

# BYLAWS

## CERES UNIFIED TEACHERS ASSOCIATION/CTA/NEA

### I. NAME AND LOCATION

The official name of this Association shall be the CERES UNIFIED TEACHERS Association/CTA/NEA in Stanislaus County.

### II. PURPOSES

The primary purpose 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 members;
- C. To provide an opportunity for continuous study and action on problems of the profession;
- D. To promote cooperation and communication between education support professionals and certificated educators;
- E. To provide a means of representation for its ethnic-minority members;
- F. To promote professional attitudes and ethical conduct among members;
- G. To encourage cooperation and communication between the profession and the community; and
- H. To foster good fellowship among members.

### III. AFFILIATION WITH CTA/NEA

- A. Ceres Unified Teachers Association (CUTA) shall be a chartered chapter of the California Teachers Association (CTA).
- B. The Ceres Unified Teachers Association shall be an affiliate local association of the National Education Association (NEA).

### IV. MEMBERSHIP

- A. The primary category of membership shall be Active members.
- B. Active membership shall be open to any person who is engaged in or who is on limited leave of absence from professional educational work, is an employee of Ceres Unified School district(s), and whose primary assignment is such as not to hold evaluative responsibility over other employees to such an extent as not to be represented in the negotiations process by the bargaining unit.
- C. Membership may be granted upon initiation of payroll deduction or upon payment of annual CUTA/CTA/NEA dues and completion of CTA/NEA application.

- D. The right to vote and to hold elective office or appointive position within the Association shall be limited to Active members.
- E. Members shall receive special services, obtain assistance in the protection of professional and civil rights, and receive reports and publications of 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 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.
- I. The membership year shall be that period of time from August 1 of any given calendar year through July 31 of the following calendar year, inclusive. The membership year for members on a year round calendar shall be that period of time from July 1 of any given calendar through June 30 of the following calendar year, inclusive.
- J. Unless otherwise expressly provided by law, persons who tender agency fees shall have no rights or privileges within this Association.
- K. An individual who is serving as a negotiator for a public school employer shall not be eligible for membership in the Association.

#### 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 operation expenses of the Association, the dues of CTA, and the dues of NEA.
- B. Members shall pay CTA/NEA dues which are indexed at the average teacher's salary in the state. CUTA dues are partially indexed on the average salary in Stanislaus County, plus \$22.00.
- C. The Association's portion of the basic annual dues, and the representation fee for non-members, shall be established by action of the Representative Council of the Association at the last regular meeting of the school year.
- D. The Association shall apportion any negotiated representation fee on the same percentage basis as the full Association/CTA/NEA dues.
- 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 name dropped from the rolls.
- F. Proof of dues payment shall be a current CTA membership card or a current completed member's copy of the membership application form.

- G. From the dues as stated in Section V.B above, these categories shall be computed as established below:
1. Category 1 – Full dues for those members whose teaching assignment is more than 50% of a normal assignment.
  2. Category 2 – 40% dues for those members whose teaching assignment is greater than 1/3, but 60% or less than a normal assignment.
  3. Category 3 – 20% dues for members whose teaching assignment is 1/3 or less than a normal assignment.

#### VI. POLICY-MAKING BODY

- A. The policy-making body of the Association shall be a Representative Council. The Representative Council, comprised of Active members of the Association, derives its powers from and shall be responsible to the Active membership.
- B. The Representative Council shall be composed of the following Active members:
1. Voting members of the Executive Board;
  2. Elected Officers of the Association
  3. Board of Directors
  4. Representatives elected on the basis of one-person one-vote;
  5. CTA State Council representatives, if any
  6. Chairpersons of the Grievance and Negotiations Committees
- 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;
  4. Establish the dues of the Association;
  5. Make recommendation to be acted upon by the membership;
  6. Approve all minutes, polls, or other publications in order to clarify communication to the members of the Association;
  7. Recommend the Standing Rules of the Association; and
  8. Foster favorable relations and attitudes between the membership and the community.
- D. The Representative Council shall meet at least once during each school month from August through May of the school year; 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 Active 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 (2) 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.

## 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 1 (one) school year beginning in August of the school year.
- C. Each faculty, site or site unit shall be entitled to at least one representative and shall have one representative for each 20 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 Council as individual school faculty groups.
- E. 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 Council and the Active members of the faculty/site unit;
  - 2. Hold a meeting of members at individual sites at least once each month of the traditional school year, or more often at the discretion of the Representative(s).
  - 3. Serve as the official channel through which written and/or electronic communications and publications can be easily and quickly transmitted between the Association and the members;
  - 4. Represent the views and input of the Active membership in votes taken in the Representative Council, conducting frequent and regular polls of such membership for this purpose; and
  - 5. 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.

## VIII. OFFICERS

- A. The officers of the Association shall be a President, a 1<sup>st</sup> Vice- President, a 2<sup>nd</sup> Vice President a Secretary, a Parliamentarian, a Treasurer, and the Immediate Past President.

