

**BYLAWS OF THE
LABOR AND EMPLOYMENT LAW
SECTION OF THE STATE BAR OF MICHIGAN
APRIL 2020**

**ARTICLE I
NAME AND PURPOSES**

SECTION 1. This section shall be known as the Labor and Employment Law Section of the State Bar of Michigan.

SECTION 2. The purposes of the Section shall be to study labor and employment law and to promote its fair and just administration; to study and report upon proposed and necessary legislation, to promote the legal education of members of this Section of the Bar and the general public by generating awareness of the problems and concerns of management, labor, and employee relations through sponsorship of meetings, institutes, and conferences, and by preparing, sponsoring, and publishing legal writing in the labor and employment law field; to endeavor to assist in the development of rules of conduct based upon the rights and responsibilities of employees and management and labor and industry, to promote and encourage civility and professionalism in the practice of labor and employment law; and to promote justice, equal opportunity, and industrial peace.

**ARTICLE II
MEMBERSHIP**

SECTION 1. Each member of the Section shall pay to the State Bar of Michigan annual dues in an amount to be set by the Council. Any member of the State Bar of Michigan, upon request to the Executive Secretary of the State Bar of Michigan and upon payment of dues for the current year, shall be enrolled as a member of the Section. Thereafter said dues shall be paid in advance each year beginning on the January first next succeeding such enrollment. Any member of the Section whose annual dues shall be more than six months past due shall thereupon cease to be a member of the Section. Members so enrolled and whose dues are so paid shall constitute the membership of the Section.

SECTION 2. Newly admitted members to the State Bar of Michigan, upon written request, shall become members of the Section for the balance of the fiscal year in which application is made, and the next subsequent fiscal year, without payment of dues to the Section, if such written request is made in the first year of membership in the State Bar of Michigan.

SECTION 3. Members of the Law Student Section of the State Bar of Michigan may, subject to any State Bar rules, become student members of the Section upon written request and without payment of dues to the Section. Student members shall have no voting rights, will not be eligible for Council membership, and shall not be eligible to hold office in the Section, but may assist in the activities of the Section as requested and shall be entitled to all other privileges accorded to Section members by the Section.

SECTION 4. An active member who elects emeritus status in accordance with the rules of the State Bar of Michigan may continue as an emeritus member of the Section without the payment of annual dues.

SECTION 5. Persons other than State Bar of Michigan members may become, with the approval of the Council, non-voting affiliates of the Section, upon payment of annual dues as defined in Section 1. Affiliates will not be eligible for Council membership, but may assist in the activities of the Section as requested and shall be entitled to all other privileges accorded to Section members by the Section.

**ARTICLE III
OFFICERS AND COUNCIL MEMBERS**

SECTION 1. The officers of this Section shall be a Chairperson, Vice Chairperson, Secretary, and Treasurer. No person shall hold the same officer position for two consecutive terms. Officers shall also serve as members of the Council, and shall be selected by the Section as hereinafter provided. The retiring Chairperson shall be a member of the Council for one year immediately following the end of his or her term. Such one year term shall not be considered a second consecutive term.

SECTION 2. Officers shall be elected to hold office for a term of one year beginning at the close of the Annual Meeting at which they shall have been elected, and ending at the close of the next succeeding annual meeting of this Section.

SECTION 3. There shall be a Council, which shall consist of twelve (12) regular members and four (4) officer members, all of whom shall be elected by the Section as hereinafter provided, and the retiring Chairperson.

SECTION 4. The terms of the twelve (12) regular members of the Council shall be for two years and the expiration thereof shall be staggered, with the terms of six (6) members expiring at each Annual Meeting. At each Annual Meeting six (6) members shall be elected to replace those members whose terms are expiring; all members so elected shall serve for a term of two (2) years beginning at the close of the Annual Meeting at which they are elected. Vacancies in the elected Council shall be filled in accordance with Article VI, Section 3.

SECTION 5. No person shall be eligible for election as a member of the Council if that person is then a member of the Council and has been such a member continuously for a period of two (2) full terms or more; provided, however, that a Council member may be elected to the position of an officer at the expiration of the first, second, third, or fourth consecutive year of Council membership and may serve consecutive one-year terms as Secretary, Treasurer, Vice Chairperson and Chairperson without regard to the above two-term limitation.

**ARTICLE IV
NOMINATION AND ELECTION OF OFFICERS**

SECTION 1. NOMINATIONS. The Chairperson and Vice Chairperson shall appoint a Nominating Committee annually. The Nominating Committee shall consist of three members of the Section, not being members of the Council. Such committee shall make and report nominations to the Section for the officers of the Chairperson, Vice Chairperson, Secretary, and Treasurer, and members of the Council to succeed those whose terms will expire at the close of the then Annual Meeting, and to fill vacancies then existing or which may exist because of election of a present Council member to an officer position for unexpired terms. Other nominations for positions as officers and Council members may be made from the floor.

SECTION 2. ELECTIONS. All elections shall be by show of hands of the majority of the Section members in attendance at the Annual Meeting at which the election is held, unless a written ballot is requested prior to the meeting.

**ARTICLE V
DUTIES OF OFFICERS**

SECTION 1. CHAIRPERSON. The Chairperson shall preside at all meetings of the Section and of the Council. The Chairperson shall formulate and present at each Annual Meeting a report of the work of the Section for the then past year, and shall perform such other duties and acts as usually pertain to the office.

SECTION 2. VICE CHAIRPERSON. Upon the death, resignation, or during the disability of the Chairperson, or upon the Chairperson's refusal to act, the Vice Chairperson shall perform the duties of the Chairperson for the remainder of the Chairperson's term except in case of the Chairperson's disability and then only during so much of the term as the disability continues.

