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# **BOCES STAFF ASSOCIATION CONSTITUTION AND BY-LAWS**

## I. Name

This organization shall be known as the **BOCES Staff Association** (BSA).

## II. Objectives

The purpose of this organization shall be:

- A. To promote the best interests of children and education in the BOCES Rockland County through understanding and cooperation among BOCES Staff Association, administrators, and the community:
- B. To advance the standards of education by securing conditions essential to the best professional service:
- C. To promote the welfare of its members, both past and present, and to obtain for them the rights to which they are entitled:
- D. To promote mutual assistance and cooperation with other organizations with it is associated
- E. To promote the aims and objectives of the New York State United Teachers and its national affiliate:
- F. To expose and fight all forms of racism and discrimination:
- G. To promote the unity and strength of our profession by enabling members to speak through a common voice on matters pertaining to professional matters, and to present their individual and common interests to the Board of Education, appropriate legal authorities, or the community:
- H. To be involved in the making of policy pertaining to all facets of public education.

## III. Affiliations:

This organization shall affiliate with the Rockland County Teachers Association, the New York State United Teachers, and its National Affiliates.

## IV. Membership

### A. There shall be the following membership categories:

1. Active -Active membership in this organization shall be open to any member of the bargaining unit, employed part or full time, such as Teachers, Teaching Assistants, Occupational Therapists and Assistants, Physical Therapist and Assistants, and School Psychologists.
2. Honorary - Honorary membership in the BSA shall be open to retirees members of the bargaining unit

### B. Bases of Membership:

1. All Members of the BSA shall have the following obligation: to subscribe to and support the stated purpose of the association as contained in the constitution and bylaws.
2. A member in good standing is a member whose dues are paid in accordance with one of the methods provided in Article V.
3. Membership shall be continuous unless revoked in writing or dues are not paid in accordance with Article V.
4. All members of the BSA shall concurrently be members of the Rockland County Teachers Association, New York State United Teachers, and its National Affiliates

### C. Membership Rights and Privileges:

1. Every member shall have the right to receive all printed materials of the association normally distributed to individual members, and to avail himself/herself of any services which the association may provide for its members.
2. Every active member shall have the right to attend and vote at all general membership meetings: to nominate and/or serve as an officer or a member of any committee or council of his association except as provided elsewhere in these bylaws: and to participate in deliberations and voting upon the business of the organization.

3. To vote in an election or referendum, an individual must be a member in good standing in accordance with Article IV of these bylaws.
4. No member may be fined, suspended, expelled, or otherwise disciplined (except for non-payment of dues) by this organization unless such member has been served with written specific charges and given a reasonable time to prepare his/her defense and afforded a full and fair hearing.
5. This organization shall show no discrimination toward any individual or group of individuals on the basis of sex, creed, color, race, national origin or political activities and beliefs.

## V. Dues

### A. Fee Schedule

1. The local portion of the dues shall be determined by the Representative Council and approved by a majority of those attending the general membership budget vote meeting, to be held at least thirty (30) days after the distribution of the budget and dues schedule.  
These dues may be changed by a majority vote by secret ballot of the general membership after at least thirty (30) days' notice of the intention to vote on such question, or by majority vote of members in a referendum conducted by secret ballot.
2. The proportion of dues paid shall be calculated according to the formula set by NYSUT and its National Affiliates.
3. The affiliate portion of dues (RCTA, NYSUT, and AFT) will automatically be adjusted.

### B. Methods of payment:

1. Cash payment in full must be received by the Treasurer no later than September 30.
2. Payroll deduction shall be implemented for those persons who have signed a payroll deduction authorization form no later than September 30, for those persons who have unrescinded payroll deduction authorization still in effect, and for Agency Fee members who have not requested another method of payment.

3. Persons employed by the BOCES from September 1-30 who sign membership cards after September 30 must pay the entire year's dues in full to the Treasurer at the time the membership card is completed.
4. Persons employed by the BOCES after September 30 must pay the proportionate amount of the entire membership year's dues to the Treasurer at the time the membership card is completed.
5. Dues, or any part thereof, are not refundable, except by action of the Representative Council.

## VI. Representative Council

### A. Composition:

The Representative Council shall be composed of duly elected officers and elected representatives from each of the buildings/programs of the BOCES.

### B. Duties - The Representative Council shall:

1. Conduct the business of the organization based on Robert's Rules of Order;
2. Recommend an annual budget to the general membership for approval;
3. Act upon expenditures as may be required;
4. Interpret the bylaws;
5. Act on policy matters for the organization between the meetings of the general membership;
6. Make policy recommendations to the membership for their consideration;
7. Perform all other duties as enumerated in these bylaws.

