

**BREA OLINDA TEACHERS ASSOCIATION
BYLAWS
Ratified November 1991**

ARTICLE I - DUTIES OF OFFICERS

Section 1. Duties of the President

- A. The president shall serve as the official spokesperson for the association.
- B. The president shall be responsible for the progress and work of the association.
- C. The president or her/his alternate shall attend meetings of the Orange Service Center Council.
- D. The president or her/his designee shall attend meetings of the North Orange County United Teachers Board of Directors.
- E. The president shall attend UEP meetings as directed by the membership.
- F. The president shall preside at all meetings of the association, the Representative Council, and the Board of Directors.
- G. The president shall serve as an ex officio member of all committees.
- H. The president shall have the responsibility of appointing standing committees, subject to the approval of the Board of Directors.
- I. The president may appoint special committees whenever the need arises.
- J. The president shall appoint a parliamentarian, with the approval of the Board of Directors. The Parliamentary authority for the Association shall be "Robert's Rules of Order, Newly Revised", Latest Edition.
- K. The President shall perform such other duties as may be directed by the Board of Directors or the Representative Council.

Section 2. Duties of the Vice President

- A. The Vice President shall assume the duties of the President in his absence; and in the event of resignation or removal from office of the president, to succeed to that office for the remainder of the President's term.

- B. The Vice President shall be coordinator of all committee activities and shall keep or cause to be kept a complete calendar of the progress and activities of the committees.
- C. The Vice President, in times of crisis, will act as the chairman of the crisis committee and will direct the activities of such committee as they see fit under the approval and direction of the Chapter President and NOCUT Executive Director.
- D. The Vice President shall keep or cause to be kept an up-to-date calendar of all association business and activities.
- E. The Vice President shall assist the President in the coordination and distribution of Association publications.
- F. The Vice President shall serve as an ex officio member of all committees.
- G. The Vice President shall serve in the capacity similar to that of a lead site representative. Taking responsibility for informing, organizing, directing, and overseeing the duties of all site representatives.
- H. The Vice President shall perform such other duties as may be directed by the Board of Directors or the Representative Council.

Section 3. Duties of the Secretary

- A. The Secretary shall keep or cause to be kept a complete record of the proceedings of the Board of Directors and the Representative Council. Such record shall be open to inspection by any member of the association.
- I. The Secretary shall publish or cause to be published minutes of all meetings of the Representative Council and Board of Directors and will provide copies of these minutes to members of the Representative Council at its regularly convened meetings.
- J. The secretary shall publish or cause to be published timely notifications of meetings of the association and will oversee the distribution of these notifications to the members involved.

- K. The Secretary shall receive and maintain a file of the records of the business of the Association.
- L. The Secretary shall conduct correspondence relating to the Association.
- M. The Secretary shall maintain a record of all elected and appointed representatives and committee members and their respective terms of office and will notify the nominating committee prior to nominations of those whose terms expire.
- G. The Secretary shall, at the beginning of each school year, secure from the district a list of all certificated employees and their assignments and will keep this list current.
- H. The Secretary shall perform such other duties as may be directed by the Board of directors or the Representative Council.

Section 4. Duties of the Treasurer

- A. The Treasurer shall issue all checks drawn on funds of the Association as authorized by the Board of Directors or the Representative Council.
- B. To keep accurate records of receipts and disbursements and to report to each meeting of the Representative Council.
- C. To collect and deposit in a financial institution designated by the Board of Directors all funds received by and belonging to the Association.
- D. To cause the accounts of the Association to be submitted to an annual audit to meet all legal requirements by an independent auditing agency designated by the Board of Directors.
- E. The Treasurer will assist the Board of Directors in the initial drafting of the annual budget.
- F. The Treasurer will serve as an ex officio member of the membership committee.
- G. The Treasurer will maintain an accurate list of Association members of the Association.
- H. The Treasurer will perform such other duties as may be directed by the Board of Directors or the Representative Council.

- I. The Treasurer shall submit information and financial reports to the chapter, CTA, NEA, and other agencies as required by law.

