Charges must be specific, typewritten, presented in duplicate, signed, notarized and submitted to the Secretary. The Secretary shall forward a copy of said charges to the accused via registered mail return receipt requested.

Not sooner than fourteen (14) days not longer than thirty (30) days after service of the charges, the Secretary shall convene a Board to consider the charges. The Board shall consist of three (3) members of the Executive Board excluding the Secretary, who shall act as recorder of the proceedings, and three (3) institutional delegates. Delegates to be appointed from a pre-determined rotating schedule. The schedule to be presented on an annual basis.

The accused shall be entitled to introduce evidence in their own behalf, and have another member of the Association act as counsel in the presentation of a defense.

Upon the conclusion of the hearing, the Board shall consider all the evidence and reach a decision as to a remedy for the situation. The decision of the Board must be unanimous. Once a unanimous decision is reached, there shall be no further review or appeal. The Secretary shall communicate the decision of the Board to the accused, and a report made at the next regular meeting of the Association.

## **ARTICLE XII - CONDUCT & DISCIPLINE OF ELECTED OFFICIALS**

### **1. Fines & Penalties**

Any Executive Board member or delegate, who misses three (3) Executive Board/Delegate or General Membership meetings in any one calendar year, barring extenuating circumstances, shall forfeit one month's stipend.

Any Alternate Delegate, who misses three (3) General Membership meetings in any one calendar year, barring extenuating circumstances, shall forfeit one month's stipend.

### **2. Removal or Suspension**

Any elected official may be removed from office, or suspended therefrom, by a panel consisting of the following: three (3) members of the Executive Board (excluding the Secretary, who shall act as recorder of the proceedings), and three (3) institutional Delegates. The Delegates shall be appointed from a pre-determined rotating schedule. The schedule is to be presented on an annual basis.

In the event of a tie, the President would cast the deciding vote. (If the charged member was the President, then the 1st Vice President would cast the deciding vote).

## **ARTICLE XIII - AMENDMENTS TO CONSTITUTION & BY-LAWS**

The Constitution and By-Laws of the Association and any provision thereof may be amended, repealed or revised in the following manner:

- a) All proposed amendments, repeals, revisions and new matters shall be typewritten and submitted to the President at a regular meeting. The proposed amendment(s) et cetera must bear the signatures of two (2) Delegates in good standing that must be present at the meeting of submission. The proposal will be referred to the Resolutions Committee who shall expeditiously report their recommendations to the President.
- b) The President shall report the recommendations of the Resolutions Committee at the next regular meeting and place proposed amendments on the floor for discussion. If the proposed amendment is approved by a majority of the delegates present at the meeting, the proposed amendment shall be published in the next newsletter. At the regular meeting following publication a vote shall be taken, and an affirmative vote of two thirds of the members present is necessary to carry the motion for adoption.