

# **Bylaws of the Los Angeles County Public Defenders Union – Local 148**

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## **ARTICLE I – NAME**

WHEREAS the following shall constitute the bylaws of LOS ANGELES COUNTY PUBLIC DEFENDERS UNION - Local 148 (herein "the Union").

## **ARTICLE II – OBJECTIVES**

**Section 1.** The objectives of the Union shall be to serve the interests of its Membership. These include, but are not limited to:

- A. To meet and confer in good faith with Los Angeles County Office of the Public Defender management and Los Angeles County concerning wages, hours, all other terms and conditions of employment, issues arising under the terms and conditions of employment, and matters arising under the Memorandum of Understanding ("MOU") and applicable state law.
- B. To promote the welfare of the Membership and to provide a voice in the determination of the terms and conditions of employment particularly through the collective bargaining process.
- C. To promote political causes beneficial to the Union, the members that it represents and the clients they serve.
- D. To promote and maintain diversity in the Los Angeles County Office of the Public Defender while identifying employment, legal, and political issues associated with these groups and bring them to the attention of the Board of Directors, the Membership, Los Angeles County, and Los Angeles County Office of the Public Defender management.
- E. To provide research and educational services and activities designed to assist members and other organizations consistent with the goals of the Union.
- F. To foster cooperation among members and organizations consistent with the goals of the Union.
- G. To the extent required by law and as provided in the MOU, provide representation in grievance and disciplinary proceedings to members of the bargaining unit upon request of the member, unless the member has a different representative that they have elected to represent them.

## **ARTICLE III – MEMBERSHIP AND DUES**

**Section 1.** All persons regularly employed by the Los Angeles County Office of the Public Defender as a Deputy Public Defender Grade I, II, III, IV; and any newly organized units are eligible for membership in the Union.

**Section 2.** Application for membership shall be made on a standard application form that shall be made available online and may be completed online.

**Section 3.** The monthly membership dues of the Union shall be 0.6% of the top-step of member's Grade gross base salary per Union member.

**Section 4.** Membership dues shall be collected by direct payroll deduction. In the event payroll deduction is precluded by law, the Board of Directors shall establish an alternate method of collection.

**Section 5.** A member is in good standing if their dues are current.

**Section 6.** Membership shall be open to all eligible employees; there shall be no restrictions on membership based on race, color, creed, sex, sexual identity, sexual orientation, national origin, age or disability.

## **ARTICLE IV – MEETINGS**

**Section 1.** General meetings of the Union shall be held quarterly, at a time and place to be fixed by the Board of Directors. Virtual meetings shall be permitted in order to facilitate easy access for all members.

**Section 2.** Special meetings may be called by the President, by vote of the majority of the Board of Directors or by a petition filed with the Secretary and signed by no fewer than twenty (20) percent of the members of the Union. The petition for a special meeting must have original signatures and the Secretary will give the filer an acknowledgement of receipt.

**Section 3.** The quorum for General and Special meetings of this Union shall be six (6) people. Proxies shall not be accepted.

**Section 4.** Before any meeting of members, the President may appoint any persons other than nominees for office to act as Sergeant(s) at Arms at the meeting or its adjournment. The Sergeant(s) at Arms will ensure that those present at the meeting are members in good standing and that meetings are conducted in an orderly fashion and in accordance with these bylaws.

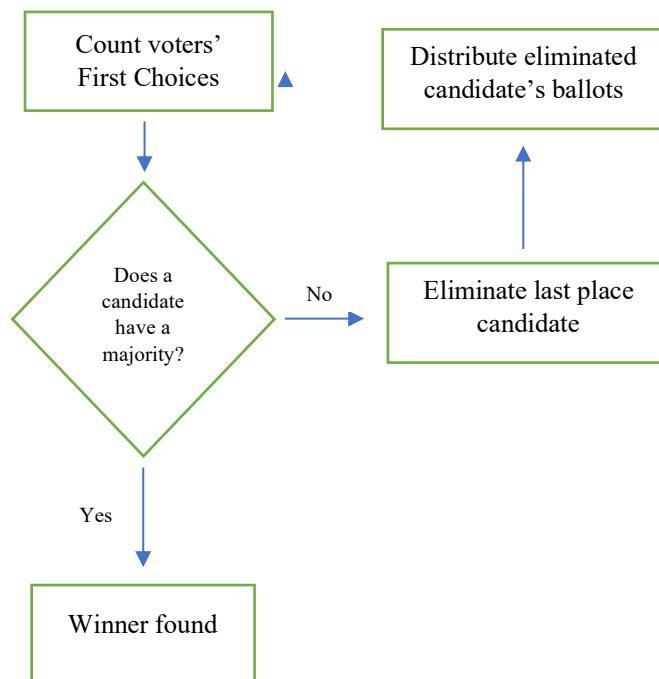
## **ARTICLE V – VOTING**

**Section 1 – Eligibility to Vote.** All members in good standing of the Union are eligible to vote. The members' vote may be by voice vote, roll call, or by secret ballot; provided, however, that any election for the Board of Directors, change in dues or amendments to these bylaws must be by secret ballot. Any action must receive a simple majority to pass, unless a greater number is required in accordance with these bylaws.

