

# SAN MARCOS EDUCATORS' ASSOCIATION/CTA/NEA

## BYLAWS

### I. NAME

The name of this Association shall be the **San Marcos Educators' Association/CTA/NEA** in San Diego County.

### II. PURPOSES

The primary purposes of this Association shall be:

- A. To represent its members in their relationships 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 a means of representation for all its members;
- D. To provide an opportunity for continuous study and action on problems of the profession;
- 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 CTA/NEA

- A. The **San Marcos Educators' Association** shall be a chartered chapter of the California Teachers Association (CTA).

- B. The **San Marcos Educators' Association** shall be an affiliated local association of the National Education Association (NEA).

#### **IV. MEMBERSHIP**

- A. 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 San Marcos Unified School District, and whose primary assignment is such as not to hold supervisory responsibility over other certificated employees to such an extent as not to be represented in the negotiation process by the teacher bargaining unit.
- B. Membership shall be granted upon initiation of payroll deduction or upon payment of annual **San Marcos Educators' Association**/CTA/NEA dues.
- C. The right to vote and to 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 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, gender, marital status, race, ethnic group, creed, color, 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 1st of any given calendar year through August 31st of the following calendar year, inclusive.

#### **V. DUES**

- A. The basic annual dues level for active members, shall be sufficient to cover the operating expenses of the Association, the dues of CTA, and the dues of NEA. The Association does not contemplate pecuniary gain or profit to the members thereof, and is organized for non-profit purposes.

- B. The Association's portion of the basic annual dues for the following year, shall be established by action of the Representative Council at the last regular meeting of the school year.
- C. Chapter/CTA/NEA dues shall be paid by authorizing payroll deduction for the appropriate amount.
- D. The Association shall apportion any negotiated representation fee or organizational security fee on the same percentage basis as the full **San Marcos Educators' Association/CTA/NEA** dues.
- E. After the beginning of any membership year, the dues of new members may be prorated for the balance of such membership year for a member who enrolls and pays membership dues by continuing payroll deduction.

## **VI. POLICY-MAKING BODY**

- A. The policy-making body of this Association shall come from the Representative Council. It shall act on all matters affecting the welfare or interests of the Association not otherwise specifically delegated to the Executive Board.
- B. The Representative Council will be comprised of the following active members:
  - 1. The Executive Board;
  - 2. The Building Representative(s) from each site;
  - 3. The Chair of each Standing Committee; and
  - 4. The State Council Representative(s).
- C. The Representative Council shall meet monthly during the regularly scheduled school year, place of such meeting to be decided by the Executive Board.
- D. Special meetings of the Representative Council may be called by the President, or by the majority of the Executive Board or by petition containing the signatures of twenty percent (20%) of the active membership.
- E. 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.
- F. Notices and agendas for all regularly scheduled public meetings shall be posted at least two (2) days prior to the date of the meeting on the Association's Website.
- G. For emergency meetings, the Executive Board shall adopt procedures to notify members of meeting dates, places and times.

- H. A quorum for all meetings of the Representative Council shall consist of a majority of all voting members of the Representative Council.
- I. The budget of the Association shall be adopted by the Representative Council on or before the first regular meeting of the school year.

## VII. OFFICERS

- A. The officers of the Association shall be a President, a Vice President, a Secretary, a Treasurer, a Communications Chairperson and four Representatives-At-Large, one from the high schools, one from the middle schools and two from the elementary schools. The immediate past President may serve as Parliamentarian of the Association.
- B. These officers shall be and remain active members as a condition for nomination to and 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. All Officers shall be elected for a term of two (2) years, commencing July 1, of the year elected.

The term of office shall be two (2) years for the President, Treasurer, Middle School Rep-At-Large and one Elementary Rep-At-Large being elected in the EVEN years and the High School Rep-At-Large, one Elementary Rep-At-Large Secretary, Communications Chair and Vice President in the ODD years.

- 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 a vacancy occurs in the office of a President, the Vice-President shall assume the office. In the event a vacancy occurs in any other office, the Executive Board, at its next regular meeting, shall appoint a member of the Association to fill the office vacated. This appointment must then be approved by the Representative Council at its next regular meeting.
- F. The President shall be the chief executive officer of the Association and its policy leader.

The Association, under the direction of the President, shall provide a web page that will be updated after each Representative Council.

