

# **Riverbank Teachers Association**

## **BYLAWS**

**2010-2015**

RTA/CTA/NEA

### Section 1 NAME AND LOCATION

- 1.1 The official name of this Association shall be the Riverbank Teachers Association/CTA/NEA in Stanislaus County.

### Section 2 PURPOSES

The primary purposes of this Association shall be:

- 2.1 To represent its members in their relations with their employer, and 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;
- 2.2 To form a representative body capable of developing group opinion on professional matters, and to speak with authority for members;
- 2.3 To provide an opportunity for continuous study and action on problems of the profession;
- 2.4 To raise the standards for education support professionals;
- 2.5 To promote professional attitudes and ethical conduct among members;
- 2.6 To encourage cooperation and communication between the profession and the community;  
and
- 2.7 To foster good fellowship among members.

### Section 3 AFFILIATION WITH CTA/NEA

- 3.1 The Riverbank Teachers Association shall be a member chapter of the Stanislaus Service Center Council (SSCC).
- 3.2 The Riverbank Teachers Association shall be a chartered chapter of the California Teachers Association (CTA).
- 3.3 The Riverbank Teachers Association shall be an affiliate local association of the National Education Association (NEA).

## Section 4 MEMBERSHIP

- 4.1 Categories of Membership. There shall be categories of membership in the Association: Active and Associate.
- 4.2 Active membership shall be open to any person who is engaged in or who is on limited leave of absence from professional educational work, is an employee of the Riverbank Unified School District, and whose primary assignment is such as not to hold evaluatory responsibility over other employees to such an extent as not to be represented in the negotiations process by the bargaining unit.
- 4.3 Membership may be granted upon initiation of payroll deduction or upon payment of annual Association/CTA/NEA dues.
- 4.4 The right to vote and to hold elective office or appointive position within the Association shall be limited to Active members.
- 4.5 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.
- 4.6 An individual who is serving as a negotiator for the Riverbank Unified School District shall not be eligible for membership in the Association, and is not an Active member.
- 4.7 Active members shall adhere to The Code of Ethics of the Education Profession.
- 4.8 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.
- 4.9 No member of the Association may be disciplined without a due process hearing, which shall include the established appellate procedure.
- 4.10 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.
- 4.11 Unless otherwise expressly provided by law, persons who tender agency fees shall have no rights or privileges within this Association.

## Section 5 Expulsion of Members

- 5.1 A member may be expelled from the Association for activities that hinder or impede the efforts, programs and procedures of the Association as directed by the membership.
- 5.2 Any member may file a petition to expel another member, with the executive board.
- 5.3 The executive board shall investigate the complaint/petition of charge. If the executive board finds the charge is valid, the accused person shall be asked to attend an open membership hearing where he shall be allowed to defend his action.
- 5.4 After complaint/petition and rebuttals have been heard, the Association membership shall vote, by secret ballot, to expel or retain the accused from membership in the Association. A two-thirds vote for expulsion is required to effect expulsion.

## Section 6 DUES, FEES, AND ASSESSMENTS

- 6.1 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.
- 6.2 The Association's portion of the basic annual dues, and the representation fee for non-members, shall be established by action of the active membership of the Association at the last regular meeting of the school year.
- 6.3 The Association shall apportion any negotiated representation fee or organizational security fee on the same percentage basis as the full Association/CTA/NEA dues.
- 6.4 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.

## Section 7 POLICY-MAKING BODY

- 7.1 The policy-making body of the Association shall be a Representative Council. The Representative Council, comprised of Active members of the Association, derives its powers from and shall be responsible to the Active membership.
- 7.2 The Representative Council shall be composed of the following Active members:
  - 7.2.1 Executive Board, ex-officio;
  - 7.2.2 Faculty Representatives elected on the basis of one-person one-vote;
  - 7.2.3 The following additional representatives (*at the Association's discretion, which might include*)
    - 7.2.3.1 Elected Service Center Council Representative(s), when not already serving on the Representative Council in another capacity;
    - 7.2.3.2 Committee Chairpersons, **ex-officio non-voting**;
    - 7.2.3.3 *CTA State Council Representatives; and*
    - 7.2.3.4 Any members of the Association who hold CTA/NEA offices or committee appointments, ex-officio non-voting.
- 7.3 The Representative Council shall:
  - 7.3.1 Establish Association policies and objectives;
  - 7.3.2 Adopt the annual budget of the Association on or before the first meeting of the school year;
  - 7.3.3 Approve the establishment or discontinuance of committees recommended by the Executive Board; and
  - 7.3.4 Establish the dues of the Association.
- 7.4 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.
- 7.5 Special meetings of the Representative Council may be called by the President, the Executive Board, or by the petition of twenty percent (20%) of the Active membership.
- 7.6 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.
- 7.7 Notices and agendas for all meetings of the Representative Council shall be sent to all members of the Representative Council at least two days prior to the date of the meeting.
- 7.8 For emergency meetings of the Representative Council during crisis situations, the Executive Board shall adopt procedures to notify representatives of meeting dates, places, and times.