Section 5. Duties of the Board of Directors

- A. The Board of Directors shall supervise the implementation of the policies of the Association.
- B. The Board of Directors shall make and adopt rules and regulations consistent with the bylaws and the directions of the Representative Council for the conduct of the affairs of the Association.
- C. The Board of Directors Shall adopt standing rules providing procedures for the declaration and filling of vacancies on the representative council as provided for in Article VIII of the constitution.
- D. The Board of Directors shall submit an annual budget to the Representative Council. Copies of the proposed budget shall be sent to the members of the representative council prior to the meeting at which the budget is submitted for adoption.
- E. The Board of Directors shall review and study proposals for action by the Association which are made by individuals and organizations not members of the Association.
- F. The Board of Directors shall designate such officers or employees as authorized persons to sign checks drawn on the accounts of the Association.
- G. All actions taken by the Board of Directors shall comply with the one-person-one-vote principal for executive bodies. (CTA standing rule 4-1; NEA Bylaws 8-7-a)

ARTICLE II - ELECTIONS

Section 1. Nominating Committee

A nominating committee consisting of five (5) members of the Association shall be appointed by the president, subject to approval of the Representative Council, at its March meeting. This committee shall submit one or more names for each elective member of the Board of Directors. The list of candidates shall be posted for two weeks prior to the election.

Section 2. Nomination by Petition

- A. Notification of offices open for election, nominating procedures, and election timelines shall be distributed to all members and posted in all customary and appropriate locations.
- B. Any active member, at her/his own request, may petition to have her/his name placed on the ballot for any Association office by the nominating committee. The nominating committee shall verify the membership of such nominees, and place the nominee's name on the ballot if she/he is a member in good standing.
- C. Any active member may nominate another active member for any elective office in the Association. Before placing the name of such nominated members on the ballot, the election committee shall verify that the nomination is in order and that the nominee approves of her/his nomination.
- D. All petitions for nomination shall be delivered to the election committee at least five (5) working days prior to the election. Lists of candidates shall be prepared by the nominating committee and posted in each building at least three (3) days prior to the annual election.

Section 3. Election Committee

The Representative Council shall choose from its own body an election committee consisting of five (5) members, whose duties shall be as follow:

- A. To submit to the Representative Council in the April meeting a plan for conducting the election of officers and members of the Board of Directors.
- B. To prepare the ballot for distribution, conduct the election, tabulate the results, and announce those results at the next meeting of the Representative Council.
- C. To make all necessary arrangements for submitting to an electoral unit or to the membership at large any question upon which the Representative Council shall desire to secure the opinion of the members thereof.
- D. Any member of the Election committee who declares her/his candidacy for a position on the Board of Directors shall resign from the Election committee.

Section 4. Balloting

- A. Balloting for election of officers shall occur in the Month of May.
- B. The candidate receiving the majority vote for each office shall be declared elected.
- C. All balloting shall be by written secret ballot.
- D. Every active member shall have one vote in any election to which she/he is a party.
- E. In the event that no candidate receives a majority of the votes cast, the two candidates with the highest numbers of votes voted will be placed on a ballot for a run-off election. Such run-off elections will be organized by the Election committee in accord with the election rules and procedures in this document and will be consistent with one-person-one-vote rules.

Section 5. Vacancy

- A. When a vacancy has been declared on the Board of Directors or on the Representative Council, an election shall be held among the constituency of the office vacated.
- B. Elections to fill vacancies shall be conducted by the election committee or by designees of the Representative Council in the absence of the election committee.

ARTICLE III - FACULTY REPRESENTATIVES

Section 1. Duties of Unit Representatives

- A. Unit representatives shall represent their constituents in all actions of the Representative Council.
- B. Unit representatives shall report all actions of the Association to the members they represent.
- C. Unit representatives shall exercise their considered judgment on matters of immediate action in the Council.

- D. Unit representatives shall work with the membership committee in conduction the annual membership drive.
- E. Unit representatives shall function as a liaison between the legislative and policymaking body and the general membership.

Section 2. Duties of the Representative Council

- A. The Representative Council serves as the legislative and policy making body of the Association.
- B. The representative Council shall consider all matters that may be presented relative to the welfare of the teachers and the teaching profession.
- C. The Representative Council shall adopt the annual budget and approve from time to time additional expenditures of all monies not included in the budget.
- D. The Representative Council shall cause to be prepared and submitted to the membership for vote, amendments to the constitution of the Association.
- E. The Representative Council shall hold a joint meeting of the incoming and the outgoing Representative Councils in June.
- F. The Representative Council shall set a definite time to report to the building faculty on the activities of the Representative Council and the Board of Directors.
- G. The Representative Council shall confirm appointments of members in the Collective Bargaining Council as they occur.
- H. The Representative Council shall annually recommend representatives for each building site to the president.

