

**PALO ALTO EDUCATORS' ASSOCIATION CTA/NEA BYLAWS**  
**2009 Revision**

**I. NAME AND LOCATION**

The name of this association shall be the Palo Alto Educators' Association/CTA/NEA located in Santa Clara County.

**II. PURPOSES**

The primary purposes 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 teachers;
- C. To provide an opportunity for continuous study and action on problems of the profession;
- D. To provide a means of representation for its ethnic-minority members;
- 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 THE UNITED EDUCATION PROFESSION (UEP)**

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

**IV. MEMBERSHIP**

- A. The active membership shall be open to any person who is either engaged in or who is on limited leave of absence from professional education work, who is an employee of Palo Alto Unified School District, and whose primary assignment is such as not to hold supervisory responsibility over other certificated employees to such an extent that representation by the bargaining unit is no longer appropriate.
- B. Membership may be granted upon payment of annual United Teaching Profession (UTP) dues appropriate to the class membership.
- C. The right to vote and to hold elective office or appointive position with the Association shall be limited to Active members.
- D. All members shall be eligible to receive special services, to obtain assistance in the protection of professional and civil rights, and to receive reports and publications of the Association.
- E. An individual who is serving as a negotiator for a public school employer shall not be eligible for membership in the Association.
- F. Active members shall adhere to the CTA Code of Ethics attached.
- 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, religious and political persuasion 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. 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.

## **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 operating expenses of the Association, the dues of CTA, and the dues of NEA.
- B. The Association's portion of the basic annual dues, and the representation fee for non-members for the succeeding year, shall be established by action of the representative council at the last regular meeting of the school year.
- C. Representation fees shall be apportioned on the same percentage basis as the full United Teaching Profession dues.

- D. 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 dues or 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 Council. The Representative Council, comprised members of the Association members, derives its powers from and shall be responsible to the membership.
- B. The Representative Council shall be composed of the following Active members:
  - 1. Executive Board, ex-officio;
  - 2. Faculty Representatives elected on the basis of one-person one-vote.
  - 3. The following additional representatives:
    - a. Elected Service Center Council Rep when not already serving on the Rep Council in another capacity.
    - b. Committee Chairpersons, ex-officio non-voting.
    - c. CTA State Council Representatives if any.
    - d. Any members of the Association who hold CTA/NEA offices or committee appointments, ex-officio non- voting.
    - e. In the event that the Representative Council does not have representatives at least proportionate to the ethnic-minority members of the association, the Representative Council shall elect the required number of additional members from a slate of nominees proposed by the association membership.
- C. The Representative Council Shall:
  - 1. Create, maintain, and revise as necessary Association policies and objectives;
  - 2. Adopt the annual budget of the Association of or before the first meeting or the school year.
  - 3. Approve the establishment or discontinuance of committees recommended by the Executive Board; and
  - 4. Determine the dues of the Association.

- D. The Representative Council shall meet at least once during each school month; the number, place and time of meetings to be decided by the Executive Board.
1. Serve as the official channel through which communications and publications can be transmitted between association and the active members.
  2. Represent the views and encourage input from the Active membership when communicated through the Representative Council, which will conduct polls from the active membership as it deems necessary.
  3. Perform such additional duties as prescribed by the Executive Board.
  4. Special meetings of the Representative Council may be called by the President, the Executive Board, or by the petition of twenty percent (20%) of membership.
  5. 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.
  6. Notices and agendas for all regular meetings of the Representative Council shall be sent to all members of the Rep Council at least two days prior to the date of the meeting.
  7. For emergency meetings of the Representative Council during crisis situations, the Executive Board shall notify representatives of meeting date, place and time.
  8. A quorum for all meetings of the Representative Council shall consist of a majority of all voting members of the Representative Council.
  9. Members of the Representative Council shall serve a term of one year. There is no limit on the number of times a Rep may run for election. CTA STATE REPRESENTATIVES' TERMS ARE SET BY CTA.

## **VII. FACULTY REPRESENTATIVES**

- A. Faculty Representatives to the Rep Council shall be elected by the Active membership at each school site. Such elections shall be by open nominations and by secret ballot.
- B. Each faculty shall be entitled to at least one representative and each may have one representative for each fifteen (15) Association members.
- C. Each building, including those housing support personnel, Substitute Teacher Section and Adult Hourly Teacher Section, is entitled to one Representative for each fifteen (15) members. Any building or section is entitled to one

representative, even if there are fewer than fifteen (15) members. The only exception would be if all members in a building were identified as “Management,” in which case, there would be no building representative.