7.9 A quorum for all meetings of the Representative Council shall consist of a majority of all voting members of the Representative Council.

7.10 Members of the Representative Council shall serve a term of one (1) year. (EXCEPT FOR THE CTA STATE COUNCIL REPRESENTATIVES WHO'S TERMS ARE SET BY CTA

Section 8 SITE REPRESENTATIVES

- 8.1 Site 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.
- 8.2 Each site shall be entitled to at least one representative and shall have one representative for each twenty-five (25) Active members on the faculty, or major fraction thereof.
- 8.3 Active members who are not represented through an individual school faculty group shall be counted as a member of the Adelante site. ?????????????????? Where would you like to be affiliated?
- 8.4 Vacancies: Vacancies in the office of Representative for whatever cause may be filled by properly elected replacements.
- 8.5 Site Representatives shall:
  - 8.5.1 Conduct constant and ongoing liaison between the Representative Council and the Active members of the site;
  - 8.5.2 Serve as the official channel through which written communications and publications can be easily and quickly transmitted between the Association and the members;
  - 8.5.3 Represent the views and input of the Active membership of the faculty in votes taken in the Representative Council, conducting frequent and regular polls of such membership for this purpose; and
  - 8.5.4 Perform such additional duties as prescribed by the Executive Board.
- 8.6 A Site Representative may not conduct an election in which he/she is a candidate.

## Section 9 OFFICERS

- 9.1 The officers of the Association shall be a President, a Vice- President, a Secretary, and a Treasurer.
- 9.2 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.
- 9.3 These officers shall be elected by and from the Active membership of the Association. Such election shall be by open nominations and secret ballot.
- 9.4 Officers shall be elected for a term of one (1) year, commencing with the May Executive Board Meeting.
- 9.5 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.
- 9.6 **The President** shall:
  - 9.6.1 Be the chief executive officer of the Association and its policy leader.
  - 9.6.2 Preside at all meetings of the Association, the Representative Council and Executive Board;
  - 9.6.3 Prepare the agenda for the meetings of the Association, the Representative Council and the Executive Board;
  - 9.6.4 Be the official spokesperson for the Association;
  - 9.6.5 Be familiar with the governance documents of the Association, CTA, and NEA;
  - 9.6.6 Appoint all chairpersons and members of committees with the approval of the Executive Board by the beginning of each school year; and shall be ex-officio member of all committees.
  - 9.6.7 Appoint the chairperson and members of the bargaining unit with the approval of the Executive Board by the beginning of each school year;
  - 9.6.8 Call meetings of the Association, Representative Council and the Executive Board;
  - 9.6.9 Propose the procedures for grievance processing for ratification by the Executive Board and the Representative Council;
  - 9.6.10 Suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association;
  - 9.6.11 Attend meetings of the Service Center Council of which the Association is a part;  
and



9.6.12 Attend other CTA/NEA meetings as directed by the Representative Council.

9.6.13 Co-sign all checks, with the treasurer, drawn upon the treasury.

**9.7 The Vice-President shall:**

9.7.1 Serve as assistant to the President in all duties of the President;

9.7.2 Assume the duties of the President in the absence of the President;

9.7.3 Be responsible for the formation and distribution of the Association's calendar of activities; and

9.7.4 Serve as coordinator of committee activities at the direction of the President.

**9.8 The Secretary shall:**

9.8.1 Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, Representative Council, and the Executive Board;

9.8.2 Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to members of the Representative Council and Executive Board; and to the membership when appropriate;

9.8.3 Keep an accurate roster of the membership of the Association and of all committees; and

9.8.4 Carry on the correspondence pertaining to the affairs of the Association as directed by the President

**9.9 The Treasurer shall:**

9.9.1 Receive all funds belonging to the Association and be responsible for their safekeeping and accounting (i.e. check local monies against accurate Association roster);

9.9.2 Pay out such funds upon orders of the President and shall co-sign checks with the president;

9.9.3 Provide a written financial report for each regular meeting of the Representative Council and Executive Board;

9.9.4 Be responsible for an annual audit of the books of the Association and distributing a summary of this audit to the membership; and

9.9.5 Be responsible for submitting membership and financial reports to CTA, NEA, and other agencies as required by law.

## Section 10 EXECUTIVE BOARD

- 10.1 The Executive Board shall be composed of the **elected** officers.
- 10.2 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.
- 10.3 The Executive Board shall meet prior to each regular meeting of the Representative Council and at such other times as the President may deem necessary, or upon written petition of a majority of the members of the Executive Board.
- 10.4 The **duties and the responsibilities** of the Executive Board are:
  - 10.4.1 Coordinate the activities of the Association;
  - 10.4.2 Act for the Representative Council when school is not in session;
  - 10.4.3 Direct the bargaining activities of the Association, subject to policies established by the Representative Council;
  - 10.4.4 Approve appointment and removal (2/3 vote) of bargaining team members;
  - 10.4.5 Recommend a budget for the Association to the Representative Council;
  - 10.4.6 Approve all appointments to and removal (majority vote) of committees, including chairpersons;
  - 10.4.7 Adopt the Standing Rules for the Association;
  - 10.4.8 Adopt grievance procedure;
  - 10.4.9 Direct the grievance activities of the Association; and
  - 10.4.10 Exercise all the business and organizational powers and duties for the Association as prescribed by law and these bylaws, subject to any restrictions that may be imposed by the Representative Council.
- 10.5 A **quorum** for all meetings of the Executive Board shall consist of a majority of the elected members of that body.

