

## CONSTITUTION

### Article I - Name

The name of this organization is the Forum of United States Administrative Law Judges or Forum.

### Article II - Purposes

The purposes of the organization are to further the public interest by improving the administrative process; to foster faithful, efficient, and effective performance of the functions assigned to Administrative Law Judges under the various statutes governing Federal administrative proceedings; to advance the professional standing, education and welfare of the Administrative Law Judges employed by the Government of the United States; and to encourage cordial and friendly relations among the members of this organization and with the judiciary, government-agencies, the bar, and public and private organizations concerned with the administrative process.

### Article III - Membership

Section 1 - Classes of Membership. There shall be two classes of membership:

a. Voting Member - Any person who is appointed and is serving as an Administrative Law Judge under Section II of the Administrative Procedure Act (5 U.S.C. 3105) in the following agencies is eligible for membership in the Forum as a voting member:

Department of Agriculture  
Department of Commerce  
Department of Education  
Department of Health and Human Services:  
Department Appeals Board

Department of Health and Human Services:  
Office of Medicare Hearings and Appeals

Department of Housing and Urban Development  
Department of the Interior  
Department of Justice:

Drug Enforcement Administration  
 Immigration Review  
 Department of Labor  
 Department of Transportation:  
     Office of the Secretary  
     Coast Guard  
 Commodity Futures Trading Commission  
 Environmental Protection Agency  
 Federal Communications Commission  
 Federal Energy Regulatory Commission  
 Federal Labor Relations Authority  
     Federal Maritime Commission  
 Federal Mine Safety and Health Review Commission  
 Federal Trade Commission  
 Food and Drug Administration  
 International Trade Commission  
 Merit Systems Protection Board  
 National Labor Relations Board  
 National Transportation Safety Board  
 Occupational Safety and Health Review Commission  
 Office of Financial Institution Adjudication  
 Social Security Administration  
 Securities and Exchange Commission  
 Small Business Administration  
 United States Postal Service

An Administrative Law Judge whose position is eliminated by a reduction in force shall remain eligible as a voting member as long as the individual remains eligible for appointment as an Administrative Law Judge.

b. **Emeritus Member** - Any person who had been appointed as an Administrative Law Judge under Section II of the Administrative Procedure Act in a listed agency but who has retired, or who, as a retired annuitant, is serving as an Administrative Law Judge is eligible for membership in the Forum as an Emeritus Member. Emeritus Members are ineligible for election as officers or members of the Executive Committee of the Forum and are ineligible to vote on matters pending before the Executive Committee or the organization. An Emeritus Member may be appointed to and serve without voting on any standing or ad hoc committee, and may chair an ad hoc, but not a standing committee.

Section 2 - Continuation of Membership. A voting member who ceases to serve as an Administrative Law Judge under Section II of the Administrative Procedure Act or, as a retired annuitant, is hired as an Administrative Law Judge, may continue to be a member of the organization as an Emeritus Member, effective as of the date of the member's initial cessation of service as an Administrative Law Judge.

Section 3 - Cessation of Membership. A member continues as such until he or she (a) submits a written resignation to the Secretary; (b) is separated from the organization for cause upon a majority vote of the Executive Committee, but only after the matter has been referred to the Ethics and Grievances Committee for a recommendation and after the member has had an opportunity to make a statement, orally or in writing, at the member's discretion, to the Executive Committee; (c) is separated from the organization by reason of failure to pay dues for the current fiscal year; or (d) in the case of a non-voting member, is determined by a majority vote of the Executive Committee to be engaged in any activity deemed inconsistent with membership in the organization, but only after the matter has been referred to the Ethics and Grievances Committee for a recommendation and after the member has had an opportunity to make a statement, orally or in writing, at the member's discretion, to the Executive Committee. A member who is separated for failure to pay dues shall be reinstated upon payment of current annual dues.

#### Article IV - Officers

Section 1. The officers of the Forum shall be the President, the Vice President, the Treasurer, and the Secretary. The duties of the officers are those stated in the By-Laws of the organization. The officers shall be elected annually and shall serve for a term of one year to commence on October 1, following a general election or until their successors have qualified. The President, or in the absence of the President, the Vice President, shall ex officio be a member of all Committees.

Section 2. An officer must be a voting member of the organization. If an officer ceases to be a voting member of the organization, the office shall be considered vacant.

Section 3. In the event the office of President becomes vacant, the Vice President shall automatically succeed to that office. In that event, or in the event that any other office becomes vacant, the Executive Committee shall fill any such vacancy by appointment for the balance of the unexpired term, it may arrange for a special election to elect a successor officer, or it may reassign the duties of that office to another officer for the balance of the unexpired term.

Section 4. Each officer must be from a different agency.

#### Article V - Executive Committee

Section 1. The business of the organization shall be conducted by an Executive Committee, except as specifically described in the By-Laws in respect of the duties and responsibilities of the Standing Committees. The Executive Committee shall consist of representatives elected as described in Section 2 of this Article and the officers specified in Article IV.

Section 2. Each agency represented in the voting membership of the organization shall be entitled to elect from those of its voting membership in the organization one representative and first and second alternates to the Executive Committee.

The first alternate acts for his or her corresponding representative in the absence of and with the same powers as the representative. The second alternate functions similarly in the absence of the first alternate. If any representative ceases to be a voting member of the organization, the first alternate to that representative shall succeed to the position of that representative for the balance of the elected term. Each representative or alternate shall serve for the term of one year or until his or her successor shall have qualified. The immediate past-President of the organization shall serve, during the year subsequent to the completion of his or her term of office as President, as a non-voting member of the Executive Committee.