ARTICLE IV - DUES

Section 1

Members may pay their dues by monthly payroll deduction through the business office of the Brea Olinda Unified School District or by cash to the Membership Committee of the Association.

Section 2

The annual dues of the Association shall be sixty percent (60 %) of the amount of the dues of the California Teachers Association. Any change in the dues of the California Teachers Association will be incorporated into a proportional change in the dues of the Brea Olinda Teachers Association CTA/NEA.

Section 3

Any other change in the dues, fees, or assessments must be made by the Representative Council during any meeting at which changes of dues, fees, or assessments is on the agenda.

Section 4

Members shall be considered to have paid their dues upon signing a payroll deduction authorization for such or upon receipt of cash payment.

Section 5

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

Section 6

The Association shall apportion any negotiated representation fee or organizational security fee on the same percentage basis as the full United Education Profession dues.

ARTICLE V - COLLECTIVE BARGAINING COUNCIL

Section 1

The Collective Bargaining Council will consist of members of the Brea Olinda Teachers Association CTA/NEA.

Section 2

The Collective Bargaining Council shall be announced by the president, with ratification by the Representative Council at the First meeting of the school year.

Section 3

The Collective Bargaining Council shall consist of an appropriate number of members to represent the general membership of the Association. Each member of the Collective Bargaining Council shall be qualified to bargain in a professional and proper manner. The chairperson will be appointed by the president of the Association and shall serve at the pleasure of the Representative Council.

Section 4

Collective Bargaining Council members shall be accorded a vote on the Representative Council, if not a member thereof prior to their appointment.

Section 5

The Collective Bargaining Council shall have the express authority to modify the collective bargaining proposal of the Association at the negotiating table, subject to guidelines approved by the Representative Council, in an effort to reach agreement.

Section 6

Once agreement is reached, copies of the signed document will be made available to all teachers. A secret-ballot election will be held among the members of the Association to ratify the contract. For purposes of ratification of the negotiated agreement, a majority of those members voting is necessary for approval.

Section 7

Members of the Collective Bargaining Council serve at the pleasure of the Representative Council. The Representative Council may vote to remove any member of the Collective Bargaining Council at any meeting.

ARTICLE VI - COMMITTEES

Section 1

The standing committees shall carry the specific functions outlined below.

- A. Grievance committee / Professional Rights and Responsibilities Committee

1. This committee shall be composed of a Chairperson and a representative from each building level. Those positions shall be appointed by the president of the Association with the approval of the Representative Council.
2. The function of the committee shall be (a) to assist in the processing of a grievance through the informal level to level 2; (b) to make recommendation to the Board of Directors regarding any request for arbitration.
3. Campus Grievance Representative
 - (a) A Grievance Representative shall be appointed by the president at each campus, upon the recommendation of the building representative.
 - (b) Function: To assist the grievant in processing a grievance in accord with the contract. To represent the grievant before the Grievance Committee and before the Board of Directors for determination of Association support of arbitration.
4. Guidelines for Arbitration.

Whenever a member of the bargaining unit represented by the Association has a grievance which has not been resolved to the grievant's satisfaction by exhausting all the levels of the grievance processing machinery provided by the contract and wishes to pursue the grievance through arbitration the following procedure will be followed.

- (a) The grievant shall, within ten (10) days after a decision by the superintendent (or designee), submit to the president of the Association a written request for arbitration.
- (b) The president shall refer the request to the Grievance Committee for study and recommendation.
- (c) A meeting of the Board of Directors shall consider the request and receive the recommendation of the Grievance Committee.
- (d) The campus Grievance Representative from the grievant's campus and the chairperson of the Grievance Committee shall be invited to attend the meeting and to provide all pertinent facts regarding the grievance. The Chairperson of the BOTA CTA/NEA Grievance Committee shall supply the Board of Directors with

copies of the formal responses made by both parties at the lower levels.

