

**BYLAWS OF THE EMPLOYMENT AND LABOR LAW SECTION
OF THE SOUTH CAROLINA BAR**

**ARTICLE I
Name and Purpose**

Section 1. This Section shall be known as the Employment and Labor Law Section of the South Carolina Bar.

Section 2. The purpose of this Section shall be to promote and further the objectives of the South Carolina Bar within the particular fields of law indicated by the name of the Section, and to that end, to further the development, study and administration of employment and labor law.

**ARTICLE II
Membership**

Section 1. Each member of the Section shall pay to the South Carolina Bar annual Section dues of \$15.00. The Council, at any regular meeting, may change the annual section dues to the extent determined necessary. Any such change in Section dues must be approved by the House of Delegates of the South Carolina Bar. Thereafter, said dues shall be paid in advance each year, beginning on the January 1st next succeeding each enrollment. Any member of this Section whose annual dues shall be more than seven months past due shall thereupon cease to be a member of this Section. Members so enrolled and whose dues are so paid shall constitute the membership of this Section. Anyone becoming a new member after November 1st of any year shall, upon payment of one full year's dues, be credited as paid through December 31st of the following year.

Section 2. Voting and privileges of the floor at any meeting of the Section shall be limited by the Bylaws of the South Carolina Bar to members in good standing as of thirty (30) days prior to the opening day of that meeting, as determined by the membership list, certified to the Section Secretary, by the Executive Director, such list to be open for inspection at any meeting for which it is certified.

**ARTICLE III
Officers**

Section 1. The officers of this Section shall be a Chair, a Chair-Elect, a Vice Chair and a Secretary.

Section 2. There shall be a Council, the voting membership of which shall consist of the Chair, Chair-Elect, Vice Chair, Secretary, the Immediate Past Chair, the Committee Chairs, and Section representative to the House of Delegates.

Section 3. The Chair-Elect, Vice Chair, and Secretary shall be nominated and elected, in manner hereinafter provided, at each annual meeting of this Section, to

hold office for one year beginning July 1st and ending June 30th, and until their successors shall have been elected and qualified. No officer shall succeed himself or herself in the same office except that person may hold the office of Secretary for not more than two successive one-year terms.

Section 4. Any vacancy existing in membership on the Council shall be filled by the Council until the next annual meeting at which time the membership shall elect a replacement member. Such replacement member shall serve only to the end of the term to which his or her predecessor was elected.

Section 5. If any elected member of the Council shall fail to attend three successive meetings of the Council, and such failure has not been excused for cause by the Chair or the majority vote of the Council, the Chair may, by letter to all Council members, declare such member to have automatically resigned and he or she shall be replaced for his or her unexpired term as provided in Section 4 of this Article.

Section 6. At the end of his or her term the Chair-Elect shall automatically assume the office of Chair and thereupon the immediately retiring Chair shall become and remain a member of the Council for the ensuing year.

ARTICLE IV **Nomination and Election**

Section 1. Not later than June 30th of each year, the Council shall meet and nominate Officers, Council Members, Committee Chair and Section Delegate for the ensuing year. The nominations proposed shall be by the concurring vote of not less than the majority of the members of the Council, shall be published in the *South Carolina Bar News*, or otherwise mailed or communicated to the membership through U.S. mail, email, posting to the Website generally accessible to the membership, or any other method permissible under the South Carolina Bar rules and policies.

Section 2. No later than September 1st not less than ten members of this Section, in good standing, may file, by mail, with the Chair of this Section a petition containing signatures and printed names and addresses of the Section members nominating a candidate for one or more of the offices to be filled. Such petitions must be accompanied by the written consent of any person nominated. Nominations will be closed on September 2nd.

Section 3. All elections may be by written ballot unless otherwise ordered by resolution duly adopted by the Section at its annual meeting at which the election is held. Should there be more than two nominations for any one office, that candidate receiving the highest vote shall be declared elected. If two candidates receive an equal number of the votes cast, the Council in office at the time of the election shall, by majority vote, declare the winner.

Section 4. At the completion of a term, the Immediate Past Chair continuing as a member of the Section in good standing, shall become the Section Delegate to the House of Delegates for a one-year term. If for any reason an Immediate Past Chair cannot serve, a nominee for Section Delegate to the House of Delegates may be

nominated and elected in the same manner as Council Members. Any Section Delegate to the House of Delegates may be elected to succeed him or herself.