The President shall:

1. Preside at all meetings of the Association and in every other way endeavor to promote the interests and purposes of the Association;
2. Prepare the agenda for the meetings of the Association and the Executive Board;

3. Be the official spokesperson for the Association;
  4. Be familiar with governance documents of the Association, CTA and NEA;
  5. Appoint all chairpersons and members of committees, with the advice and consent of the Executive Board, except otherwise stated in these Bylaws;
  6. Appoint the chairperson and members of the Negotiations Committee with the approval of the Executive Board;
  7. Be ex-officio member of all other committees;
  8. May co-sign checks, with the Treasurer, drawn upon the treasury;
  9. Call meetings of the Executive Board;
  10. Suggest policies, plans, and activities for the Association:
  11. Attend meetings of the Service Center Council of which the Association is a part of, and/or send a representative;
  12. Attend other CTA/NEA meetings as directed by the membership; and
  13. Be responsible for the progress and work of the Association.
- 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. Also serve as ex-officio member of all committees,
  4. Meet with the committees and act as a liaison between the committees and the general membership;
  5. May co-sign checks with the Treasurer, and/or President, when needed.
  6. Is the chairperson of SMEA's scholarship committee
  7. Other duties as assigned by the president
- H. The Secretary shall:
1. Keep records of the proceedings of each Association meeting and of each special meeting of the Association;

2. Maintain a list of the committee members and personnel;
3. Duplicate and distribute minutes of Representative Council meetings to Representatives from each school site; and
4. Record minutes of all Executive Board proceedings to the Executive Board.
5. Carry on the correspondence pertaining to the affairs of the Association as directed by the President;
6. Prepare a list of names of all Representative Council members (by site), publish the yearly meetings schedule and distribute to all sites.
7. Verify and issue absentee ballots and present returned absentee ballots to be counted; and Be a member of Nominations and Elections Committee.

I. The Treasurer shall:

1. Receive all funds belonging to the Association and be responsible for their safekeeping and accounting;
2. Keep an itemized account of receipts and expenditures;
3. Pay out such funds upon orders of the President and co-sign all checks drawn upon the treasury;
4. Provide a written report on the financial status of the Association to the membership quarterly or more frequently if requested by the Representative Council;
5. Arrange for the annual audit of the Association books by a certified public accountant no later than June 30 of each calendar year and distribute a summary of this audit to the membership; and
6. Be responsible for financial reports to CTA, NEA and other agencies as required by law.

J. Communications Chairperson shall:

1. Serve as co-editor/author with the President for the Association newsletter;
2. Work on all forms of communication to membership as directed by the President or majority of the Executive Board;
3. Assist Site Reps with internal communications.

K. Members-At-Large shall:

1. Be elected at their level;

2. Attend all Executive Board, Representative Council, and Kitchen Cabinet meetings;
3. Coordinate Site Representative members at their level with regard to communications concerning meetings and issues; and
4. Perform other duties as directed by the President and/or the Executive Board.

## **VIII. BUILDING REPRESENTATIVES**

- A. Each school shall be entitled to one (1) Building Representative per twenty (20) members or major fraction thereof. No school shall have less than one (1) Building Representative.
- B. Building Representatives shall:
  1. Represent the wishes or desires of the active members of the Association whom they represent prior to casting their official ballot on major or policy making items which come before the Representative Council;
  2. attend all meetings of the Representative Council and Association;
  3. function as the Membership Committee under the direction of the Membership Chair(s);
  4. act as liaison between the general membership and the Representative Council; and
  5. inform themselves of the Contract and Grievance Procedures so the membership may consult them.

## **IX. NON POLICY MAKING OFFICERS**

- A. Membership Chairperson(s) shall:
  1. Assure all new hires receive membership applications;
  2. maintain an accurate roster of membership of the Association;
  3. be responsible for submitting membership reports to CTA/NEA; and
  4. be ex-officio member(s) of the Executive Board.
  5. be a member of the Nominations and Elections Committee.
- B. Director of Website and Electronic Communications shall:
  1. Maintain and update website after each Representative Council meeting, or more frequently if requested by the Executive Board; and

2. post Representative Council agenda on Website two (2) days before scheduled Representative Council meetings
3. be ex-officio member of the Executive Board.

## **X. EXECUTIVE BOARD**

- A. The Executive Board shall be composed of the elected officers of the Association and the immediate past President.
- B. The Executive Board shall meet prior to each regular and/or special meeting of the Association.
- C. The Executive Board shall:
  1. Act upon matters of business which arise between the regular meetings of the Association and to make recommendations to be acted upon by the membership;
  2. fill vacancies which may arise between elections;
  3. coordinate the activities of the Association;
  4. recommend a budget for the Association to the membership;
  5. approve all appointments to and removal from committees, including chairpersons;
  6. appoint negotiations representatives and have authority for the overall direction of the negotiators, subject to the approval of the Association;
  7. adopt grievance procedures; and
  8. direct the grievance activities of the Association.
- D. A quorum for meetings of the Executive Board shall be a majority of the Executive Board.
- E. The Executive Board shall serve as the Standing Committee for Grievance and Scholarship.

## **XI. BARGAINING TEAM / NEGOTIATIONS COMMITTEE**

- A. Any member of SMEA in good standing may serve on the **Bargaining Team** also referred to as "The Negotiations Committee."