## Section 11 MEETINGS OF THE GENERAL MEMBERSHIP

- 11.1 Meetings of the Association may be called by the President, the Executive Board, or by written petition signed by twenty percent (20%) of the Active membership.
- 11.2 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.
- 11.3 For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify the Association membership of meeting dates, places and times.
- 11.4 A **quorum** for meetings of the Association shall be a majority of the active members present.

## Section 12 BARGAINING TEAM

- 12.1 The President shall appoint all members, alternates, and the chairperson of the Bargaining Team with the concurrence of the Executive Board.
- 12.2 Vacancies created by resignation or inability to serve shall be filled by the Executive Board from the list of alternates.
- 12.3 The Executive Board, by two-thirds (2/3) vote, may remove a member of the Bargaining Team.
- 12.4 The Bargaining Team shall be under the direction of the Executive Board, and shall report its activities to the Executive Board, as the Board requires.
- 12.5 The Bargaining Team is empowered to reach tentative agreements with the district subject to ratification by the Active membership.
- 12.6 The duties of the Bargaining Team are to represent and to bargain for the bargaining unit(s).
- 12.7 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 Active membership.
- 12.8 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 Active members in that unit.
- 12.9 The Executive Board shall provide for the dissemination of information regarding bargaining and the activities of the Bargaining Team to the general membership.
- 12.10 Agreements reached between the Bargaining Team and the school board or its representatives shall be considered tentative and not binding upon the Association until such agreements have been ratified by the Active membership in the appropriate unit(s) unless such ratification shall have been specifically waived or otherwise delegated by that active membership.

## Section 13 GRIEVANCE PROCESSING

13.1 The Executive Board shall adopt, with the approval of the Representative Council, the procedures for grievance processing.

13.2 These procedures shall include, but not be limited to, the following:

13.2.1 Provide for representation to assist all members of the bargaining unit in processing grievances;

13.2.2 Training for handling grievances; and

13.2.3 Evaluation of the Association's grievance policies and procedures.

## Section 14 NOMINATIONS AND ELECTIONS

- 14.1 The chapter president must provide Active members an opportunity to vote in all elections.
- 14.2 Chapter presidents do not have the option of deciding that 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.
- 14.3 There shall be an appointed Elections Committee.
- 14.4 Elections shall be conducted with:
  - 14.4.1 Open nomination procedure;
  - 14.4.2 Secret ballot;
  - 14.4.3 All Active member vote;
  - 14.4.4 Record of voters receiving or casting ballots; and
  - 14.4.5 Majority vote, unless otherwise specified.
- 14.5 **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.
- 14.6 **NEA State Delegate elections** shall be conducted in accordance with CTA guidelines.
- 14.7 **NEA Local Delegate elections** shall be conducted in accordance with CTA/NEA guidelines.
- 14.8 The **duties of the Elections Committee** shall be to:
  - 14.8.1 Ensure that all Association/CTA/NEA election codes and timelines are followed;
  - 14.8.2 Establish election timelines;
  - 14.8.3 Develop and carry out timelines and procedures;
  - 14.8.4 Prepare ballots for election of officers and such other elections as may be necessary;
  - 14.8.5 Count the ballots and certify the results; and
  - 14.8.6 Handle initial challenges.
- 14.9 **Electronic Voting** may be used in all elections and subject to:
  - 14.9.1 Electronic/online voting shall not create a situation where an eligible member is denied a means to vote in the election. The Riverbank Teachers Association shall ensure that there is an alternative ballot procedure for use by those members who (a)

cannot access and use an electronic/online environment; (b) who do not have the equipment necessary for electronic/online activities; (c) do not wish to vote electronically/online. The alternative ballot procedure shall comply with one of the methods as identified in this Section IV-9, Voting Procedures for State Council Representatives and Alternates.

- 14.9.2 Electronic/online elections shall conduct elections using MyCTA as the access connection to the ballot prepared by a CTA approved company in order to protect membership information. Any costs associated with the work done by a CTA approved company shall be borne by the Riverbank Teachers Association.
- 14.9.3 The school district's Internet system, lines, and equipment will not be used for electronic/online voting.
- 14.9.4 Riverbank Teachers Association shall adhere to all elections requirements as defined in the CTA Elections Manual and Requirements.
- 14.9.5 Election instructions for both electronic/online and paper ballot shall be distributed to the chapter voting members using both electronic/online and paper communication as established by the Unit's governance documents.
- 14.9.6 All records involved with any electronic/online vote shall be maintained in a hard copy as well as electronically, and will be retained by the local for one year after the election, in order that any challenge filed to an election which is conducted in an electronic/online environment can be properly processed in accordance with CTA Elections Challenge Procedures.

