

BY-LAWS
MODESTO TEACHERS ASSOCIATION/CTA/NEA

I. NAME AND LOCATION

The official name of this Association shall be the Modesto Teachers Association, Inc. /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. The Modesto Teachers Association shall be a chartered chapter of the California Teachers Association (CTA).
- B. The Modesto 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 education work, is an employee of Modesto City Schools District(s), and whose primary assignment is such as not to hold evaluative responsibility over other certificated employees to such an extent as not to be represented in the negotiations process by the teacher bargaining unit.
- C. Membership may be granted upon initiation of payroll deduction or upon payment of annual MTA, CTA, NEA dues.

- 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 September 1 of any given calendar year through August 31 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.

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. The Association's portion of the basic annual dues, and the representation fee for non-members, shall be established by action of the Representative Assembly at the last regular meeting of the school year.
- C. The Association shall apportion any negotiated representation fee on the same percentage basis as the full Association/CTA/NEA dues.
- D. 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.

VI. POLICY-MAKING BODY

- A. The policy-making body of the Association shall be a Representative Assembly. The Representative Assembly, comprised of Active members of the Association, derives its powers from, and shall be responsible to, the Active membership.
- B. The Representative Assembly shall be composed of the following Active members:
 - 1. Voting members of the Executive Board;
 - 2. Representatives elected on the basis of one-person, one vote;

- 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 Assembly 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 Assembly.

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 two (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 fifteen (15) 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.
- 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.

VIII. OFFICERS

- A. The officers of the Association shall be a President, a 1st Vice- President, a 2nd 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 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. Officers shall be elected for a term of two (2) year(s), commencing on July 1 of any calendar year.
- E. The election of the President, 1st Vice President, Treasurer and Elementary Director-at- Large shall be held in even-numbered years. The election of the 2nd Vice President, Secretary, Junior High Director-at-Large, and High School Director-at-Large shall be held in odd-numbered years
- 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 1st 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 Assembly, and Executive Board;
 2. Prepare the agenda for the meetings of the Association, the Representative 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 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 Assembly, and the Executive Board;
 8. Propose the procedures for grievance processing for ratification by the Executive Board and the Representative Assembly;

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; and
 11. Attend other CTA/NEA meetings as directed by the Representative Assembly.
- H. The 1st 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.
- I. The 2nd Vice President shall:
1. Be in charge of membership;
 2. Be responsible for the maintenance and improvement of channels of communication between the Representative Assembly and the membership through the Faculty Representatives; and
 3. Be delegated other duties by the officers and by the Board of Directors.
- J. The Secretary shall:
1. Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, Representative Assembly, and the Executive Board;
 2. Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to members of the Representative Assembly 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.
- K. 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 Assembly 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. Be responsible for submitting 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 elected officers (President, 1st VP, 2nd VP, Secretary, and Treasurer), the MTA representatives to the CTA State Council, and three At-Large Directors, (one Elementary, one Junior High and one High School). All Directors are elected by the entire Active membership.
- 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 Assembly 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 Assembly when school is not in session;
 - 3. Direct the bargaining activities of the Association, subject to policies established by the Representative 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 local 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.
- E. A quorum for all meetings of the Executive Board shall consist of a 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 50% plus one (1) of the Active membership.