- (e) The Board of Directors shall weigh its decision on the request based on the following criteria:
 - 1. The duty to provide fair representation.
 - 2. The merits of the grievance:
 - a. evidence supporting the claim
 - b. potential gains relative to costs
 - 3. The potential deterrent effect upon management to be achieved by pursuing arbitration of the grievance.
 - 4. The precedent which could be set by a favorable resolution of the grievance.
 - 5. The precedent which could be set by an unfavorable ruling on the grievance.
- (f) The Board of Directors shall upon hearing and duly considering the facts bearing on the grievance, decide by majority vote whether to initiate the arbitration.
- (g) The president shall cause a written notification of the results of the Board of Directors decision to be delivered to the grievant. In the event that it is decided not to initiate arbitration, the president shall provide the grievant a written statement giving the reasons for decisions. The grievant may within ten (10) days appeal a negative decision of the Board of Directors and request a second hearing. The Chairman of the Grievance Committee Shall be present at such appeal hearing.
- (h) The president shall within fifteen (15) days of such decision, give written notice to the superintendent regarding initiation of arbitration.

B. Salary and Public School Finance Committee

The Salary and Public School Finance Committee helps to clarify ideas and principles of salary scheduling, studies and evaluates the present salary policy, studies comparative information on other occupations, studies costs and financial resources available, prepares recommendations and supporting facts, presents recommendations and supporting data to the Board of Directors.

C. Legislative and Political Action Committee

The Legislative and Political Action Committee helps each teacher to take full advantage of her/his rights of citizenship by: Helping all personnel to register for voting, establishing rapport with legislators through personal contacts, developing channels of communication within the Association, reporting to membership on past legislative accomplishments and helping BOTA CTA/NEA develop legislative programs for the future.

D. Membership Committee

The Membership Committee helps to acquaint teachers with the opportunities for professional growth, services, and benefits derived from association with BOTA, NOCUT, CTA, and NEA. The Chairperson also provides for payroll deductions and distribution of literature relating to professional activities.

E. Public Relations and Publications.

The Public Relations and Publications Committee organizes, plans, and publishes as needed to communicate Association affairs. The members of this committee prepare news articles for publication in local newspapers and distribute professional literature. Members shall serve as BOTA CTA/NEA representatives to local service clubs.

F. Program, Social, and Welfare Committee

The Program, Social, and Welfare Committee plans Association functions arranges for speakers, coordinates workshops and provides refreshments. They also direct teachers who seek emergency financial assistance. Appropriate acknowledgements are extended in instances of extended illness or death.

G. Economic Services

The Economic Services Committee obtains information, studies and recommends programs in the areas of insurance, credit unions, mutual funds, tax-sheltered annuities, entertainment services, travel services, and the services of CTA branch offices and professional placement services.

H. Other

Based on need, NOCUT services may suffice as one or more of the above-mentioned committees.

ARTICLE VII - AMENDMENTS

These Bylaws may be amended by the majority vote of the Representative Council.

ARTICLE VIII - INITIATIVE AND REFERENDUM

Section 1

Any member may introduce an initiative instituting policies, business, or matters of concern to the Association. Such initiatives will become policy or action of the Association upon signature by a majority of members of the Association.

Section 2

1. Any member can institute a petition for a referendum on any action of the Representative Council or the Board of Directors. Such petition will be considered binding on the Association if it contains signatures of a majority of the members.
2. A referendum election will be called upon presentation of a valid petition of referendum.
3. Voting in any referendum election will be by secret, written ballot.
4. The results of the referendum election will be determined by the majority of votes voted.
5. Results of a referendum shall be binding upon the Association.

ARTICLE IX - RECALL

An officer of the Association may be recalled by the following process.

1. Any member of the association may institute a petition of recall concerning any officer or unit representative. Such petitions of recall will be considered binding upon the Association if it contains signatures of a majority of the members who are in the direct constituency of the officer being recalled.

2. A recall election will be called upon presentation of a valid petition of recall.
3. Voting in any recall election will be by secret written ballot among the members who are in the direct constituency of the officer being recalled.
4. The results of the recall election will be determined by the majority of votes voted.
5. The office will be declared vacant upon the successful recall of the officer.
6. Procedures for filling vacant offices will be employed to elect a new officer.