## Section 15 COMMITTEES

- 15.1 Committees, except as otherwise provided in these bylaws, may be established and discontinued by the Executive Board, subject to approval by the Representative Council.
- 15.2 Each committee shall submit periodic reports to the Executive Board and Representative Council.
- 15.3 There shall be the following **Standing Committees**:
  - 15.3.1 Grievance,
  - 15.3.2 Elections,
  - 15.3.3 Organizing,
  - 15.3.4 Membership, and
  - 15.3.5 Riverbank Teachers Association Political Action Committee (RTAPAC).
- 15.4 In addition, there may be the following Committees:
  - 15.4.1 Retirement,
  - 15.4.2 Salary,
  - 15.4.3 Special Services,
  - 15.4.4 Curriculum,
  - 15.4.5 Instruction, and
  - 15.4.6 Unit Evaluation.
- 15.5 **Special committees** may be appointed by the president as needed subject to ratification of the executive board.



## Section 16 Duties of Committees

- 16.1 **Grievance Committee.** The grievance committee shall be responsible for implementing the Association's grievance program. It shall:
  - 16.1.1 Provide representatives to assist members of the bargaining units represented in processing grievances;
  - 16.1.2 Represent the Association at grievance proceedings whenever member of a bargaining unit is processing a grievance without the assistance of the Association;
  - 16.1.3 Make recommendations to the executive board regarding the budget for grievance processing and arbitration costs and shall keep the executive board informed regarding the operation of the grievance program;
  - 16.1.4 Consider carefully the merits of each grievance and make recommendations to the executive board regarding the submission of a grievance to arbitration;
  - 16.1.5 Keep a record of all grievances processed;
  - 16.1.6 Provide training, resources and support for the Association's building grievance representatives;
  - 16.1.7 Study the Association's grievance processing policies and program and make recommendations to the executive board for maintaining and improving their effectiveness.
- 16.2 The **Retirement Committee** shall keep members informed about the State Teachers Retirement System and its benefits. It shall assist retiring members and relatives of deceased members by giving them information on procedures to follow and benefits available through membership in the California and National Associations for Retired Teachers, and participation in the State Teachers Retirement System. It shall consider and make recommendations on proposed changes or additions to the State Teachers Retirement System, which the committee believes would improve the system for the benefit of all teachers.
- 16.3 The **Membership Committee** shall conduct the annual membership campaign for the local Association, the California Teachers Association, and the National Education Association.
- 16.4 The **Salary Committee** shall make an annual study of state and local revenues, the district's existing salary schedule, the budgetary problems of the district; it shall consider revisions requested by members and report its findings and recommendations to the membership.
- 16.5 The **Special Services Committee** shall study problems affecting the welfare of teachers, such as insurance of all kinds, purchasing plans, and some conditions of employment: it shall provide amenities of the Association in relations to its members.

- 16.6 **Unit Evaluation Committee** shall collect the earned units of certificated personnel and meet annually in September with the Board of Trustees' representatives to evaluate the units, accepting or rejecting, for placement on the salary schedule.
- 16.7 **Riverbank Teachers Association Political Action Committee (RTAPAC)**. The purpose of the RTAPAC is to inform members of legislation, and the positions of elected officials and candidates that may affect the members' classrooms, working conditions, rights and benefits and to serve as a voluntary funding structure through which members of the Riverbank Teachers Association may give direct and indirect financial contributions to support or oppose candidates for elective office, and/or local issues, (including ballot measures) as are deemed worthy of support (or opposition) from the standpoint of educational issues and without regard to partisan consideration.
- 16.7.1 RTAPAC shall consist of no more than 10 members including the RTA President, RTA Vice-President, and RTA Treasurer. The Committee shall consist of a committee chair, treasurer, and secretary. Every attempt will be made to fill the balance of committee with at least one committee member from each school site. Members of the RTAPAC shall be appointed by the President with the approval of the Executive Board. They shall serve staggered three year terms, commencing on May 1 of each year.
- 16.7.2 The RTAPAC shall draft and adopt and may amend standing rules for the endorsement of, and/or making direct and indirect financial contributions to candidates for local office and/or support (or opposition) of local issues. The standing rules and any amendments shall be approved by the Rep Council.
- 16.7.3 Funding of RTAPAC shall be voluntary. A voluntary amount, to be determined by the RTAPAC and approved by the general membership, per month will remain segregated from the general membership account. Members choosing not to contribute to the RTAPAC will fill out Form A yearly to divert the \$2.00 RTAPAC contribution to the RTA General Fund. Authorized monthly payroll deductions shall remain in effect until revoked in writing.