**Section 2 – Board of Director Elections by Rank Voting.** All elections for the Board of Directors shall be by secret ballot, using a system of rank voting in order to eliminate the need for a separate runoff election. The rank voting will follow these guidelines:

- A. The ballot shall give voters the ability to rank all candidates for each candidate position by order of preference (1 being the highest ranking - the voter's first preference for that candidate position).

- B. On the first round of counting, each candidate shall receive a first preference vote for each vote indicating it as first preference.
- C. Should a candidate receive a majority of first preference votes after any round, they shall be declared elected.
- D. If no candidate is elected or further winners are required, then the candidate with the fewest number of first preference votes shall be eliminated from the question. Should there be a tie for the fewest number of first preference votes, then among these, the candidate with the fewest number of second preference votes shall be eliminated. Should a tie persist, the procedure shall continue with third preference votes, et cetera. Should a tie still persist, the candidate with the fewest number of original first preference votes, shall be eliminated. Should a tie still persist, the procedures shall continue with original second preference votes et cetera. Should a tie still persist a candidate shall be eliminated by random draw. Multiple candidates are never eliminated simultaneously.
- E. When a candidate is eliminated, all first preference votes for that candidate shall be replaced by the voter's first preferred candidate that is not yet elected or eliminated. All second preference votes for that candidate shall be replaced by the voter's next preferred candidate that is not yet elected or eliminated, and so on.
- F. This procedure of eliminating candidate(s) and redistributing first preference votes shall continue until all winners are elected or the number of candidates left equals the number of winners (this may occur due to exhausted ballots, and those candidates shall be declared elected).
- G. The board of directors may adopt additional rules consistent with this subsection to implement these standards.
- H. Rank Voting Flowchart



**Section 3 – Electronic Voting.** Ballot credentials will be emailed to voting members at a non-county-provided-email- address they have given the Union by the end of the Officer Nomination period. When voting electronically, voters will be given a minimum of 70 hours to complete their vote online from the time the online voting system begins to accept votes. If there is a system failure or outage with the online voting provider or a county emergency, voters will be given an email updating them and extending the voting period by the amount of time the system was inaccessible.

## **ARTICLE VI-OFFICERS, NOMINATIONS, AND ELECTIONS**

**Section 1.** The Board of Directors shall have eleven (11) members: five (5) Officers and six (6) Directors. The Officers of the Union shall be a President, a First Vice President, a Second Vice-President, a Secretary, and a Treasurer. These Officers may be in any Deputy Public Defender Grade 1-4, Paralegal or Senior Paralegal. These five (5) officers shall constitute the Executive Board. The six (6) Directors shall comprise one (1) member from each of the four (4) grades of Deputy Public Defender, one (1) Paralegal Director who is a Paralegal or Senior Paralegal member, plus one (1) At-Large Directors (who may be Deputy Public Defender or a Paralegal or Senior Paralegal). A Grade 2 Deputy Public Defender with less than three (3) years of experience in the Los Angeles Office of the Public Defender shall be eligible for the Grade 1 director position. These eleven (11) members shall constitute the Board of Directors. All members of the Board of Directors shall be elected for a term of three (3) years.

**Section 2.** Nominations shall be made at a General or Special meeting of the Union. At least fifteen (15) days' advance notice shall be given to the Membership prior to the nomination meeting and shall be done via email to the member email addresses provided to the Union by members. Nominations shall be permitted from the floor at the nomination meeting. Nominees must choose to accept their nomination to participate in the election. All regular elections with the exception of the initial election shall be held in the month of January. The first election after the initial election shall be held in January 2023.

**Section 3.** To be eligible for offices except the Grade I Director position or the At-Large Director Position, a member must be in good standing for one year immediately preceding the election. The one-year requirement will be waived for the initial election. No retired member nor a member who is promoted to a Grade V or accepts any management position shall be a candidate for office. If a current member of the Board of Directors accepts any management position or is promoted to a Grade 5, they shall be deemed to have relinquished the office held upon accepting the assignment. The Deputy-in-Charge ("DIC") position is not a "management position."

**Section 4.** Officers and Directors shall be elected by secret ballot vote. The balloting shall be conducted so as to afford all members a reasonable opportunity to vote. Electronic voting is authorized and is the preferred method of voting for members of the Board of Directors. The Board of Directors has the discretion to authorize electronic voting for any other matters it deems appropriate. At least fifteen (15) days' advance notice shall be given to the Membership prior to the holding of the election.

