FRANKLIN-MCKINLEY EDUCATION ASSOCIATION/CTA/NEA BYLAWS

I. NAME AND LOCATION

The name of this Association shall be the Franklin-McKinley Education Association/CTA/NEA in Santa Clara County.

II. PURPOSES

The primary purposes of this Association shall be:

A. To represent its members in their relations with their employer, and to seek to be the exclusive representative of appropriate units of school employees in all matters relating to employment conditions and employer-employee relations including, but not limited to, wages, hours, and other terms and conditions of employment;
B. To form a representative body capable of developing group opinion on professional matters to speak with authority for teachers;
C. To provide an opportunity for continuous study and action on problems of the profession;
D. To provide a means of representation for its ethnic-minority members;
E. To promote professional attitudes and ethical conduct among members;
F. To encourage cooperation and communication between the profession and the community; and
G. To foster good fellowship among members.

III. AFFILIATION WITH THE CTA/NEA

A. The Franklin-McKinley Education Association shall be a chartered chapter of the California Teachers Association (CTA).
B. The Franklin-McKinley Education Association shall be an affiliated local association of the National Education Association (NEA).

IV. MEMBERSHIP

A. Categories of Membership. There shall be ***two categories of membership in the Association: Active and Associate***

1. Active membership shall be open to any person who is engaged in or who is on limited leave of absence from professional education work, is an employee of Franklin-McKinley School District, and whose primary assignment in such as not to hold supervisory responsibility over other certificated employees to such an extent as not to be represented in the negotiations process by the teacher bargaining unit.

2. Associate membership shall be open to any person who has retired from a certificated position within Franklin-McKinley School District and who does not hold supervisory responsibility over other certificated employees to such an extent as not to be represented in the negotiations process by the teacher bargaining unit.

B. Membership may be granted upon initiation of payroll deduction or upon payment of annual Chapter/CTA/NEA dues appropriate to the class of membership.

C. The right to vote and hold elective office or appointive position within the Association shall be limited to Active members.

D. Active members shall be eligible to vote in all elections, hold elective office or appointive position, receive special services, obtain assistance in the protection of professional and civil rights, and receive reports and publications of the Association.

E. An individual who is serving as a negotiator for a public school employer shall not be eligible for membership in the Association.

F. Active members shall adhere to The Code of Ethics of the Education Profession.

G. The rights to and privileges of membership shall not be abridged in any way because of age, sex, race, color, ethnic group, marital status, national origin or sexual orientation.

H. No member of the Association may be disciplined without a due process hearing which shall include the established appellate procedure.

I. The membership year shall be that period of time from September 1 of any given calendar year through August 31 of the following calendar year, inclusive.

V. DUES, FEES, AND ASSESSMENTS

A. The basic annual dues level for Active members, and representation fee for non-members represented in the bargaining unit, shall be sufficient to cover the operating expenses of the Association, the dues of CTA, and the dues of NEA.

B. The Association's portion of the basic annual dues, and the representation fee for non-members, shall be established by the action of the Representative Council at the last regular meeting of the school year.

C. The chapter (local) shall apportion any negotiated representation fee or organizational security fee on the same percentage basis as the Chapter/CTA/NEA dues.

D. Membership in a given class or category shall be continuous after initial enrollment until delinquent or until a change in professional status shall make the member ineligible for that class or category. If by October 31 of any calendar year a member has not paid the established annual membership dues for the current membership year, or made satisfactory arrangements for payment, then that person's membership shall be considered delinquent and the name dropped from the rolls.

VI. POLICY-MAKING BODY

A. The policy-making body of the Association shall be a Representative Council. The Representative Council, comprised of members of the Association, derives its powers from and shall be responsible to the membership.

B. The Representative Council shall be composed of the following Active members:

1. Executive Board, ex-officio;

2. Faculty Representatives elected on the basis of one-person one-vote;

C. The Representative Council shall:

1. Establish Association policies and objectives;

2. Adopt the annual budget of the Association on or before the first meeting of the school year;

3. Approve the establishment or discontinuance of committees recommended by the Executive Board; and

4. Establish the dues of the Association.

D. The Representative Council shall meet at least once during each school month; the number, place and time of meetings to be decided by the Executive Board.

E. Special meetings of the Representative Council may be called by the President, the Executive Board, or by the petition of twenty percent (20%) of the membership.

F. Special meetings of the Representative Council shall be called for a specific purpose and no business other than that for which the meeting is called may be transacted.

G. Notices and agendas for all meetings of the Representative Council shall be sent to all members of the Representative Council at least two days prior to the date of the meeting.

H. For emergency meetings of the Representative Council during crisis situations, the Executive Board shall adopt procedures to notify representatives of meeting dates, places, and times.