## Section 17 Stipends

- 17.1 The authorization for payment of stipends shall be determined at the April Rep Council Meeting.
- 17.2 In cases of inactive committees/chairs, no stipend will be paid.
- 17.3 Site representatives will be paid a 50% stipend if the site has less than 13 active members.
- 17.4 Sites with two representatives will split a single stipend, unless there are more than 38 (25 +13) active members at the site, in which case, each representative will receive a full stipend.

Section 18 PARLIAMENTARY AUTHORITY

18.1 *Robert's Rules of Order, Newly Revised*, latest edition, shall be followed at all meetings of the Association, the Representative Council, and the Executive Board.

## Section 19 AMENDMENTS/PROCEDURES

- 19.1 These Bylaws may be amended by a two-thirds (2/3) vote of the representatives at any regular or special meeting of the Representative Council.
- 19.2 Notice in writing of a proposed Bylaws amendment shall have been submitted to the Secretary (Secretary-Treasurer) and provided to members of the Representative Council at the meeting preceding the one at which it is to be voted upon.

## Section 20 NOMINATIONS AND ELECTIONS

- 20.1 (Required Election Standing Rules that must be included in the Bylaws and as Standing Rules for the Local.)

## ***RTA Standing Rules***

*Standing Rules are the day-to-day rules by which the organization runs its meetings and business. They could be easily changed in order to adapt to changing conditions and policy (example: simple majority vote of the Executive Board).*

### **ELECTION STANDING RULES**

#### **NOMINATIONS AND ELECTIONS**

##### **A. Elections Committee**

1. There shall be an Elections Committee.
2. The Elections Committee and Chairperson shall be appointed by the president and approved by the appropriate governance body to which it is responsible at the beginning of each school year.
3. The Committee shall be composed of at least three members who are not on the Executive Board, who are familiar with the unit operations, and who are not seeking election.
4. The Elections Committee is charged with ensuring that elections are conducted in a fair and impartial manner.
5. Any Association member who is either a candidate on the ballot or whose immediate family member is a candidate shall abstain from all election committee activities on that particular ballot.

##### **B. Election Requirements**

1. The chapter shall ensure that an open nomination procedure is in place (i.e., any member may nominate any member, including himself or herself). The only qualification for office shall be Active membership in the chapter.
2. Every Active member shall be assured of voting by secret ballot.
3. There shall be at least a fifteen (15) calendar day period between notice of election and the actual voting.
4. There shall be an all Active member vote. A member who is off-track shall be sent election information by mail to his/her last known residence.
5. A chapter shall provide means for all Active members to vote (including vote by mail), and it shall be the responsibility of the member to notify the chapter if s/he desires a ballot at a site other than the regularly scheduled voting place.

6. An Active member shall acknowledge receipt of a ballot by signature on a registration sheet at the time of issuance of the ballot or on an envelope when returning the voted ballot.

If a roster of Active members is prepared for a school site ahead of time, initials of the member may be accepted.

### **C. Announcement**

1. The announcement of election shall include the offices, length of terms, and the election timeline.

2. The announcement shall be publicized in a manner that ensures every member has an opportunity to file a declaration of candidacy.

### **D. Timeline**

1. Schools/Work sites on alternative calendars shall be considered when setting election timelines.

2. The timeline for the election shall include dates for:

- a. Announcement of vacancy(ies) and term(s) of office using a method that will ensure each member is aware of the opportunity to file a declaration of candidacy;
- b. At least fifteen (15) calendar days between the announcement date of the vacancy(ies) and the date of the election;
- c. Place, time and date of receipt (date received, not post-marked date) for declaration of candidacy forms;
- d. Final date to acknowledge candidates' declaration of candidacy;
- e. Date for preparation of ballots;
- f. Date on which ballots will be distributed;
- g. Date by which to request a ballot;
- h. Date(s) when voting will take place;
- i. Deadline date (date received, not post-marked date), time and place for return of ballots;
- j. Date, time and place where ballots will be counted, which should be immediately following the deadline for receipt of voted ballots;
- k. Date that announcement of results shall be made to leadership, candidates, members, and posted at each work site, which date shall be not later than five (5) calendar days following the counting of ballots;
- l. Dates and timelines for run-off election, if necessary; and,

- m. Deadline for filing of challenges to initial election and run-off if held (date received, not post-marked date).

#### **E. Finances and Use of Unit Resources**

1. Chapter monies received through dues, assessment or similar levy shall not be used to promote any candidate.
2. A candidate may not accept direct contributions from a chapter's treasury or indirect contributions in the form of use of a chapter's assets, facilities, staff, equipment, mailings, good will and credit.
3. A unit may not state or indicate its preference for a candidate in the unit's publications.
4. The use of links to any Association web site by a candidate is prohibited.
5. The Association shall not make available personal emails to candidates.
6. District email addresses and/or systems shall not be used for campaigning.
7. The official logo of the unit or official Association title may not be used in a way that suggests that the candidate has the support of the unit, CTA, or any of its affiliates.

#### **F. Candidate's Rights**

1. Privileges extended to one candidate shall be extended to all candidates.
2. Each candidate shall receive a copy of the election timeline, procedures and guidelines.
3. Each candidate shall have the right to a list of the name and address of work sites and the number of Active members at each site for the purposes of campaigning.

