

EAST SIDE TEACHERS ASSOCIATION CTA/NEA

CONSTITUTION AND BYLAWS

ARTICLE I NAME AND LOCATION

The name of this Association shall be the East Side Teachers Association CTA/NEA in Santa Clara County of California.

ARTICLE II PURPOSES

The primary purposes of this Association shall be:

- A. To represent its members in their relations with their employer, and to be the exclusive representative of appropriate units of school employees in all matters relating to employment conditions and employee-employer 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 actions on problems of the profession.
- D. To promote professional attitudes and ethical conduct among members.
- E. To encourage cooperation and communication between the profession and the community.
- F. To foster good fellowship among members.
- G. To provide a means of representation for ethnic-minority members.
- H. To promote cooperation and communication between educational support professionals and certificated educators.

ARTICLE III AFFILIATION with CTA/NEA

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

ARTICLE IV MEMBERSHIP

- A. There shall be two categories of membership: Active Membership and Associate Membership.
- B. Active Membership shall be open to any person who is engaged in or who is on limited leave from professional educational work, is an employee of East Side Union High School District, and whose primary assignment is such as not to hold evaluative supervisory responsibility over other certificated employees to such an extent as not to be represented in the negotiating process by the teacher bargaining unit.
- C. Associate Membership shall be open to any person who is on a leave of absence of at least six (6) months from the employment that qualifies him or her for Active membership, or who has held Active membership in the Association but whose employment status no longer qualifies him or her for such membership.
- D. Membership may be granted upon initiation of payroll deduction or upon payment of annual Association CTA/NEA dues of, or agreement to pay through regular payroll deductions, annual United Education Profession (UEP) dues appropriate to the class of membership.
- E. Honorary membership may be granted by the Assembly to retired teachers who have been active members of the Association, as prescribed in the standing rules of the Association.
- F. The right to vote and to hold elective office or appointive positions shall be limited to Active members.
- G. All active members shall be eligible to vote in all elections, hold elective office or appointive position, receive special services, to obtain assistance in the protection of professional and civil rights, and to receive reports and publications of the Association.
- H. Active members shall adhere to The Code Of Ethics of the Educational Profession.
- I. The rights to and privileges of membership shall not be abridged in any way because of: age, sex, race, color, ethnic group, national origin, sexual orientation, marital status, or physical handicap.
- J. No member of the Association may be disciplined by the chapter without due process. Due process includes the right to select representation, to present evidence on his/her behalf, to confront and cross-examine his/her accuser and any other witnesses against him/her, and to examine and refute all evidence considered by the hearing panel, whether or not such evidence is presented at a hearing. The member has the right to appeal the decision of the hearing panel to the governing body which shall include the established appellate procedure.

- K. The membership year shall be from September 1 of any particular year through the following August 31, inclusive.
- L. Unless otherwise expressly provided by law, persons who tender agency fees shall have no rights or privileges within this Association.

**ARTICLE V
DUES, FEES, AND ASSESSMENTS**

- A. The basic annual dues for Active members, and Representational Fees for non-members represented in the bargaining unit, shall be sufficient to cover to 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 Representational Fee for non-members shall be established by the Assembly, by majority vote at the May meeting.
- C. Representation Fees shall be apportioned on the same percentage basis as the full Association CTA/NEA dues.
- D. Distribution of revenues shall be provided for in a budget which shall be approved by a majority vote of the Assembly.
- E. Membership shall be continuous after initial enrollment until delinquent or until a change in professional status shall make the member ineligible for membership. If by October 31 of any calendar year a member has neither paid the established annual membership dues for the current membership year, nor made satisfactory arrangements for payment, then that person's membership shall be considered delinquent and the person's name dropped from the membership rolls.
- F. The annual dues in any membership year shall be an amount equal to eight-tenths of one percent (0.8%) of the step 1, column B salary amount taken from Appendix A of the Collective Bargaining Agreement from two years prior.

**ARTICLE VI
POLICY-MAKING BODY**

The Assembly

The governing body of this Association shall be known as the Representational Assembly of the East Side Teachers Association. The Representative Assembly, comprised of Active members of the Association, derives its power from and shall be responsible to the Active membership.

- A. The voting members of the Representational Assembly shall be:
 - (1) Voting members of the Executive Board

- (2) Site Vice-Presidents;
- (3) One representative elected at each unit on the basis of one (1) for each forty(40) Association members, or major fraction thereof, assigned by the District to the site;
- (4) One representative elected at large for each forty(40) members, or major fraction thereof, assigned by the District to Specialized Units, as approved by the Assembly;
- (5) Local delegates to the NEA Representative Assembly
- (6) State Council Representatives

B. The non-voting members of the Representational Assembly shall be:

- (1) All current members of the Negotiating Team;
- (2) All current chairs of Standing Committees;
- (3) Any members who hold elected CTA/NEA offices

C. The Representative Assembly 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 Assembly 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 Assembly may be called by the President, the Executive Board, or by the petition of twenty percent (20%) of the Active membership.