## C. Meetings:

1. The Representative Council shall meet at least monthly during the school year. Special meetings may be called by the President or by petition of majority of the Representative Council.
2. Quorum
  - a. A Quorum for a Representative Council meeting shall consist of a simple majority of the Representative Council membership, including no less than half the school buildings represented.
  - b. A simple majority of those present, unless challenged, shall be able to conduct business at any meeting.
  - c. In the event of a challenge, the issue will be tabled until such time as a quorum is present. The unfinished business of the session must be resolved at the next monthly meeting (provided that a quorum is present), and no further challenges will be entertained.

## VII. Officers

The officers of the BOCES Staff Association shall include President, Vice President, Secretary, and Treasurer.

### A. Eligibility – Each officer of the BSA:

1. Shall be a full time, tenured employee of the BOCES and a BSA member in good standing for 18 consecutive months prior to nomination:
2. May only hold one office at a time.

### A. Duties of the President - the President shall:

1. Be Chief Executive Officer of the BOCES Staff Association:
2. Administer all affairs and execute all policies of the organization:
3. Prepare an agenda and preside at all meetings of the Representative Council and General Membership:
4. Represent the organization with all external groups;

5. Appoint a chairperson for the Grievance Committee, Negotiating Team, and other committees deemed necessary, upon approval of the Representative Council;
6. Appoint and establish the function of all committees with the approval of the Representative Council;
7. Call regular and special meetings of the Representative Council and General Membership;
8. Fulfilled such other duties as the office requires and as are consistent with these bylaws;
9. Be official first delegate of the Association at the NYSUT Representative Assembly and National and Local Affiliates.

**C. Duties of the Vice President - the Vice President shall:**

1. Assume the duties and responsibilities of the President in his/her absence. The Vice President shall perform such duties as the President may designate;
2. Be responsible for coordinating the membership nominations of Building Representatives;
3. Keep records of active and honorary members, and report such records to NYSUT and Affiliates;
4. Seek out new personnel in the BOCES, solicit their membership, and advise them of their rights and responsibilities as members of the BSA;
5. Purchase plaques (or the like) for retiring members and others;
6. Perform other such duties as may be required by the President and/or Representative Council.

**D. Duties of the Secretary - the Secretary shall:**

1. Record the minutes of the Representative Council meetings and prepare them for distribution to the general membership;

2. Keep a record of attendance at all Representative Council and General Membership meetings;
3. Assist the President and other elected officials with correspondence; distribute notices of all meetings of the association; and maintain past and present files of the association;
4. Have available a copy of the Constitution and Bylaws of the Association at all meetings;
5. Maintain a calendar of events for the Association;
6. Perform other such duties as may be required by the President and/or Representative Council.

#### E. Duties of the Treasurer - the Treasurer shall:

1. Assume responsibility for the funds of the Association, deposit them in a bank in the name of the Association, and disburse them upon authority by the Representative Council;
2. Maintain complete records and accounts of monies received and disbursed;
3. Keep the President and Representative Council informed of the financial conditions of the Association via monthly financial reports;
4. Prepare the annual budget and present it to the Representative Council for approval at the May Rep Council Meeting before it is distributed. Distribute to the general membership following the May meeting. Budget vote will take place in June. If it is an election year, the Budget vote will be at the same time as the election of officers in June.
5. Bill the members for annual dues assessments;
6. Prepare an annual financial statement for the public (and membership);
7. Prepare and arrange for audits as needed;
8. Send admission fees for member(s)' attendance at conferences, etc.;
9. Perform such other duties as may be required by the President and Representative Council.



## F. Procedures for Nomination of Officers:

1. Notice of the offices to be filled, the right to make nominations, and the time, place, and proper form of submission of nominations will be prominently posted and/or distributed to each member by April 15.
2. Each member shall be given a reasonable opportunity to nominate candidates, from April 15 to May 8, to the Election Committee or at the meeting of the general membership to nominate candidates.
3. The Election Committee will prepare a list of candidates, to be ready for distribution by May 15.

## G. Election of Officers:

1. Written notice announcing the time and place of elections shall be distributed to each member in good standing, at his/her building site or mailed to the last known address, at least fifteen (15) days prior to the election, to be held in June. If running unopposed a member of the election committee will cast one vote to complete the election.
2. Election shall be by secret ballot. Procedures are as follows;
  - a. Voting shall take place on the same day at all buildings sites and programs;
  - b. To receive a ballot, each member must sign his/her name on printed membership list in front of the Building Representative at the designated time of the election;
  - c. Members may vote for candidates on the ballot
  - d. Any member may submit, in advance of the election, a sealed ballot, which has been signed across the flap of the envelope to his/her Building Representative, who will hand it in with the rest of the ballots;
  - e. All ballots must be placed in a sealed container and brought by the Building Representatives to a designated central location immediately following the voting;

- f. The election chairperson will report the outcome of the elections to the President, who in turn will notify the candidates and the Building Representatives of the results.
3. Candidates who receive the most votes for the office for which they are running will win the election;
4. The results of the election shall be posted and distributed to the membership by the Building Representatives;
5. In case of a tie vote, a run-off election will be held, using the same procedure, within ten (10) days;
6. The Secretary shall preserve all election records, including ballots, for a period of one (1) year.