- B. The Negotiations Committee Chair shall be appointed by the Executive Board and also serve as the Grievance Committee Chair and participate in all activities of those committees and be an ex-officio member of the Executive Board.
- C. The Executive Board, by two-thirds (2/3's) majority; may remove a member of the Negotiations Committee and appoint a replacement.
- D. The duties of the Negotiations Committee are to represent and to negotiate for the Association 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. It shall make a study of state and local revenues, the District's existing salary schedule, and budgetary problems of the District. It shall consider revenues requested by members and report its findings and recommendations to the membership for approval.
- E. The Executive Board shall provide for the dissemination of information regarding negotiations and the activities of the Negotiations Committee to the general membership.
- F. Agreement reached between the Negotiations Committee and the School Board or its representative(s) shall be considered tentative and not binding upon the Association until such agreements have been ratified by the membership unless such ratification shall have been specifically waived or otherwise delegated.
- G. Ratification of agreement between the Association and the School Board or its representative(s) shall be conducted at each site and shall be by secret ballot. Absentee ballots may be obtained from the Secretary two (2) days prior to the election. The ballots must be returned to the designated Building Representative prior to the conclusion of the election.
- H. Members shall be surveyed to determine contents of the proposed contract demands.

## **XII. MEMBERSHIP COMMITTEE**

- A. The Membership Chair(s) shall:
  - 1. be appointed by the Executive Board;
  - 2. be ex-officio member(s) of the Executive Board;
  - 3. maintain accurate records of membership in the Association and conduct recruiting campaigns for new members;
  - 4. become familiar with all applicable laws and legal interpretations of the laws regarding membership and representation;
  - 5. comply with all laws and deadlines with regard to notification of membership and collection of dues and fees; and

6. maintain accurate records of representation fees paid by those unit members who do not choose to become dues paying members.

### **XIII. GRIEVANCE PROCESSING**

- A. The Executive Board shall abide by the Contract rules for procedures for grievance processing.
- 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.

### **XIV. NOMINATIONS AND ELECTIONS**

The President must provide active members an opportunity to vote in all elections.

The President does not have the option of deciding such elections shall not be held except for NEA-RA Local Delegate elections where, following a period of open nominations, voting may be waived if the number of candidates is equal to or less than the number of positions to be filled and the affiliate has adopted a governing provision or election policy allowing such a practice.

- A. The Nomination Committee shall be comprised of the Membership Chair and the Secretary. It shall be the duty of the Nomination Committee to provide a process of open nominations for the Association's officers and provide space for write-ins by the March meeting of the Representative Council.

Nominations for office shall be made as follows:

1. Notices about and requests for nominations will be provided to all members prior to the nomination meeting;
  2. any active, full time members may be nominated and run for election; and
  3. the name of any active, full time member may be placed in nomination by any other member, with the consent of the nominee.
- B. The Nomination Committee shall also serve as the Elections Committee. The Elections Committee shall conduct the elections of officers and elected committee members.

Elections may be conducted with a paper ballot or an electronic ballot. The manner of election must be announced at the March Representative Council Meeting:

For a paper ballot, elections will be conducted at each school site. Absentee ballots may be obtained two (2) days prior to the election from the designated Building Representative. Absentee ballots must be returned to the designated Building Representative prior to the election.

For an electronic ballot, ballots will be distributed to the home email addresses of active members.

Elections will take place in May.

Elections shall be conducted with:

1. Open nomination procedure;
  2. secret ballot with provision for a write-in space;
  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. The duties of the Elections Committee shall be to:
1. Ensure that all **San Marcos Educators' 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. arrange for the counting of the ballots and certify the results; and
  6. handle initial challenges.

F. All other elections, such as, but not limited to, representatives to CTA State Council, NEA Delegates, and contract ratification shall be conducted by the Executive Board.

## **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.

C. There shall be the following standing committees appointed by the President with the consent of the Executive Board. They are as follows:

1. Grievance

a. The Grievance Committee shall document and represent certificated personnel who file grievances.

2. Professional Growth

a. The Professional Growth Committee shall, as specified in the Contract, be composed of seven (7) members. Six (6) members shall be appointed by the Association and one (1) member appointed by the District. This Committee shall make recommendations for approval or disapproval of sabbatical leaves and credit for salary purposes for college and university training.

3. Negotiations

4. Membership

5. Benefits

6. Nominations

7. Scholarships

a. The Executive Board shall be the Scholarship Committee. The Vice President shall serve as the chairperson. They will take input from sites when deemed necessary and set criteria for selection of the recipients of the scholarships.

8. Mentor

## 9. Legislative

### **XVI. PARLIAMENTARY PROCEDURES**

- A. Robert's Rules of Order, newly revised, latest edition, shall be followed at all meetings of the Association and those of the Executive Board.

### **XVII. AMENDMENTS**

- A. An amendment to the Bylaws may be initiated by a majority vote of the Executive Board or by submission of a proposal to the Site Rep Council, in writing, with the signatures of ten percent (10%) of the active members of the Association. All amendments must be submitted to the Secretary ten (10) working days prior to the March Site Rep Meeting, distributed to all Site Representatives and approved by a simple majority of the Representatives present at the March meeting.
- B. Any amendment approved by the Site Reps shall be placed on the ballot in the next Officers election established in the Bylaws.
- C. The proposed amendment(s) shall be adopted by a two-thirds (2/3) vote of the members voting in an all-members election.