SECTION 3. SECRETARY. The Secretary shall be the custodian of all books, papers, documents, and other property of the Section. The Secretary shall keep a true record of the proceedings of all meetings of the Section and of the Council, whether assembled or acting under submission. With the Chairperson, the Secretary shall prepare a summary or digest of the proceedings of the Section at its Annual Meeting for publication in the Annual Report of the State Bar of Michigan, after approval by the Executive Secretary of the State Bar of Michigan. The Secretary, in conjunction with the Chairperson, as authorized by the Council, shall attend generally to the business of the Section.

SECTION 4. TREASURER. The Treasurer shall keep a true record of all monies received and disbursed and report thereon to the Council whenever requested. Annually, The Treasurer shall submit a financial report for presentation to the membership of the Section and to the Board of Commissioners of the State Bar of Michigan. Consistent with the Bylaws of the State Bar of Michigan, the Treasurer shall be responsible for the deposit of all monies of the Section, which come into his or her hands, in the general fund of the State Bar.

**ARTICLE VI
DUTIES AND POWERS OF THE COUNCIL**

SECTION 1. The Council shall have general supervision and control of the affairs of the Section subject to the provisions of the Constitution and Bylaws of the State Bar of Michigan and the Bylaws of the Section. It shall especially authorize all commitments or contracts, which shall entail the payment of money, and shall authorize the expenditure of all monies appropriated for the use or benefit of the Section. It shall not, however, authorize commitments or contracts, which shall entail the payment of more money during any fiscal year than the amount which shall have been previously appropriated to the Section for such fiscal year.

SECTION 2. The Council may authorize the Chairperson, with the Vice Chairperson, to appoint committees from Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws and the Bylaws of the State Bar of Michigan. The Chairperson may appoint the chairpersons and members of such committees and may, or on direction from the Council shall, remove any chairperson or member from such committees and fill vacancies on such committees created by removal or resignation.

SECTION 3. The Council, during the interim between annual meetings of the Section, may fill vacancies in its own membership or in the office of Secretary or Treasurer, or, in the event of a vacancy in both the office of Chairperson and Vice Chairperson, then in the office of Chairperson. Members of the Council and officers so selected shall serve until the close of the next annual meeting of the Section, at which the vacancies shall be filled for the remainder of their respective terms by a special election conducted concurrently with the regular elections as provided in Article IV herein.

SECTION 4. The Council shall act by a majority vote of the whole Council or by the majority vote of a quorum at the Council's regular or annual meeting (s).

SECTION 5. Members of the Council when personally present at a meeting of the Council shall vote in person, but when absent may communicate their vote, in writing, upon any proposition, to the Secretary and have it counted, with the same effect as if cast personally at such meeting.

SECTION 6. The Chairperson of the Section at any time may, and upon the request of any member of the Council shall, submit or cause to be submitted in writing (including electronically), to each of the members of the Council, any proposition upon which the Council may be authorized to act, and the members of the Council may vote upon such proposition or propositions so submitted, by communicating their vote thereon, in writing (including electronically), to the Secretary, who shall record the results. If the votes of a majority of the members of Council so recorded shall be in favor of such proposition or if such majority shall be against such proposition, such majority vote shall constitute the binding action of the Council.

ARTICLE VII MEETINGS

SECTION 1. The annual meeting of the Section shall be held at a date, time and location that is selected by majority vote of the Council and shall be published widely to the members of the Section. There shall be regular meetings of the Council throughout the year, as determined by the Council, at which the business of the Section may take place.

SECTION 2. Special meetings of the Section may be called by the Chairperson upon approval of the Council, at such time and place as the Council may determine.

SECTION 3. The Council shall act by a majority vote of the whole Council or by the majority vote of a quorum at the Council's regular or annual meetings. Seven Council Members will constitute a quorum.

ARTICLE VIII MISCELLANEOUS PROVISIONS

SECTION 1. The fiscal year of the Section shall be the same as that of the State Bar of Michigan.

SECTION 2. All bills incurred by the Section, before being forwarded to the Treasurer or to the Executive Secretary of the State Bar of Michigan for payment, shall be approved by the Chairperson or the Treasurer, or, if the Council shall so direct, by both of them.

SECTION 3. No salary or compensation shall be paid to any officer, council person, or member of a committee as compensation for their duties on the Council.

SECTION 4. Any action by this Section related to Public Policy shall be made in accordance with the provisions of the SBM Bylaws Article VIII and the protocol(s) adopted by the Council.

SECTION 5. These Bylaws shall become effective upon the approval thereof by the Commissioners of the State Bar of Michigan.

**ARTICLE IX
AMENDMENTS**

SECTION 1. These Bylaws may be amended at any annual meeting of the Section by a majority vote of the members of the Section present and voting, provided such proposed amendment shall first have been approved by a majority of the Council and provided, further, that no amendment so adopted shall become effective until approved by the Commissioners of the State Bar of Michigan.

SECTION 2. Any proposed amendment shall be submitted in writing to the Council in the form of a petition signed by at least ten members of the Section in time for it to be considered by the Council at a regular meeting before the annual meeting of the Section at which it is to be voted upon. The Council shall prepare recommendations, together with a complete and accurate text of proposed amendments, which shall be published in the Michigan State Bar Journal at least thirty days prior to the annual meeting of the Section at which it is to be voted upon.

Created prior to 1948 as Labor Relations Law Section
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Revised 1/09 Revised 1/12
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