**Section 5.** In the event of a vacancy in the office of the President, the First Vice President shall become the Union President for the remaining unexpired term. In the event of such a succession, the Second Vice President will succeed the First Vice President. All other vacancies in office shall be filled for the remainder of the unexpired term by vote of the Board of Directors. In the event of a vacancy in an office other than the President, the vacancy shall be filled by vote of the Board of Directors. Should the vacancy be a Deputy Public Defender Grade I-IV Director, the vacancy can

be filled with appointment of additional At-Large Directors until the Board of Directors constitutes eleven (11) members.

**Section 6.** The removal of a duly-elected Officer or Director may be initiated by a written petition signed by more than 40% of the members in good standing. Upon receipt of such petition, the President shall appoint a committee to conduct an election, the exclusive question of which shall be: "Shall the Union remove from office the following person: \_\_\_\_\_?" A simple majority of votes cast shall decide the question. Vacancies shall be filled as provided in Article VI, Section 5, except that a person just removed from office by this process shall not be eligible to be re-appointed to the office from which they were removed.

## **ARTICLE VII-DUTIES OF OFFICERS AND BOARD OF DIRECTORS**

**Section 1.** The President shall:

- A. Preside at all meetings of the Union, the Board of Directors and the Executive Board.
- B. Be an ex-officio member of all committees except election committees.
- C. Create and appoint all standing committees and ad-hoc committees of the Union, subject to the approval by a majority vote of the Board of Directors.
- D. Countersign all checks and/or effectuate recurring electronic payments drawn against the funds of the Union as directed by the Board of Directors.
- E. Report periodically to the Membership regarding the progress and state of the Union and regarding the President's official acts.

**Section 2.** The First Vice President shall:

- A. Assist the President in the work of the President's office.
- B. In the absence of the President or in the President's inability to serve, preside at all meetings and perform all duties otherwise performed by the President.
- C. Upon approval by a majority vote of the Board of Directors, be authorized to act as co-signer of checks and/or effectuate recurring electronic payments drawn on Union funds in place of either the President or the Treasurer.

**Section 3.** The Second Vice President shall:

- A. Assist the president in the work of the President's office.
- B. In the absence of the President and first Vice President or in the President's and first Vice President's inability to serve, preside at all meetings and perform all duties otherwise performed by the President.
- C. Upon approval by a majority vote of the Board of Directors, be authorized to act as co-signer of checks and/or effectuate recurring electronic payments drawn on Union funds in place of either the President or the Treasurer.

**Section 4.** The Secretary shall:

- A. Keep a record of the proceedings of all Membership, Board of Director and Executive Board meetings; these records shall be made available to the Membership.
- B. Shall make available and maintain accurate, written minutes of all meetings. Shall ensure all minutes are ratified by a majority vote of the Board of Directors.
- C. Carry out the official correspondence of the Union, unless otherwise directed by the Board of Directors.

- D. Perform such other duties as the Board of Directors may require.

**Section 5.** The Treasurer shall:

- A. Receive and receipt for all monies of the Union and maintain the General Fund.
- B. Deposit all money so received in the name of the Union in a bank or banks selected by the Board of Directors; money so deposited shall be withdrawn only by check signed by the appropriate signatories and/or effectuate recurring electronic payments.
- C. Prepare and sign checks and/or effectuate recurring electronic payments for such purposes as are required by the bylaws or are authorized by the Membership, Executive Board or the Board of Directors.
- D. Keep an accurate record of receipts and disbursements for the Union.
- E. Act as custodian of all properties of the Union.
- F. Arrange for a surety bond for an amount to be fixed by the Board of Directors, at the expense of the Union.
- G. Arrange for a qualified accounting firm to conduct a financial statement review or an audit at least annually of the finances of the Union, including the finances concerning any union-controlled health and welfare, pension, insurance or other benefit programs covering members of the Union, and shall report to the Membership on the results of such audit.
- H. Recurring electronic payments are appropriate for monthly bills that have been authorized by the Executive Board to be paid in this manner.
- I.

**Section 6.** The Directors shall:

- A. Perform such other duties as the Board of Directors may require.

**Section 7.** The Directors from each grade shall:

- A. Perform such other duties as the Board of Directors may require.

**Section 8.** The Executive Board shall have full power and authority during the intervals between meetings of the Board of Directors to do all acts and perform all functions of an urgent nature that the Board of Directors might do or perform. The Board of Directors shall meet at least once per month and has full power when the Membership Meeting is not in session. Additional meetings may be scheduled at the call of the President or by a majority vote of the Board of Directors. A majority of the members of the Board of Directors shall be required for a quorum. Any member in good standing of the Union may attend a meeting of the Executive Board or the Board of Directors.