## **VIII. OFFICERS**

- A. The officers of the Association shall be a President, a Vice-President, a Secretary, and a Treasurer.
- B. These officers shall be and remain currently paid-up members of the UTP 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 will be elected for a term of one year, commencing on the day following the June Rep Council meeting. There is no limit on the number of times an officer may run.
- 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. If there is a vacancy occurring in the office of the President, the Vice-President shall assume the office. In the event a vacancy occurs in the other offices, a special election shall be held to elect successors to fill the unexpired terms.
- F. The President shall be the chief executive officer of the Association and its policy leader. The President shall:
  - 1. Attend other CTA/NEA meetings as directed by the Representative Council.  
Preside at all meetings of the Association, the Representative Council and Executive Board;
  - 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, and of the bargaining team, with the approval of the Executive Board;
  - 6. Appoint all Chairpersons, members of Standing Committees and the bargaining team with the approval of the Executive Board;

7. Appoint all chairpersons and members of ad hoc committees.
8. Call meetings of the Association and the Executive Board;
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

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. 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.

H. The Secretary shall:

1. Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, Representative Council, and Executive Board.
2. Be responsible for distribution of all notices, agendas, and minutes of meetings to members of the Representative Council and Executive Board, and to the membership when appropriate.
3. Keep an accurate roster of the membership of the Association and of all committees;
4. Carry on the correspondence pertaining to the affairs of the Association as directed by the President; and assist the Elections Chair in preparing ballots and other election materials as needed.

I. The Treasurer shall:

1. Receive and deposit all funds belonging to the Association. To pay out funds, two signatures shall be required. The signatures shall be those of the President and Treasurer;
2. Keep a permanent itemized accounting of all receipts and expenditures and provide a written report of the Association's financial status at each regular Executive Board. A report of beginning and ending balances shall be provided to the Representative Council attend regular meeting;

3. Serve as Chairperson of the Budget Session of the Executive Board following the May elections. The Executive Board shall assist the Treasurer in preparing a "Proposed Budget" for presentation to the Representative Council at the September meeting. The budget shall be referred to the membership and shall be voted upon by the Representative Council at the October meeting. Any proposed unbundled expense in excess of \$150. shall be presented to the Executive Board for its recommendations prior to presentation to the Representative Council for voting. At the October Representative Council meeting, an annual audit shall be presented reflecting the data from the report due to the Public Employment Relations Board (PER);
4. Compile and file with the Public Employment Relations Board an annual report by October 1;
5. Submit membership and financial reports to CTA, NEA and other agencies as required.

## **IX. EXECUTIVE BOARD**

- A. The Executive Board shall be composed of the officers and three members elected at large from the membership.
- B. All members of the Executive Board shall be and remain members of the ATP as a condition for nomination to and service in this position.
- C. The members of the Executive Board shall be elected with open nominations and by secret ballot.
- D. The members of the Executive Board shall be elected for a term of one year, commencing on the day following the June Rep Council meeting. There is no limit on the number of times an Executive Board member may run for office.
- E. Vacancies in the position of at large members of the Executive Board shall be deemed to exist in the case of death, resignation, or inability to serve in the position. If there is a vacancy occurring in this position, a special election to fill the vacancy shall be held within thirty days.
- F. The Executive Board shall meet before 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.
- G. The duties of the Executive Board shall be to:
  1. Coordinate the activities of the Association;
  2. Act for the Representative Council when school is not in session;
  3. Direct the bargaining activities and grievance processing of the Association, subject to policies set by the Representative Council;
  4. Appoint and remove bargaining team members;

5. Recommend a budget for the Association to the Representative Council;
6. Approve Committee appointments;
7. Adopt the Standing Rules for the Association; and
8. 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.