I. A quorum for all meetings of the Representative Council shall consist of a majority of all voting members of the Representative Council.

J. Members of the Representative Council shall serve a term of one (1) year.

VII. FACULTY REPRESENTATIVES

A. Faculty representatives shall be elected by and from the Active membership for each faculty group. Such election shall be by open nominations and by secret ballot.

B. Each faculty shall be entitled to at least one representative.

C. Active members who are not represented through an individual school faculty group shall be counted as a special faculty group entitled to the same representation on the Representative Council as individual school faculty groups.

D. Vacancies: Vacancies in the office of Representative for whatever cause may be filled by properly elected or appointed replacements.

E. Faculty Representatives shall:

1. Conduct constant and ongoing liaison between the Representative Council and the Active members of the faculty unit;

2. Serve as the official channel through which written communications and publications can be easily and quickly transmitted between the Association and the Active members;

3. Represent the views and input of the Active membership of the faculty in votes taken in the Representative Council, conducting frequent or regular polls of such membership for this purpose; and

4. Perform such additional duties as prescribed by the Executive Board.

F. A Faculty Representative may not conduct an election in which he/she is a candidate.

VIII. OFFICERS

A. The officers of the Association shall be a President, a Vice-President, a Secretary, and a Treasurer.

B. These officers shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to service in their respective positions during their terms of office.

C. These officers shall be elected by and from the Active membership of the Association. Such election shall be by open nominations and secret ballot.

D. Officers shall be elected for a term of one (1) year, commencing on the first day of August of any calendar year.

E. A vacancy shall be deemed to exist in the case of death, resignation, or inability to serve in any of the offices of the Association. If there is a vacancy occurring in the office of the President, the Vice-President shall assume the office. In the event a vacancy occurs in the other offices, a special election shall be held to elect successors to fill the unexpired terms.

F. The President shall be the chief executive officer of the Association and its policy leader. The President shall be a full-time certificated staff

member in Franklin-McKinley School District and shall be on full-time release from classroom duties. The President and shall dedicate full time attention to the needs of the association. The association shall compensate the President at the president's current salary and step level on the district salary schedule.

The President shall:

1. Preside at all meetings of the Association, the Representative Council and the Executive Board;

2. Prepare the agenda for the meetings of the Association, the Representative Council and the Executive Board;

3. Be the official spokesperson for the Association;

4. Be familiar with the governance documents of the Association, CTA, and NEA;

5. Appoint all chairpersons and members of committees, and the bargaining team, with the approval of the Executive Board;

6. Call meetings of the Association and the Executive Board;

7. Suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association;

8. Attend meetings of the Service Center Council of which the Associations is a part, and

9. Attend other CTA/NEA meetings as directed by the Representative Council.

G. The Vice-President shall:

1. Serve as assistant to the President in all duties of the President;

2. Assume the duties of the President in the absence of the President;

3. Be responsible for the formation and distribution of the Association's calendar of activities, and

4. Serve as coordinator of committee activities at the direction of the President.

H. The Secretary shall:

1. Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, Representative Council, and the Executive Board;

2. Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to members or the Representative Council and Executive Board, and to the membership when appropriate;

3. Keep an accurate roster of the membership of the Association and of all committees; and

4. Carry on the correspondence pertaining to the affairs of the Association as directed by the President; and

I The Treasurer shall:

1. Receive all funds belonging to the Association and be responsible for their safekeeping and accounting;

2. Pay out such funds upon orders of the President;

3. Prepare a written financial report for each regular meeting of the Representative Council and Executive Board;

4. Be responsible for an annual audit of the books of the Association and distributing a summary of this audit to the membership; and

5. Submit membership and financial reports to CTA, NEA, and other agencies as required by law.

IX. EXECUTIVE BOARD

A. The Executive Board shall be composed of the officers and three (3) members elected at large from the membership, as long as this complies with the “one-person-one-vote” rule.

B. All members of the Executive Board shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to and service in this position.

C. The at-large members of the Executive Board shall be elected with open nominations and by secret ballot.

D. The at-large members of the Executive Board shall be elected for a term of three (3) year(s), commencing on the first day of August of any calendar year.

E. Vacancies in the position of at-large members of the Executive Board shall be deemed to exist in the case of death, resignation, or inability to serve in this position. If there is a vacancy occurring in this position, a special election to fill the vacancy shall be held within thirty days.

F. The Executive Board shall meet before each regular meeting of the Representative Council and at such other times as the President may deem necessary, or upon written petition of a majority of the members of the Executive Board.