ARTICLE V **Duties of Officers**

Section 1. Chair. The Chair shall be the Chief Executive Officer of the Section during his or her term of office, and, in the carrying out of his or her administrative duties, shall make all such appointments to the general committees and be possessed of such authority as is customarily associated with such office. The Chair, or successively the Chair-Elect or Vice Chair in the absence of the Chair, shall preside at all meetings of the Section and of the Council.

Section 2. Chair-Elect. Upon the death, resignation or during the disability of the Chair, or upon his or her refusal to act, the Chair-Elect shall perform the duties of the Chair for the remainder of the Chair's term, except in case of the Chair's disability, and then only during so much of the term as the disability continues.

Section 3. Vice Chair. Upon the death, resignation or during the disability of the Chair-Elect, or upon his or her refusal to act, the Vice Chair shall perform the duties of the Chair-Elect for the remainder of the Chair-Elect's term, except in case of disability of the Chair-Elect, and then only during so much of the term as the disability continues.

Section 4. Secretary. The Secretary shall keep a true record of the proceedings of all meetings of the Section and of the Council. He or she, in conjunction with the Chair, as authorized by the Council, shall attend generally to the business of the Section and he or she shall review the record of all monies appropriated to and expended for the use of the Section.

ARTICLE VI **Duties and Powers of the Council**

Section 1. The Council shall have the general supervision and control of the affairs of the Section, subject to the provisions of the Constitution and Bylaws of the South Carolina Bar and the Bylaws of the Section. It shall authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditures of all monies appropriated for the use or benefit of the Section. It shall not, however, authorize commitments or contracts which shall exceed the estimated receipts from dues, sales of Section publications, and appropriations of the Section for such fiscal year, provided, however, that the balance of the reserve fund credited to the Section shall be available for use by Council.

Section 2. A majority of the Council shall constitute a quorum for the transaction of business.

Section 3. The Council may authorize the Chair 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 Constitution and Bylaws of the South Carolina Bar.

Section 4. Any action required or permitted to be taken at any meeting of the Council may be taken without a meeting, if, prior to such action, a written consent or consents thereto have been filed with the Chair and signed by a majority of all members of the Council and such consent or consents are filed by the Secretary with the proceedings of the Council.

Section 5. The Council shall fill interim vacancies in the office of Chair, Chair-Elect, Vice Chair, Secretary, or Section Delegate among their own members.

Section 6. The Council shall have complete authority to act on behalf of and to bind the Section on any and all matters arising between meetings of the Section.

Section 7. The Council may authorize such committees as it deems necessary or desirable to carry out the activities and work of the Section, may terminate any of such committees as circumstances warrant, and may appoint such special committees as herein provided.

ARTICLE VII

Meetings

Section 1. An annual meeting of the Section may be held at a date and time determined by the Chair, with such program and order of business as may be arranged by the Council not inconsistent, or in conflict, with any program or directive of the South Carolina Bar.

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

Section 3. The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

Section 4. All binding actions of the Section shall be by a majority vote of the members present.

ARTICLE VIII

Motions-Resolutions-Procedures

Section 1. Limitation on Speaking. No person, except an invited speaker, shall speak in any meeting of the Section more than five minutes at a time nor more than twice on one motion or resolution.

ARTICLE IX
Miscellaneous Provisions

Section 1. The fiscal year of the Section shall be the same as that of the South Carolina Bar.

Section 2. All bills incurred by the Section before being forwarded to the Executive Director of the South Carolina Bar for payment, shall be approved by the Council or its designated representative.

Section 3. Any action by this Section pertaining to legislation, or South Carolina Bar policy, or public policy, must be approved by the Board of Governors or House of Delegates of the South Carolina Bar before the same becomes effective as the action of the South Carolina Bar.

Section 4. The Chair shall have the right and responsibility to keep good order and run the meeting of the Section in such a manner as to allow all person eligible to speak equal opportunity to do so.

ARTICLE X
Amendments

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 not be inconsistent with the Constitution and Bylaws of the South Carolina Bar. Such amendment, however, will not become effective until it has been approved and ratified by the House of Delegates of the South Carolina Bar.

Approved at the HOD meeting on January 19, 2012.