## **ARTICLE VIII – COMMITTEES**

**Section 1. Standing Committees**

- A. **Diversity Committee.** The purpose of this committee is to promote and maintain diversity in the Los Angeles County Office of the Public Defender while identifying employment, legal and political issues associated with these groups and bring them to the attention of the Union. The Diversity Committee shall consist of members who reflect the cultural and racial diversity of the Los Angeles County Office of the Public Defender and its clients. This committee shall be comprised of one member from each of the Public Defender Affinity Groups or any other similarly situated and/or recognized group. Each affinity group will select its own representative on the committee. A representative must be a member in good standing of the Union and is subject to removal by vote of the Board of Directors.

- B. **Political Legislative Action Committee.** The Union shall establish, maintain and fund a Political Legislative Action Committee ("PLAC") as defined by California Fair Political Practices Commission. The PLAC shall pursue advocacy relevant to the Union. Disbursement of any PLAC funds shall be made only as directed by the Board of Directors. Members of this committee shall be the Union members in good standing who are appointed by the President with approval of the Board of Directors. PLAC fund contributions shall be 8.0% of the Union general fund, which correlates to 8.0% of each individual member's bi-monthly dues, not to exceed \$99.00 per member per year.
- C. **Steward Committee.** The Steward Committee shall consist of all of the Union's designated stewards. The committee shall regularly review representation cases in order to instruct stewards on the intent and meaning of the MOU, applicable standards and best practices. The Steward Committee will also review changes in representational law and rights, coordinate approaches to similar situations and perform other steward training matters. Matters pertaining to individual bargaining unit members shall be held confidential and in closed session. Members of this committee shall be the Union members in good standing who are appointed by the President with approval of the Board of Directors. No Deputy-in-Charge ("DIC") shall be eligible to serve as a steward. Any steward may be removed at the discretion of the President. All stewards are charged with the representation of any bargaining unit member in first-level grievances. They must also liaise between bargaining unit members, the Board of Directors, and union labor representatives. They shall also serve as communication officers for all work sites.
- D. **Negotiation Committee.** A negotiation committee shall be established to plan for and conduct negotiations with the Los Angeles County Office of the Public Defender management and Los Angeles County concerning wages, hours, all terms and conditions of employment, issues arising under the terms and conditions of employment, and matters arising under the MOU and applicable state law. The negotiation committee shall include six of the Board of Directors (6) and five (5) additional members in good standing. The five (5) additional members shall be appointed by the President with the approval of the Board of Directors, but removable only by a majority vote of the Executive Board.

**Section 2. "Ad Hoc" Committees.** The Board of Directors at the direction of the President shall create Ad Hoc Committees as needed to facilitate the Union business. Members of these committees shall be the Union members in good standing who are appointed by the President with approval of the Board of Directors.

**Section 3. Election Committee.** The goal of the committee is to oversee a fair election process for the Union. Election committee members may not run for the election in which they participate. Members of this committee shall be members in good standing appointed by the President with approval of the Board of Directors.

## **ARTICLE IX – MISCELLANEOUS PROVISIONS**

**Section 1.** Except to the extent specified in these bylaws, no member of the Board of Directors shall have the power to act as agent for or otherwise bind the Union in any way whatsoever. No member or group of members or other person or persons shall have the power to act on behalf of or otherwise bind the Union except to the extent specifically authorized in writing by the President or by the Board of Directors.

**Section 2.** The rules contained in the current edition of The Standard Code of Parliamentary Procedure by Alice Sturgis shall govern the Union in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

#### **ARTICLE X – AMENDMENTS**

These bylaws may be amended, revised, or otherwise changed by a simple majority vote of the members voting on such proposed change. Proposed amendments to these bylaws must be made at a General or Special meeting of the Union and read and voted on at a subsequent General or Special meeting; adequate and proper notice must have been given to the Membership prior to the date on which the vote is taken. A written copy of the proposed amendments shall be furnished to every eligible voter at the meeting at which the vote is taken.

#### **ARTICLE XI – INDEMNIFICATION**

The Union shall, to the maximum extent permitted by law, indemnify each of its officers, members of the Board of Directors, employees and those agents designated by the Board of Directors who were acting within the scope of their duties, against any and all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with any proceeding arising by reason of the fact that any such person is or was an agent of the Union.

#### **ARTICLE XII – CERTIFICATION AS EXCLUSIVE BARGAINING AGENT**

When the Union is Certified by the Los Angeles County Employee Relations Commission (ERCOM) as the exclusive bargaining agent for Deputy Public Defenders, an election will be conducted for all board members as soon as can be arranged by the organizing committee.



Attested to by:

Garrett Miller

President

Name	Title
/s/	8/14/24

Signature	Date
Brooke Longuevan	Vice-President

Name	Title
/s/	8/14/24

Signature	Date
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AS AMENDED 8/14/24