#### **G. Ballot**

1. The names of the candidates shall be printed on the ballot in CTA alphabetical order. The name of each candidate shall be as printed on the declaration of candidacy. When a candidate's last name is hyphenated, the name before the hyphen shall be used for placement on the ballot.

In the event that the last name of more than one candidate begins with the same letter or more than one candidate has the same last name, the CTA alphabetical order shall continue to be applied throughout the name including the first name.

2. The ballot shall state the name of the office/position, the term, and the names of the candidates.
3. The ballot shall include space for a write-in candidate, except in run-off elections.



(Each method of voting must be included in your standing rules in order for your Bylaws/Standing Rules to be in compliance with CTA)

**H. Distribution of Ballots and Method of Voting (Both voting methods must be included in your standing rules)**

1. Each member shall receive a ballot.
2. Voting shall be by one or a combination of the following methods:
  - a. At School/Work Site/Specified Voting Site

If a Site Representative is a candidate, refer to *A. Elections Committee, 5.*

1) Voting At School/Work Site(s)/Specified Voting Site

a) Each voter must sign or initial a voter roster/sign-up sheet before receiving a ballot.

(1) Voter Roster – List of eligible voters.

(2) Voter Sign-up Sheet – List of eligible voters which includes a place for a signature.

b) The marked ballot must be returned to a designated site representative or ballot box.

c) Site representatives must return all voter roster/sign-up sheets and ballots to the Elections Committee by the designated date and time. Ballots must be secured and uncounted. Roster/Sing-up sheets and ballots from each site must be kept together until verified by Elections Committee.

d) Active members who are off-track or on a dues paying leave shall be notified by mail in order to provide them an opportunity and right to vote.

e) Preliminary counts shall not be completed at school/work sites.

2) Voting At School/Work Site(s)/Specified Voting Site Using Envelopes

When voting is conducted at school or specified sites using envelopes, the procedure shall be as follows:

a) A list of current Active members shall be prepared, which includes each member's name and school/work address.

b) The voter shall be provided with the following:

(1) A ballot;

(2) Instructions on folding of the ballot in the inner envelope; placement of the ballot in the unsigned inner envelope; signature on the outer envelope; and deadline date for receipt of the voted ballot at the chapter office;

(3) A small envelope (inner envelope) in which to place the voted ballot; and,

(4) A larger envelope (outer envelope) addressed to the chapter, on which the voter prints and signs his/her name.

c) At the time of counting of the ballots, the names on the outer envelope shall be checked against the official list of voters. The name on the official list shall be marked to show that the voter has returned a ballot.

d) The outer envelope shall then be opened and put in a separate stack for safekeeping as a record of voters.

e) All inner envelopes shall be placed in a separate receptacle.

f) The inner envelopes shall be slit and the ballots removed from the envelopes, stacked and then counted.

g) Active members who are off-track or on a dues paying leave shall be notified by mail in order to provide them an opportunity to vote.

b. By mail

When the voting is conducted by mail, the procedure shall be as follows:

Active members who are off-track or on a dues paying leave shall be notified by mail in order to provide them an opportunity to vote.

Special care should be taken in all phases of handling of ballots to ensure the accuracy and the secrecy of voting by mail. The following procedures and guidelines have been developed for this situation:

1) A list of current Active members shall be prepared, which includes the following: name, school/work and home address.

2) The mailing list shall exactly correspond to the current official roll of voting members.

3) Each voter shall be provided with:

a) A ballot;

b) Instructions on:

(1) Folding and placing of the ballot in the unsigned inner envelope;

- (2) Placing of the unsigned inner envelope into the outer envelope;
  - (3) Signature and school on the outer envelope addressed to the chapter; and
  - (4) Deadline date for receipt of the voted ballot at the chapter office.
- c) Inner envelope;
  - d) Outer return envelope, addressed to the chapter.

- 4) The ballot shall be date stamped when it is received in the chapter office and then put in a safe place until the votes are to be counted.
- 5) At the time of counting, the names on the outer envelope shall be checked against the official list of eligible voting members.
- 6) The outer envelopes shall then be opened and put in a separate stack for safekeeping as a record of voters.
- 7) All inner envelopes shall be placed in a separate receptacle.
- 8) The inner envelopes shall be slit and the ballots removed from the envelopes, stacked, and then counted.

## **I. Vote Requirement**

All vote requirements shall be established in accordance with CTA guidelines. Unless otherwise specified, all elections shall be decided by majority vote. Write-in votes are valid and must be counted.