- E. General Membership Ratification Process. Active members of the Modesto Teachers Association CTA-NEA shall meet as a body as often as necessary to consider a Tentative Agreement (Collective Bargaining Agreement) reached by the Bargaining Teams from the Board of Education and the Modesto Teachers Association, or to consider other matters. At this meeting, members of the MTA Bargaining Team will be available for comments and explanations of new provisions. The members of the MTA shall have copies of the Tentative Agreement (or changes) for their inspection, if possible, for at least five days prior to this meeting, along with a notice of the date of the meeting. In the event a Tentative Agreement between the Bargaining Teams from the Board of Education and the MTA has not been reached prior to the opening of school, a general meeting shall be called for the purpose of discussing alternatives appropriate to the situation. Agreements on such alternatives shall be reached according to the provisions of paragraphs I below. The Board of Directors shall determine whether balloting is done at a general meeting or through the site or unit.
- F. Ratification vote shall be by secret ballot. Only active MTA members shall be eligible to vote on the Tentative Agreement.
- G. General Meeting Ratification Vote – Ballots shall be dispersed in an orderly fashion, with MTA members voting at the conclusion of the discussion only, and the vote shall be immediately counted. Vote shall be only on the question of whether or not to ratify the Tentative Agreement. To accept the Agreement, a majority of MTA members present and voting must vote in the affirmative to ratify the Tentative Agreement.
- H. Member Unit Ratification Vote – The Election Committee shall submit to each member unit the ballots and shall prepare and distribute rules governing the election. Members not receiving their ballots through their site or unit may vote at the Association office. To accept the Agreement, a majority of members voting must vote in the affirmative to ratify the Tentative Agreement.
- I. If the Tentative Agreement is rejected, or if there is no Tentative Agreement to present to the membership, the MTA Board of Directors shall present alternatives to the membership at a general meeting. A majority of MTA members present and voting may adopt alternatives except as follows:
- An affirmative vote of a number equal to sixty-six percent (66%) of the bargaining unit shall be necessary to authorize or commence a complete work stoppage of the bargaining unit. (Non-MTA members in the bargaining unit may be permitted to vote on the question of a complete work stoppage if approved by an affirmative vote of MTA members present at that general meeting.)
- Voting shall be by secret ballot; the ballots tabulated as soon as possible and the results then shall be announced.
- In the event no alternative receives the required percentage, another vote shall be taken on the two alternatives receiving the highest number of votes, and there shall be a run-off election on these two alternatives.
- If action is stalemated, no plan receives the required percentage even after the run-off election, there shall be a minimum five-day moratorium before the next general meeting is called.

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 from the list of alternates.
- D. The Executive Board, by two-thirds (2/3) vote, may remove a member of the Bargaining Team.
- E. 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 Assembly. The Executive Board is distinct from the Bargaining Team.
- F. 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 Assembly in that unit.
- G. The Bargaining Team shall report its activities to the Executive Board as the Board requires.
- 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 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.

XII. GRIEVANCE PROCESSING

- A. The Executive Board shall adopt, with the approval of the Representative Assembly, the 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.

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 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;
 - 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.
- F. Nominees for elected Association offices shall be present at the February meeting of the Representative Assembly. At that time, nominees shall be allowed two minutes each to present platform statements. Each nominee shall submit a written statement of acknowledgement and a willingness to serve.
- G. Election Procedures: General elections shall be held annually in the month of March. The Election Committee shall submit to each member unit the ballots and shall prepare and distribute rules governing the election. If no candidates receive a majority of cast ballots, a run-off election shall be held between those two candidates receiving the highest number of votes. Members not receiving their ballots through their home site or office may vote by absentee ballot at the Association office.
- H. Special Election Procedures: The date of the special election shall be determined by the Elections Committee. The procedures for a special election will follow those of the general election.
- I. The Modesto Teachers Association, Inc., as a unified member of the United Teaching Profession, shall elect representatives to the National Education Association's Representative Assembly. Delegates and alternates to the NEA Representative Assembly shall be elected in accordance with the NEA rules. The election shall be held by secret ballot and decided by a plurality of votes cast.

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 Assembly.
- B. The Standing Committees shall be: Grievance, Strategy, Elections, Public Relations, Organizing, Communications, Constitution and Bylaws, Scholarship, and such additional committees as the Board of Directors shall designate.
- C. Each committee shall submit periodic reports to the Executive Board and Representative Assembly.

XV. PARLIAMENTARY AUTHORITY

Roberts Rules of Order Newly Revised, latest edition, shall be followed at all meetings of the Association, the Representative Assembly, and the Executive Board.

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 Assembly. Notice in writing of a proposed Bylaws amendment shall have been submitted to the Secretary (Secretary-Treasurer) and provided to members of the Representative Assembly at the meeting preceding the one at which it is to be voted upon.

I _____, Recording Secretary of the Modesto Teachers Association, certify this is a true, complete, and current copy of the Modesto Teachers Association's Constitution and By-Laws, effective _____ (date).