Section 3. The representative or representatives and alternate or alternates to the Executive Committee of each agency shall be elected by a majority vote of the voting membership in such agency. The tally of the vote shall be reported to the Secretary by the representative for that agency or department.

The elected member shall conduct the next election for his or her agency. Each voting member from the agency shall have an equal vote in such election.

Section 4. An Officer may vote at Executive Committee meetings only in the absence of the representative and alternate from the same agency where the Officer is employed.

Section 5. There shall be no voting by proxy.

## Article VI - Standing Committees

Section 1. The regular activities of the Forum shall be carried out by Standing Committees under the general supervision and control of the Executive Committee. The membership of these committees, within the limitations prescribed in this Constitution and in the By-Laws of the Forum, will be designated by the President with the advice and consent of the Executive Committee.

Section 2. The Standing Committees shall include:

- A. Legislative Committee
- B. Publications Committee
- C. Program and Education Committee
- D. Administrative Practice and Procedure Committee
- E. Ways and Means Committee
- F. Membership Committee
- G. Ethics and Grievances Committee

## Article VII - Executive Committee Quorum

A majority of the Executive Committee shall constitute a quorum for the transaction of the business of the Committee.

#### Article VIII - Executive Committee Meetings

The Executive Committee shall meet regularly, at least once every two months, or as the President deems necessary upon reasonable notice of such meeting to each officer and member of the Executive Committee.

#### Article IX Forum Meetings

The Forum shall hold at least one regular meeting annually at times designated by the Executive Committee. Special meetings may be called by the Executive Committee. The membership shall be given reasonable notice of such meetings.

#### Article X - Quorum Requirement

A majority of the Forum's voting members shall constitute a quorum for the transaction of business at any regular or special meeting.

#### Article XI - Dues

The fiscal year and membership year shall begin on October 1, and end September 30 of the following year. The first year annual dues shall be \$10 per Voting Member, and \$5 per Emeritus Member. Annual dues for each succeeding year shall be determined by the Executive Committee. The annual membership dues shall be payable by December 1 for the current fiscal year.

#### Article XII - By-Laws

Upon the recommendation of the Executive Committee, the Forum shall adopt By-Laws not inconsistent with this Constitution to further the administration of the Forum. The By-Laws shall be adopted or amended by a 3/4 vote of the Executive Committee.

### Article XIII Amendments

The Constitution may be amended by a vote of 3/4 of the voting membership by secret ballot. An amendment shall be proposed by a vote of a majority of the members of the Executive Committee or by a petition of not less than 25 percent of the voting membership representing not less than 25 percent of the agencies in which there are members of this organization. The proposer of an amendment and a person opposing adoption of the amendment, if any, as designated by the Executive Committee shall prepare statements of their views, not to exceed one page each, to accompany the ballot. The Secretary shall be responsible for serving the amendment together with appropriate instructions to all voting members, and certifying the results to the Executive Committee at its next meeting. Upon adoption of an amendment to the Constitution, the Secretary may correct punctuation, grammar, or numbering where appropriate in the Constitution, if the correction does not change meaning, and may make conforming changes in the By-Laws.

### Article XIV Election of Officers

Section 1. Officers shall be annually elected by a majority vote of the membership at large, whose votes shall be provided and tallied in the manner specified by the By-Laws.

#### Section 2. Nominations.

- A. With the exception of year 1, on or before June 15 of each year the President shall nominate and the Executive Committee shall appoint a Nominating Committee which shall include the immediate past-President of the Forum as an Ex Officio member of and chair of the Nominating Committee. No more than one member of any agency or department may be a member of the Nominating Committee. Within 10 days after appointment of the Nominating Committee, the Secretary shall notify each member of the Executive Committee of the members of the Nominating Committee.

- B. The Nominating Committee shall select at least one candidate for each office, having previously determined that the candidate selected is willing to serve if elected. At least 20 days before the next regularly scheduled meeting of the membership, a list of such candidates shall be submitted to the Secretary who promptly shall notify each member of the Executive Committee of the nominations.
- C. Additional nominations may be made by written petition of not less than ten members representing at least three agencies. The petition shall be signed by the candidate so nominated, indicating a willingness to serve if elected. The petition shall be presented to any member of the Nominating Committee prior to the presentation of the report of that Committee at the next regular meeting the membership. Any nomination so received will be included as a part of the report of the Nominating Committee.
- D. Only one candidate may be nominated for office from any one agency.

Section 3. Contested Elections. In the event that more than one person is nominated for any elected office of the Forum, on or before August 25, the Nominating Committee shall prepare a ballot, listing all candidates for each contested office in alphabetical order, together with instructions for use and return of the ballot, to be distributed to all agency members on or before September 15. All ballots to be counted must be returned to the Secretary of the Forum on or before September 25. The ballots so received shall be opened and counted by the Nominating Committee at a time and place designated by it, notice of which shall have been given to each candidate so that the candidate or a representative designated by the candidate may be present. The candidate for each contested office who has received a plurality of the votes cast for the office shall be certified by the Nominating Committee to the President to be the person duly elected to that office for the ensuing membership year.

Section 4. Uncontested Elections. Any candidate who is duly nominated for an elective office and not opposed shall be certified by the Nominating Committee as being duly elected to the office for which nominated for the ensuing membership year.



**Section 5. Eligibility for Office.** After year 1, no person may run for office who is not a member of the Executive Committee or is not actively serving as a member of at least one committee during the fiscal year.