- 1. A majority vote means more than half of the legal votes cast for each office/position on the ballot.
- 2. A plurality vote means the largest number of votes to be given any candidate or issue.
- 3. A two-thirds (2/3) vote means at least two thirds (2/3) of the legal votes cast,
- 4. For unit officers, the election will be by majority.
- 5. For State Council: [*See the Election Timelines, Procedures, and Guidelines in section IV-9.2 of the CTA Elections Manual.*]
- a. If a unit is a single electoral district or a multiple unit electoral district, the election for State Council Representative will be by majority vote.
- b. If the unit is within a multiple unit electoral district, results must be sent to the Service Center Council Elections Committee to determine if a candidate has received a majority vote. (*It is important that the chapter understands that this election is conducted by the Service Center.*)
- 6. If a candidate does not receive a majority vote, a run-off election shall be conducted among the candidates receiving the highest number of votes. The names on the ballot will be one (1) more than

the number of vacancies to be filled. When there are only two candidates for an office, the candidate receiving the higher number of legal votes cast shall be declared elected. **There shall be no provisions for write-in candidates in run-off elections.**

7. For NEA Local Delegates, the election will be by majority or plurality vote, as defined in the unit's governance documents. Results must be sent to the CTA Governance Department and to the Service Center Council.

8. An election for NEA Delegates may be waived and the candidate(s) declared elected if, following a period of open nominations, the number of candidates is equal to or less than the number of delegate positions to be filled. An affiliate utilizing this provision must have adopted a governing provision or election policy allowing such a practice. This election practice will not generate successor delegates unless the nomination process requires candidates for both regular and successor delegate positions.

9. For NEA State Delegates, the election will be by majority or plurality vote as defined in the unit's governance documents. Successor delegates (alternates) are ranked in the order of votes received. Results must be sent to the Service Center Council, which will forward the results to CTA.

10. For additional CTA/NEA election guidelines refer to the official CTA Elections Manual.

## **J. Counting of Ballots**

1. Each candidate may designate one observer, who may be the candidate, to observe the vote counting process. The observer shall not interfere with the work of the Elections Committee and must remain in the room where the vote count is taking place.

2. The Elections Committee shall verify signature sheets with ballots received, and count the ballots, which should be completed immediately following the deadline for receipt of voted ballots.

3. Each office/position on the ballot shall be treated as a separate race.

4. Blank and/or illegal ballots for each office/position shall be set aside. Examples include the following:

- a. Member not listed on the voter roster;
- b. Voter's intent unclear;
- c. Votes cast for more than number allowed;
- d. Votes cast on unofficial ballot (probably reproduced); and,
- e. Candidate is not a member.
- f. Ballots that are separated from Roster/Sign-up sheet shall not be counted.

5. Ballots set aside and not counted are:

- a. More ballots than signature;

- b. Ballot(s) submitted after deadline; and
  - c. Voting envelopes without a signature.
6. The Elections Committee should categorize each illegal ballot, make a determination on whether the vote(s) in that category should be counted separately, as listed in 4 above, and make a note of the decision. The ballots should remain separate.
7. 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 of blank and illegal ballots for each office/position with an explanation of illegality, and signed by each Elections Committee member. The Teller's Report shall not contain a school-by-school or site-by-site breakdown report.
8. The Chairperson of the Elections Committee will deliver the report of the election results to the president and interested parties. The election results shall be posted at each work site as soon as possible following the election.
9. The ballots and voter sign-up sheets should be retained by the unit for one year after the election.

#### **K. Observers**

1. Each candidate shall be allowed to have one observer at the vote counting site and shall give the name of the observer to the Elections Committee before counting.
2. An observer shall not interfere with the counting and shall stay in the counting area until the President or designee has been notified of the results and has notified each candidate of the results.

#### **L. Challenge Procedure**

1. A challenge cannot be initiated until after the results of the elections have been posted at each work site.
2. Challenges for election of State Council Representatives, Alternates, State, and Local delegates to NEA RA follow procedures in the *CTA Elections Manual*.
3. The challenging party(ies) must notify the unit president and elections chair of a challenge in writing within ten (10) calendar days after the announcement of the results of the election. If the unit president is a candidate on the ballot, please see item number 5.

The notification must be on official CTA Challenge Form. (*See Appendix M of CTA Elections Manual – May be accessed on MyCTA*)

4. Upon receipt of the challenge, the Elections Committee will notify all the candidates in the election being challenged that a challenge has been filed. Within ten (10) calendar days after receipt of the challenge, the unit's Elections Committee shall, in accordance with the unit's bylaws and standing rules, conduct an investigation and determine whether or not the challenge:

- a. Is a violation of the unit's election requirement(s).
- b. Is supported by the appropriate documentation.
- c. Requires more information. The information will be obtained via the most feasible method.
- d. Identified violation(s) that may have affected the outcome of the election.
- e. Within the same 10 calendar day period, the unit's Elections Committee shall submit a written report including issues and recommendations to the Chapter President and the Executive Board.

5. Any member of the Governance Board who was a candidate on the ballot, or whose immediate family member is a candidate on the ballot, shall abstain from voting on the report. If in the case where the majority of the Governance Board is unable to act on the challenge the decision shall move to the next highest decision making body according to the unit's governance documents.

6. The Governance Board shall act on the report no later than 10 calendar days following receipt of the written report of the elections committee in accordance with CTA Challenge Procedures as described in Appendix O – CTA Challenge Procedures – Local Elections of CTA Elections Manual. The Governance Board must issue its decisions in writing to the challenger and the Elections Committee Chair.