H. A quorum for all meetings of the Executive Board shall consist of five members of the Executive Board.

## **X. BARGAINING TEAM**

- A. The Bargaining Team and such alternates as the Executive Board deems necessary may be nominated by any member of the bargaining unit. The Executive Board will recommend a slate to the Representative Council for approval.
- B. The Chairperson of the Team shall be elected by the from its members;
- C. The Executive Board shall adopt Stand Rules setting forth its selection procedures for Bargaining Team members, including terms of office and criteria for appointment;
- D. Vacancies created by resignation or inability to serve shall be filled by the Executive Board from the list of alternates;
- E. The duties of the Bargaining Team are to represent and to bargain for the Bargaining Unit;
- F. Responsibility and authority for directing the bargaining process on behalf of the Association is vested in the Executive Board subject to policies established by the membership;
- 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 Association members in that Unit;
- H. The Bargaining Team shall report its activities to the Executive Board in such form and with such frequency as the Executive Board may require.
- 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. Agreements reached between the Bargaining Team and the School Board, or its representatives, shall be considered tentative and not binding on the Association until such agreements have been ratified by the membership.

## **XI. GRIEVANCE PROCESSING**

- A. The Grievance Committee shall be nominated by the President and approved by the Executive Board.
- B. The Chairperson of the Committee shall be elected by and from its members.
- C. The Executive Board shall adopt Standing Rules setting forth its selection procedures for the Grievance Committee including terms of office and criteria for appointment;
- D. Vacancies created by resignation or inability to serve shall be filled by the Executive Board;
- E. The Grievance Committee will be responsible for:
  - 1. Implementing the Association's grievance program;
  - 2. Providing representatives to assist members of the Bargaining Unit in processing grievances. It shall represent the Association at grievance proceedings;
  - 3. Making recommendations to the Executive Board regarding budget for grievance processing and arbitration;
  - 4. Keeping the Executive Board fully informed regarding the operation of the grievance program;
  - 5. Considering carefully the merits of each grievance and make recommendations to the Executive Board regarding submission to arbitration;
  - 6. Keeping a record in the Association office of all grievances processed, making recommendations to the Executive Board for maintaining and improving the Grievance program;
- F. The Executive Board, by a two-thirds majority, may remove a member of the Grievance Committee and appoint a replacement;
- G. The Executive Board will provide a training program for all grievance representatives;
- H. Responsibility and authority for directing the grievance process on behalf of the Association is vested in the Executive Board subject to the policies established by the membership;
- I. The Grievance Committee shall report its activities to the Executive Board in such form and with such frequency as the Executive Board may require.
- J. Should the Committee recommend that a grievance not be carried to arbitration:
  - 1. The aggrieved shall be notified of the recommendation, the reasons for the recommendation and the time and place of the Executive Board meeting to consider the recommendation.

2. No Association resources will be expended for arbitration of the grievance pending action by the Executive Board and/or appeal.

## **XII. NOMINATIONS AND ELECTIONS**

A. There shall be an Elections Committee.

B. Elections shall be conducted with:

1. Open nomination procedure - Open nomination procedures are defined as the opportunity of any unit member to nominate any other unit member, including himself/herself. The only qualification for the office is membership in the unit. Declaration of candidacy forms shall be readily available to members. The form must state the requirements as to the deadline for the time and place of filing.
2. Secret ballots and records.- Secret ballots will be used with names listed in alphabetical order. Each voter must sign or initial a voter sign-up sheet before receiving a ballot. Marked ballots must be returned to a ballot box. Site representatives must return all voter sign-up sheets and ballots to the Elections Committee by the designated date and time.
3. All members have an opportunity to vote. A member's vote shall remain private. Votes will be collected in boxes in such a manner that the person casting the vote cannot be identified with the vote cast. If the district should go to year-round school, members who are off-track must be mailed a ballot.
4. All NEA/ CTA/PAEA elections will be won by a majority vote. A majority vote means one more than fifty percent of the legal votes cast.
5. Unit presidents and the Elections Chairperson do not have the option of deciding a CTA/NEA election will not be held, thus disenfranchising their members.

C. State Council Representative Elections shall be conducted according to CTA guidelines after the chapter or Service Center Council has been notified by the CTA Elections Committee.