F. Special meetings of the Representative Assembly 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 Assembly shall be sent to all members of the Representative Council at least two (2) days prior to the date of the meeting.

H. For emergency meetings of the Representative Assembly 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 Assembly shall consist of a majority of all voting members of the Representative Council.

J. All members have the right to attend any meeting of the Assembly, and may request the privilege of addressing the Assembly on any matter included in the agenda, at the discretion of the President.

K. All members who wish to present concerns to the Assembly must register with the General Secretary prior to the meeting.

Article VII REPRESENTATIVES

- A. 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. Representatives shall serve a term of 2 year(s).
- C. Each faculty, site or site unit shall be entitled to at least one representative and shall have one representative for each 40 Active members on the staff, or major fraction thereof.
- D. Active members who are not represented through an individual school group shall be counted as a special faculty group entitled to the same representation on the Representative Assembly as individual school faculty groups.¹
- E. Vacancies: Vacancies in the office of Representative for whatever cause may be filled by properly elected replacements.
- F. Representatives shall:
 - 1. Conduct constant and ongoing liaison between the Representative Assembly and the Active members of the faculty/site unit;
 - 2. Serve as the official channel through which written communications and publications can be easily and quickly transmitted between the Association and the members;
 - 3. Represent the views and input of the Active membership in votes taken in the Representative Assembly, conducting frequent and regular polls of such membership for this purpose; and
 - 4. Perform such additional duties as prescribed by the Executive Board.
- G. A Representative shall not conduct an election in which he/she is a candidate.

ARTICLE VIII EXECUTIVE OFFICERS

- A. The Executive Officers of the Association shall be a President, Vice-President, General Secretary, and Treasurer.
- B. These Executive Officers shall be and remain currently paid-up local, state, and national active members as a condition for nomination to and service in their respective positions during their terms of office.
- C. These Executive Officers shall be elected by and from the active membership of the Association. Such election shall be by open nomination and secret ballot, in accordance with adopted election procedures.

¹ Where school district organizational structure does not make a single grouping convenient, then adapt to two or more groups, as your local situation requires. Note: For Higher Education chapters – adapt as your needs require, e.g., Dept. Reps., et al.

- D. Executive Officers shall be elected for a term of two (2) years, commencing on August 1st following the election. A person may be re-elected to the same office for a maximum of five (5) full consecutive terms. At least one term must elapse before he/she becomes eligible for election to the office again.
- 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. In the event of a vacancy occurring in the office of 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:

1. Preside at all meetings of the Association, the ESTA Assembly, and the Executive Board;
2. Prepare the agenda for each meeting of the Association, the ESTA Assembly, 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, with the approval of the Executive Board, by the first Executive Board meeting of each school year;
6. Appoint the chairperson and members of the Bargaining Team with the approval of the Executive Board by the first Executive Board meeting of each school year;
7. Call meetings of the Association, the ESTA Assembly, and the Executive Board;
8. Propose the procedures for grievance processing for ratification by the Executive Board and the Assembly;
9. Suggest policies, plans, and activities for the Association and to be held responsible for the progress and work of the Association;
10. Attend meetings of the Service Center Council of which the Association is a part; and attend other CTA/NEA meetings as directed by the ESTA Assembly, including the NEA Representational Assembly with delegate status.
11. Be a liaison between the Association and the East Side Union High School District Board

12. Attend meetings of the East Side Union High School District Board of Trustees.

13. Contact all Agency Fee Payers annually for the purpose of recruitment.

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 his/her absence.
3. Be the coordinator of the Association's calendar.
4. Act as coordinator of all committees and to assist them in the proper formulation of proposals for consideration by the Assembly.
5. Serve as ex-officio member for all committees, except as otherwise provided in the Standing Rules.

H. The General Secretary shall:

1. Keep detailed minutes of the proceedings of each meeting, regular or special, and attendance of the Association, the ESTA Assembly, and the Executive Board
2. Be responsible for distribution of all notices, agendas, and minutes of meetings to members of the ESTA Assembly and Executive Board and 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.