- B. There shall be a Board of Directors consisting of three members elected from the membership-at-large for a term of three years – one new member to be elected each year.
- C. These 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.
- D. These officers shall be elected by and from the Active membership of the Association. Such election shall be by open nominations and secret ballot.
- E. Officers shall be elected for a term of 1 year(s), commencing immediately following the May Representative Council meeting.
- F. 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 1<sup>st</sup> 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.
- G. 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 Representative Council and Executive Board and in every way endeavor to promote the interests and purpose of the Association;
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 with the approval of the Executive Board by the beginning of each school year;
6. Appoint the chairperson and members of the Bargaining Team with the approval of the Executive Board by the beginning of each school year;
7. Call meetings of the Association, Representative Council and the Executive Board;
8. Propose the procedures for grievance processing for ratification by the Executive Board and the Representative Council;
9. Suggest policies, plans and activities for the Association and 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;
11. Attend other CTA/NEA meetings as directed by the Representative Council; and
12. Has no power, as an individual or as President, to commit the Association to any action or point of view without the express consent of the Representative Council or majority vote of the members.

The 1<sup>st</sup> Vice-President shall:

13. Serve as assistant to the President in all duties of the President;
14. Assume the duties of the President in the absence of the President;
15. Be responsible for the formation and distribution of the Association's calendar of activities; and
16. Serve as coordinator of committee activities at the direction of the President.

The 2<sup>nd</sup> Vice President shall:

17. In the absence of the President and 1<sup>st</sup> Vice President, shall assume the duties of the President.
18. Serve as chairperson of the legislative committee.

The Secretary shall:

19. Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, Representative Council, and the Executive Board;
20. Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to members of the Representative Council and Executive Board; and to the membership when appropriate;
21. Keep an accurate roster of the membership of the Association and of all committees;
22. Carry on the correspondence pertaining to the affairs of the Association as directed by the President;
23. Type and distribute to members of the Association minutes of Association meetings within 7 days following the meeting; and
24. Electronically file copies of all minutes in the permanent records of the Association.

H. 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. Provide 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;
5. Be responsible for submitting membership and financial reports to CTA, NEA, and other agencies as required by law;
6. Have all checks signed by two of the following: President, 1<sup>st</sup> Vice-President, Treasurer;
7. Pay the annual dues for the chapter's affiliations; and
8. Prepare the budget for the coming year after consultation with, and at the direction of, the Board of Directors. The budget shall be submitted to the Representative Council for its approval no later than the second meeting of the school year. The adopted budget shall become part of the minutes of the Representative Council to be distributed in the usual manner.

I. The Parliamentarian shall:

1. Ensure that procedural matters follow Robert's Rules of Order; and
2. Be responsible for seeing that the agenda and meeting time schedules are followed.

J. The Board of Directors shall:

1. Represent the interest of the membership at large and provide, during their 3 year term, a source of continuity in leadership and direction.
2. In cooperation with the Treasurer, prepare an annual budget for the association to be presented to the Representative Council for its approval no later than the second meeting of the school year;
3. Act as the internal Professional Relations Committee for matters within the Association;
4. Be members of the Membership and Social committees; and
5. Be appointed as chairperson/members of the standing/special committees.

K. A recall of any person in an elective position may be initiated by a petition signed by one-third (1/3) of the active membership of his/her particular constituency. A statement of the reasons for the proposed recall shall be part of the recall petition and shall be filed with the Secretary.

1. Each person named in the recall petition shall have the right to make a rebuttal statement which shall be distributed to his/her constituency at least seven days before the recall election.
2. Recall elections shall be by secret ballot.

3. The Board of Directors shall conduct the recall vote within 14 working days after the receipt of a petition for recall. The recall shall be successful upon receiving a majority of the votes of that official's constituents which were cast in the election that elected that official.
4. Removal of appointed officials shall be made by the appointing authority.
5. Removal of employees of the Association shall be by action of the Representative Council.

#### IX. EXECUTIVE BOARD

- A. The Executive Board shall be composed of the elected officers, Board of Directors, Membership chair and Elections Chair (and may include members elected at-large from the Active 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 Executive Board shall meet prior to 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.
- D. The duties and the responsibilities of the Executive Board are:
  1. Coordinate the activities of the Association;
  2. Act for the Representative Council when school is not in session;
  3. Direct the bargaining activities of the Association, subject to policies established by the Representative Council;
  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 Council;
  6. Approve by majority vote all appointment and removal of committee members, including chairpersons of Membership, Organizing, Elections, Grievance, PAC, LGBTQ, TEPS and BTSA Committees;
  7. Adopt the local Standing Rules for the Association;
  8. Adopt grievance procedure;
  9. Direct the grievance activities of the Association;
  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;
  11. Approve correspondence and press releases to the members of the Association, the administration and the community with the agreement of 3 Executive Board members;
  12. Exercise all of the business and organizational powers and duties for the Association as prescribed by law and those bylaws to any restrictions which may be imposed by the Representative Council; and



13. Set rules for the selection of Bargaining Team members, including terms of office and criteria for appointment. (See Standing Rules.).