D. NEA State Delegate elections shall be conducted according to CTA guidelines.

E. NEA Local Delegate elections shall be conducted according to NEA/CTA guidelines.

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

1. Ensure that all chapter CTA/NEA/PAEA election codes and timelines are followed.

2. Establish and carry out election timeline similar to the following:

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|-----------|--|
| April 3   | Announcement of vacancies to members via newsletter, newspaper, letter or notice   |
| April 25  | Declaration of candidacy must be received in the CTA/PAEA unit office  |
| April 28  | Acknowledgment of declarations of candidacy  |
| May 1-5   | Preparation of campaign statements, ballots and voter registration sign-up sheets  |
| May 15-18 | Voting at individual school sites  |
| May 19    | Ballots AND voter sign-up sheets must be received in the unit office by 5:00 P.M. on May 19  |
| May 20    | Announcement of results to leadership, candidates and members. If a run-off election is necessary, this will be included in the announcement |
| May 22-25 | Preparation of run-off ballots, if necessary   |
| May-26-31 | Distribution of run-off ballots, if necessary.   |
| May 30    | A challenge to the election must be received in the unit office no later than 5:00 P.M.  |
| June 1-5  | Voting at individual school sites  |
| June 6    | Ballots AND voter sign-up sheets must be received in the unit office by 5:00 P.M. June 6   |
| June 6    | Ballots will be counted at at the unit office on June 6, starting at 5:15 P.M.   |
| June 7    | Announcement of results to leadership, candidates and members  |
| June 17   | A challenge to the run-off election must be received in the unit office no later than 5:00 P.M.  |

3. Prepare and distribute election materials.

4. Count the ballots and certify the result.

a. Each candidate shall be allowed an equal opportunity to have one observer (who may be the candidate) who must not interfere with the count and who will remain in the counting room until dismissed by the chairperson of the Elections Committee.

b. The Elections Committee will count the ballots.

c. Blank and/or illegal ballots should be set aside. Examples include the following:

1. More ballots than signatures;

2. Ballot submitted after deadline;

3. Teacher not on membership roster;

4. Voter's intent unclear;

5. Votes cast for more than number allowed;

6. Votes cast on unofficial ballot (probably reproduced);

7. Mailed ballots without a signature on the envelope.

d. The Elections Committee should categorize each illegal ballot, make a determination on whether the vote(s) in that category should be counted separately, and make a note of the decision. The ballots should remain separate.

e. If the illegal votes(s) would affect the outcome, the chairperson of the Elections Committee should report this to the unit president so that the appropriate governance body can decide how the ballots should be recorded.

f. The Elections Committee will prepare the Teller's Report, recording information on the total number of votes cast, the number needed to win/pass, the number of votes received by each candidate/issue and the number the blank or illegal ballots with an explanation of illegality, and signed by each teller.

g. The chairperson of the Elections Committee will deliver the report to the president of the unit who will immediately notify all interested parties of the election results. The election results shall be posted at each work site as soon as possible following the election.

h. The ballots and voter sign-up sheets should be retained by the unit for one year after the election.

5. Handle initial challenges

- a. A challenge cannot be initiated until after the results of the election have been posted at each work site.
- b. A challenging party(ies) must notify the unit president of a challenge in writing within ten(10) days after the announcement of the results of the election. The notification must:
  1. Specify which requirement has been violated
  2. Include evidence, insofar as possible
  3. List names and addresses of parties who can give evidence
- c. Within seven calendar days after receipt of the challenge, the unit Elections Committee shall, in accordance with the unit's bylaws and standing rules, conduct an investigation of the challenged election for the purpose of ascertaining the facts. Following the investigation to ascertain the facts, the Elections Committee will attempt to reach resolution, and issue a decision regarding the validity of the challenge based on whether the alleged violation may have affected the outcome of the election. A copy of the recommendation will be sent to the president of the unit for disposition.
- d. If an individual wishes to appeal the decision of the Elections Committee, or if the unit Elections Committee fails to act, he/she may file an appeal within seven(7) calendar days from the date of the filing of the challenge by writing to the CTA President.
- e. The challenge procedure for election of State Council Representatives and Alternates, and State or Local Delegates to the NEA Representative Assembly are outlined in the CTA Elections Manual.

## 6. Recall Procedure

- a. Any person or group desiring to recall a unit officer must file a copy of a petition with the chairperson of the Elections Committee before it can be circulated.
- b. The petition must include the following information:
  1. Name of individual who is the subject of the recall;
  2. Office of individual;
  3. Reason(s) for recall;
  4. Date of petition;
  5. Name(s) of person(s) filing petition;
  6. Notation that "Each signature must be in ink"; and,
  7. Space must be provided for the printed name, signature, work site and date of signing for each name on the petition.