I. The Treasurer shall:

1. Collect and deposit in a financial institution designated by the Assembly all funds received by and belonging to the Association.
2. Pay out such funds upon order of the President;
3. Provide a written financial report for each regular ESTA Assembly and Executive Board
4. Be responsible for an annual audit of the books of the Association and distributing a summary of this audit and;

5. Be responsible for submitting membership and financial reports to CTA, NEA and other agencies as required by law

ARTICLE IX EXECUTIVE BOARD

- A. The voting members of the Executive Board shall consist of the Officers and the site presidents. The non-voting members of the Executive Board shall consist of the Chair of the Negotiating Team, and the chair of the Grievance Committee.
- 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 their respective positions.
- C. Executive Board shall meet prior to each regular meeting of the ESTA Assembly and at such other times as the President may deem necessary or upon written petition of the majority of the voting members of the Executive Board. The ESTA Assembly and the Executive Board may meet jointly as adopted by the annual meeting calendar.
- D. Each local unit in the district, as defined in Article VII, Section 2 of these Bylaws, shall elect a Site President for each 100 members or major fraction thereof assigned to that site. No such site shall have less than one site President.
- E. In the event there is more than one Site President per site, the leading vote getter shall be designated "President" and the other(s) shall be "Co-President".
- F. The District Office and each site with a Principal shall be entitled to have one or more Site Presidents and one Site Vice President.
- G. The term of office of Site Presidents as described in this section shall be two years, commencing on January 1 and ending on December 31.

SECTION 2. Functions and Duties

- A. The duties and the responsibilities of the Executive Board are:
 1. Coordinate the activities of the Association;
 2. Act for the Representative Assembly when school is not in session;
 3. Direct the bargaining activities of the Association, subject to policies established by the ESTA Assembly;
 4. Approve by majority vote appointment and by two-thirds (2/3) vote removal of bargaining team members;
 5. Recommend a budget for the Association to the Representative Assembly;
 6. Approve by majority vote all appointment and removal of committee members, 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 Assembly.
- B. A quorum for all meetings of the Executive Board shall consist of a majority of the elected members of that body.

ARTICLE X GENERAL MEETINGS OF THE ASSOCIATION

- A. A general meeting of all members of the Association may be called by the President, the Executive Board or written petition of twenty percent (20%) of the active membership.
- B. Notice 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 E-Board shall adopt procedures to notify the Association membership of meeting dates, places, and times
- D. A quorum for meetings of the Association shall be 33 percentage of the Active membership.

ARTICLE XI BARGAINING TEAM

- A. The duties of the Bargaining Team are to represent and to bargain for all bargaining unit members.
- B The President shall appoint all members, alternates, and the chairperson of the Bargaining Team with the concurrence of the Executive Board.
- C. Vacancies created by the resignation or inability to serve shall be filled by the Executive Board from the list of alternates.
- D. The Executive Board, by a two-thirds (2/3) vote may remove a member of the Bargaining Team.
- E. 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 the ESTA Assembly.

- F. Responsibility for and authority for directing the bargaining process on behalf of the Association is vested in the Executive Board, subject to policies established by the active membership. The E-Board is distinct from the Bargaining Team
- G. The Bargaining Team shall report its activities to the Executive Board and Assembly in such form and with such frequency as the Executive Board and Assembly may require.
- 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. The Bargaining Team is empowered to reach tentative agreements with the district. Such agreements made between the Bargaining Team and the District or its representative shall be considered tentative until ratified by the membership in accordance with adopted election procedures, unless such ratification shall have been specifically waived or otherwise delegated by that Active membership.

**ARTICLE XII
GRIEVANCE PROCESSING**

- A. The Executive Board shall adopt, with the approval of the ESTA Assembly the procedures for 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

**ARTICLE XIII
NOMINATIONS AND ELECTIONS**

The Chapter shall follow and members are entitled to the rights contained in the *CTA Requirements for Chapter Election Procedures* published annually with the *CTA Elections Manual*. The chapter president must provide Active members an opportunity to vote in all elections.

Chapter Presidents do not have the option of deciding whether an election shall be held. [1]

- A. There shall be an appointed Elections Committee.
- B. Elections shall be conducted with:
 - 1. Open nomination procedure;
 - 2. Secret ballot;

3. All Active members vote;
4. Record of voters receiving or casting ballots; and
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 CTA/NEA guidelines.

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

1. Ensure that all Association/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; and
6. Handle initial challenges.

ARTICLE 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 ESTA Assembly.

B. Each committee shall submit periodic reports to the Executive Board and ESTA Assembly

ARTICLE XV PARLIAMENTARY AUTHORITY

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

ARTICLE XVI AMENDMENTS

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 (Secretary-Treasurer) and provided to members of the Representative Council at the meeting preceding the one at which it is to be voted upon.

ARTICLE XVII STANDING RULES

- A. Purpose: Standing Rules of this Association will provide such additional procedures and information as may be necessary to provide for the interpretation and administration of these Bylaws and for efficient administration of the program of the Association.
- B. Adoption: The ESTA Assembly at a regular meeting, by a majority vote, shall have the power to propose and/or amend such Standing Rules or amendments to them.