E. A quorum for all meetings of the Executive Board shall consist of a simple majority of the elected 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 Active 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 Association shall be 25 percentage of the Active membership.

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 resignation or inability to serve shall be filled by the Executive Board upon recommendation of the Lead Negotiator.

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

E. The Bargaining Team shall make an annual study of the state and local school revenues, the existing salary schedule and budgetary problems of the district. Findings are to be reported to the Representative Council.

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 Representative Council. The Executive Board is distinct from the Bargaining Team.

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 the Representative Council in that unit.

H. The Bargaining Team shall report its activities to the Executive Board as the Board requires.

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

J. The Bargaining Team is empowered to reach tentative agreements with the district. Such agreements shall be considered tentative and not binding upon the Association until such agreements have been ratified by the membership in the appropriate unit(s) unless such ratification shall have been specifically waived or otherwise delegated by that active membership.

- K. In an urgent situation the Ceres Unified School District may request a waiver of contract language. The request must be made in writing and state the reason the waiver is needed. The request for the waiver must be specific in nature and site the specific part of the contract to be waived. The waiver must state for what period of time it is being requested. The waiver must be approved by 2/3 majority vote of the Representative Council.

## XII. GRIEVANCE PROCESSING

- A. The Executive Board shall adopt, with the approval of the Representative Council, the procedures for grievance processing. (Follow CUTA/CUSD Certificated Employees' Contract, Section XV.)
- B. These procedures shall include, but not be 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. COMMITTEES

- A. The Professional Growth and Evaluation (TEPS) Committee shall:
  - 1. Function as prescribed by the CUTA/CUSD Certificated Employees' Contract;
  - 2. Be composed of three (3) members with at least one from each of the following: high school, junior high, and K-6.
  - 3. Be elected for 2 year terms, electing one (1) member year one, and two members the next.
- B. The Ceres Unified Teachers' Association Political Action Committee (CUATPAC) shall:
  - 1. Keep the membership informed regarding new laws and passed and proposed legislation affecting schools, students, and teachers.
  - 2. Proposed means and carry out actions of the membership to support the legislative program.
  - 3. Obtain information and inform the membership regarding the voting records and opinions of the candidates for the School Board, California Legislature, and Congress on those matters affecting schools, teachers, and students.
  - 4. Cooperate with the legislative Committee of the CTA and NEA, recommending appropriate action to the membership.
  - 5. Recommend candidates or officeholders by using a process of interviewing the local candidates. The recommendation process will follow a thorough and fair process in which:
    - (a) A cover letter and questionnaire will be sent to all candidates.
    - (b) All candidates returning the written questionnaire will be interviewed by CUTAPAC.
    - (c) CUTAPAC will report interview results to the Representative Council.

- (d) The candidate recommendations will be announced to the general membership at least two weeks prior to the election.
  - (e) No funds or support in kind may be spent on non-recommended candidates.
  - (f) CUTAPAC may issue recommendation letters or statements of recommendation with reasons for the recommendation for purposes of press releases or member education after approval.
6. Have the option to recommend a position on state and local educational issues (including ballot measures) without regard to partisan consideration.
- (a) CUTAPAC may research state and local educational issues (including ballot measures);
  - (b) CUAPAC will report the research results to the Representative Council, which will then vote with a 2/3 majority on recommendation for position.
  - (c) The recommendations on the issues will be presented to the general membership.
  - (d) No funds or support in kind may be spent on non-recommended issues.
- C. The Membership and Organizing Committee shall:
- 1. Propose and carry out activities to encourage membership in the Association.
  - 2. Propose and carry out social activities.
- D. Special services to the Association shall be handled by Committees as needed, unless previously provided for in the District Contract, such as retirement leave, insurance, and other conditions of employment.
- E. The Internal Professional Relations Committee (IPRC) shall deal with complaints, problems, and grievances within the Association. (See Standing Rules, Section 3 for clarification and procedures.)

#### XIV. 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 all Active members an opportunity to vote. Chapter presidents do not have the option of deciding that such elections shall not be held.

- A. The Elections Committee and Chairperson shall be appointed by the president and approved by the Executive Board to which it is responsible at the beginning of each school year. 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.
- B. Elections shall be conducted with:
  - 1. Open nomination procedure;
    - a. Nominees for the office of President must have served on the Representative Council for one year within the preceding five years.
  - 2. Secret ballot;
  - 3. All Active member 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 rules after the chapter or Service Center Council has been notified to do so by the CTA Elections and Credentials Committee.
- D. NEA State Delegate elections shall be conducted in accordance with CTA/NEA rules.
- E. NEA Local Delegate elections shall be conducted in accordance with CTA/NEA rules.

#### XV. 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.

#### XVI. 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.

#### XVII. 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.