- c. Within fourteen (14) working days after receipt, the chairperson of the Election Committee shall determine whether the petition contains the necessary information.
1. If the petition does not contain the necessary information, the chairperson of the Elections Committee shall so notify the petitioner(s).
  2. If the petition contains the necessary information, the chairperson of the Elections Committee shall inform the petitioner(s) of the rules, procedures and timeline (beginning date and deadline for gathering of signatures) and the need for protection of due process rights of the parties.
  3. The chairperson of the Elections Committee shall send written notification to the unit officer whose recall is being proposed and shall also notify other officers of the unit. A copy of the petition shall be enclosed.
- d. Moneys from a unit's treasury or indirect contributions in the form of use of a unit's assets, facilities, staff, equipment, mailings, good will and credit, or in-kind services must not be used in the recall process.
- e. No unit may state or indicate its preference in the unit's newspaper, newsletter or communications to its members.
- f. The timeliness for gathering of signatures will commence the day after the chairperson of the Elections Committee meets with the petition circulator(s) and with the person who is the subject of the recall.
- g. A maximum of ninety(90) school days shall be permitted to obtain the signatures of at least twenty percent (20%) of the unit members on the petition.
- h. The signed petitions must be received by the chairperson of the Elections Committee by the specified deadline
- i. The Elections Committee shall have fifteen( 15) working days after receipt of the petition to verify signatures.
- j. If there are insufficient signatures, the chairperson of the Elections Committee shall notify the petition circulator(s) by mail of the number of additional signatures needed to qualify the petition.
- k. The petition circulator(s) shall have an additional fifteen (15) school days from the date of the notification to gather and submit the additional necessary signatures.

- l. The Elections Committee shall have seven (7) working days after receipt of the additional signatures to verify signatures
- m. Immediately following verification of the signatures, the chairperson of the Elections Committee shall notify the president/designee of the fact that a recall has been initiated.
- n. The president shall arrange to have the recall election initiated within twenty (20) school days of receipt of notification from the chairperson of the Elections Committee.
- o. The election must be concluded within twenty (20) school days of distribution of the ballots.
- p. The election must be conducted with provisions for a secret ballot and voter sign-up sheets.
- q. Staff assistance shall be limited to providing routine services (typing ballots etc.)

G. Term - All offices will be held for two school years i.e. June 21- June 20. The outgoing President, Secretary and Treasurer will be either released from their regular teaching duties or paid a stipend by PAEA in order to mentor the new President, Secretary or Treasurer, on an as needed basis not to exceed one day per month for the first five months of the new officers terms.

#### H. Finances and Use of Unit Resources

1. Moneys received by a unit by ways of dues, assessment or similar levy must not be used to promote a candidate.
2. A unit may not state or indicate its preference or a candidate in the unit's newspaper or newsletter or communication.
3. Each candidate has a right to review a list containing the names and last known addresses of all members. This right does not include the right to copy and is limited to one time within thirty (30) days before the election.
4. A unit will honor all reasonable requests by a candidate to distribute campaign literature at his/her expense to all members in good standing, whether the distribution is by mail or other means; however, if distribution of campaign literature for one candidate is without charge, then distribution for all candidates must be without charge. Treating all candidates the same by refusing to honor any and all reasonable requests for distribution of campaign literature at the candidate's expense is not permitted. The unit should inform all candidates of rules in this regard.

5. A candidate may not accept direct contributions from a unit's treasury or indirect contributions in the form of use of a unit's assets, facilities, staff, equipment, mailings, good will or credit.
6. A candidate may not use the official logo of the unit or official Association title in a way that suggests that the candidate has the support of the unit, CTA or any of its affiliates.

### **XIII. Contract Ratification**

1. After a Tentative Agreement is reached by the negotiating team, the executive board shall initiate the ratification timeline.
2. Timeline: From the time the ratification is initiated, members shall be given up to 15 working days to cast their vote.
3. Secret ballots and records - Secret ballots will be used with names listed in alphabetical order. Each voter must sign or initial a voter sign-up sheet before receiving a ballot. Marked ballots must be returned to a ballot box. Site representatives must return all voter sign-up sheets and ballots to the Elections Committee by the designated date and time.
4. All members have an opportunity to vote. A member's vote shall remain private. Votes will be collected in boxes in such a manner that the person casting the vote cannot be identified with the vote cast- If the district should go to year-round school, members who are off-track must be mailed a ballot.
5. All contracts shall be ratified by a majority vote. A majority vote means one more than fifty percent of the legal votes cast.
6. Special circumstances upon the advice of the negotiating team, the president shall call an emergency meeting of the executive board and the negotiating team to amend the timeline.