G. The duties of the Executive Board shall be to:

1. Coordinate the activities of the Association;

2. Act for the Representative Council when school is not in session;

3. Direct the bargaining activities and grievance procession of the Association, subject to policies set by the Representative Council;

4. Approve appointment and removal of bargaining team members;

5. Recommend a budget for the Association to the Representative Council;

6. Approve all appointments to committees, including chairpersons;

7. Adopt the Standing Rules for the Association;

8. Adopt grievance procedure;

9. Direct the grievance activities of the Association; and

10. Exercise all the business and organizational powers and duties for the Association as prescribed by law and these bylaws,

subject to any restrictions that may be imposed by the Representative Council.

H. A quorum for all meetings of the Executive Board shall consist of a majority of the members of that body.

X. MEETINGS OF THE GENERAL MEMBERSHIP:

A. Meetings of the Association may be called by the President, the Executive Board, or by written petition of twenty percent (20%) of the membership.

B. Notices of the Association meetings including date, place, time, and purpose of the meeting shall be made available to all members of the Association at least two days before the meeting except during crisis situations.

C. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify the Association membership of meeting dates, places and times.

D. A quorum for meetings of the Associations shall be a majority of the active membership.

XI. BARGAINING TEAM

A. The President shall appoint all members, alternates and the chairperson of the Bargaining Team with the concurrence of the Executive Board.

B. Vacancies created by resignation or inability to serve shall be filled by the Executive Board from the list of alternates.

C. The Executive Board, by two-thirds (2/3) majority, may remove a member of the Bargaining Team.

D. The Bargaining Team shall be under the direction of the Executive Board, and shall report its activities to the Executive Board, as the Board requires.

E. The duties of the Bargaining Team are to represent and to bargain for the bargaining unit.

F. Responsibility and authority for directing the bargaining process on behalf of the Association are vested in the Executive Board subject to policies established by the membership.

G. Employees in each appropriate bargaining unit shall be surveyed to determine contents of the proposed contract demands, and the contract proposal for each appropriate unit shall be approved by Association members in that unit.

H. The Executive Board shall provide for the dissemination of information regarding bargaining and the activities of the Bargaining Team to the general membership.

I. Agreements reached between the Bargaining Team and the school board or its representatives shall be considered tentative and not binding upon the Association until such agreements have been ratified by the membership in the appropriate units unless such ratification shall have been specifically waived or otherwise delegated by that membership.

XII. GRIEVANCE PROCESSING

A. The Executive Board shall adopt, with the approval of the Representative Council, the procedures for the grievance processing.

B. These procedures shall include, but are not limited to, the following:

1. Provide for representation to assist all members of the bargaining unit(s) in processing grievances;

2. Training for handling grievances; and

3. Evaluation of the Association's grievance policies and procedures.

XIII. NOMINATIONS AND ELECTIONS

A. There shall be an appointed Elections Committee.

B. Elections shall be conducted with:

1. Open nomination procedure;

2. Secret ballot;

3. All Active member vote;

4. Record of voters receiving or casting ballots;

5. Majority vote, unless otherwise specified.

C. State Council Representative elections shall be conducted in accordance with CTA guidelines after the chapter or service center council has been notified to do so by the CTA Elections Committee.

D. NEA State Delegate elections shall be conducted in accordance with CTA guidelines.

E. NEA Local Delegate elections shall be conducted in accordance with NEA/CTA guidelines.

F. The duties of the Elections Committee shall be to:

1. Ensure that all chapter/CTA/NEA election codes and timelines are followed;

2. Establish election timelines;

3. Develop and carry out timelines and procedures;

4. Prepare ballots for election of officers and such other elections as may be necessary;

5. Count the ballots and certify the results;

6. Handle initial challenges.

XIV. COMMITTEES

A. Committees, except as otherwise provided in these bylaws, may be established and discontinued by the Executive Board, subject to approval by the Representative Council.

B. Each committee shall submit periodic reports to the Executive Board and Representative Council.

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XV. PARLIAMENTARY AUTHORITY

Robert's Rules of Order, Newly Revised, latest edition, shall be followed at all meetings of the Association, the Representative Council, and the Executive Board.

XVI. AMENDMENTS/PROCEDURES:

These Bylaws may be amended by a two-thirds (2/3) vote of the representatives at any regular or special meeting of the Representative Council. Notice in writing of a proposed Bylaws amendment shall have been submitted to the Secretary and provided to members of the Representative Council at the meeting preceding the one at which it is to be voted upon.

XVII. SUSPENSION OF BYLAWS OR PROCEDURES

In extra-ordinary circumstances, specific and individual requirements of these Bylaws may be temporarily suspended by a two-thirds (2/3) vote of a quorum of representatives at any regular or special meeting of the Representative Council. Notice in writing of a proposed Bylaws suspension shall have been submitted to the Secretary and provided to members of the Representative Council at least two days prior to the regular or special meeting at which it is to be voted upon.