7. If the challenging party(ies) wish(es) to appeal the decision of the unit's governance body, he/she may file an appeal in writing within ten (10) calendar days from the date of the decision of the governance body to the CTA President. The appeal shall be the original challenge filed at the unit level, and shall include:

- a. Specifically which unit bylaw(s) and/or standing rule(s) have been violated.
- b. Attached evidence of the violations, insofar as possible.
- c. List names and address of parties who can give evidence.
- d. Written response of unit's governance body to original challenge.

8. If the Governance Board fails to act within ten (10) calendar days of the initial challenge, the individual may file an appeal as described in 7 (a-c) above by writing to the CTA President.

9. The challenge procedure for election of State Council Representatives and Alternates, and State or Local Delegates to the NEA Representative Assembly is outlined in the CTA Elections Manual.

## **M. Initiative Procedures**

1. The Active membership shall have the authority to make decisions on any matters affecting the Association or its activities through the initiative process.
2. An Active member shall file a notice of the intent to circulate a petition with the chapter president by including a copy of the petition to be circulated, and the names of at least three persons supporting the proposed measure and responsible for its circulation.
3. The chapter president shall register the receipt of the notice of the intent to circulate, and acknowledge such registration in writing with the member filing the notice.
4. The timeline for gathering signatures will commence the day that the notice of intent is registered. A maximum of fifteen (15) calendar days shall be permitted to obtain the signatures of at least sixty percent (60%) or more of the Active members of the chapter. The petition shall contain the question proposed to be placed on the ballot.
5. The circulators shall present to the chapter president the petition(s) containing original signatures.
6. The chapter president shall have thirty (30) calendar days in which to verify the membership of the signers of the petition.
7. If there are insufficient signatures, the petition circulator will be notified within 3 calendar days, that the petition failed for a lack of signatures.
8. The chapter president shall cause a ballot to be furnished to the members no less than 15 calendar days after verification of membership, provided that the period that school is officially not in session shall not be included in this count.
9. Regular election procedures (e.g., election of officers) shall be followed including voting times.
10. The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

#### **N. Referendum Procedures**

1. Any action or proposed action of the Representative Council or the Executive Board shall be referred to a vote of the Active membership upon two-thirds vote of the Representative Council at any valid meeting.
2. The referendum action shall prescribe the exact wording of the question to be posed to the Active membership on the ballot.
3. The chapter president shall cause a ballot to be furnished to the Active members no less than 15 calendar days after action by the Representative Council, provided that the period that school is officially not in session shall not be included in this count.
4. Regular election procedures (e.g., election of officers) shall be followed including voting times.
5. The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

## **O. Recall Procedures**

1. The Active membership shall have the authority to recall from office any person or persons having been elected thereto by the chapter's Active members.
2. An Active member shall file a notice of the intent to circulate a petition to recall with the chapter president by including a copy of the petition to be circulated, and the names of at least three persons supporting the proposed recall and responsible for its circulation. If the proposed recall is for the person holding the office of president, the request shall be made to the next ranking officer.
3. The chapter president shall register the receipt of the notice of the intent to circulate, and acknowledge such registration in writing with the member filing the notice.
4. The timeline for gathering signatures will commence the day that the notice of intent is registered. A maximum of 60 calendar days shall be permitted to obtain the signatures of at least 25 percent or more of the Active members of the chapter. The petition shall contain the question proposed to be placed on the ballot.
5. The circulators shall present to the chapter president the petition(s) containing original signatures or the vice president if the chapter president is the person being recalled.
6. The chapter president shall have 10 calendar days in which to verify the membership of the signers of the petition or the vice president if the chapter president is the person being recalled.
7. If there are insufficient signatures, the petition circulator shall be notified by mail that the petition failed for a lack of signatures.
8. The chapter president shall cause a ballot to be furnished to the Active members no less than 20 calendar days after verification of membership. The period that school is officially not in session shall not be included in this count.
9. Regular election procedures (e.g., election of officers) shall be followed including voting times.
10. Any necessary supplementary rules governing recall that are not in conflict with the foregoing may be adopted and published within the same publications and by the same manner as are prescribed for other elections within the Association.

## **APPENDIX**

### **I. PEER ASSISTANCE/REVIEW**

If you have bargained PAR language, you should consider appropriate language to reflect your negotiated language. There must be alignment between contract language and leadership responsibility.

### **II. POLITICAL ACTION COMMITTEE**



In order to participate in local school board elections and/or bond elections, any funds donated for such purposes must be collected separately from association dues and held in an separate account. The Fair Political Practices Commission has strict guidelines regarding campaign donations. Correct procedures for forming and operating political action committees can be found in the CTA Guide to Local Political Action Committees, available through the CTA Governmental Relations Division, Sacramento, Telephone: 916/442-5895

**ADDITIONAL REFERENCE MATERIAL:**

CTA Elections Manual

CTA Requirements for Chapter Election Procedures