#### H. Terms of Office:

Duly elected officers shall serve a two (2) year term, commencing on August 15, following the election. Each officer shall remain in office until his/her successor assumes the office.

#### I. Vacancies:

1. If the office of the President becomes vacant, the Vice President shall assume the office of President.
2. If any other office becomes vacant, it shall be filled by election by the Representative Council until an election is held by the general membership. In all respects, the election shall be conducted in the same manner as described in this section, except that such elections shall take place within twenty-five (25) school days of the vacancy.

## J. REMOVAL OF OFFICERS, OR MEMBERS OF THE EXECUTIVE BOARD OR DELEGATE ASSEMBLY FOR CAUSE SHOWN

### A. Procedures for Removal of any Member of the Executive Board or of any member of the Delegate Assembly except the President.

1. The President may recommend removal of any member of the Executive board or Delegate Assembly to the Executive Board for cause shown
2. Except for the person being recommended for removal, the member of the Executive Board shall determine the, by majority vote whether cause exists to remove such member. If the Executive Board vote for removal, or in the event of a tie, the matter shall then be presented to the Delegate Assembly at a special meeting called for such purpose.
3. Except for the member who is being brought up on charges, the member of the Delegate Assembly shall then vote on the removal of such members of the from the Executive Board or Delegate Assembly.
4. In order for such vote to be effective, the vote for removal must be carried by at least 2/3 of the members present at the meeting. If the Delegate Assembly votes for removal, such member shall be removed immediately.
5. Just cause for the removal shall include but not be limited to serious violations of this Constitution or Bylaws, or for other dereliction of duty.
6. If the member feels that his/her removal was without just cause, the member may request that a special meeting of the membership be called to address such issue.
7. Such member's removal may only be reversed by a secret ballot vote of at least 2/3 of the general membership. Voting shall follow the same procedures as outlined in the election of officers.
8. If the membership votes to reinstate such members, such member shall be reinstated immediately.

### B. Procedures for Removal of the President

1. The Vice President may recommend removal of the President to the Executive Board for cause shown.

2. The Executive Board, (except for the President), shall then determine, by majority vote whether cause exists to remove the President. If the Executive board votes for the removal of the President, or in the event of a tie vote, the matter shall then be presented to the Delegate Assembly at a special meeting called for such purpose.
3. Except for the President, the members of the Delegate Assembly shall vote on the removal of the President. In order to be effective, a vote from removal must be carried by a least 2/3 of the members present at such Delegate Assembly meeting. If the members of the Delegate Assembly vote for removal, the matter shall then be presented to the general membership at a special meeting called for such purpose.
4. In order to be effective, 2/3 of memberships must vote for the removal of the President. Voting shall follow the same procedures as outlined in the election of officers.
5. Just cause for removal shall include but not limited to serious violations of this Constitution or Bylaws, or for other gross dereliction of duty.
6. If the general membership votes for removal. The President shall be removed immediately.

## VIII. BUILDING REPRESENTATIVES

### A. Duties – Each Building Representative shall:

1. Be a voting member of the Representative Council;
2. Act as liaison between staff and administration when the need arises;
3. Attend monthly meetings and special meetings and report back to the membership as needed. A representative must attend a minimum of eight (8) meetings in order to maintain status on the Representative Council and remain at meetings for the Presidents Report or longer.
4. Distribute materials and information to constituents and/or act as correspondents from them;
5. Conduct elections of the officers and other site based elections.

### B. Procedures for Nominations and Elections of Building Representatives

1. Any full time, tenured BOCES employee and a BSA member in good standing for one (1) year is eligible for nomination as a Building Representative.
2. Representatives from each of the current BOCES building/program location will be nominated from that specific building/ program. To serve as a Building Representative, a member must be on staff in that particular building/program for at least 50% of his/her schedule with the exception of the District Based/ Itinerant Services Program, or unless decided otherwise by the Representative Council.
3. Elections of Building Representatives shall be conducted prior to the first Representative Council meeting in the September following the election of officers with the date and time to be determined by each site.
4. A secret ballot may be requested by any member.
5. For unit with more than fifteen (15) staff members, the representatives will be determined by a ration of 1:15, Units with fifteen (15) or fewer staff members will be entitled to one (1) representative.

#### C. Term of Office:

Building Representatives shall serve a two (2) year term, commencing at the Representative Council meeting in September. Each Representative shall remain in office until his/her successor assumes office.

#### D. Vacancies:

Should a vacancy occur in the representation of a building/program to the Representative Council, it is to be filled by the person elected as an alternate Building Representative. If no alternate has been elected, it is to be filled by procedures for nominating and electing representatives as described in Article VIII. Section B of these bylaws.

## IX REPRESENTATIVES TO REPRESENTATIVE ASSEMBLIES

Representatives to the NYSUT Representative Assembly and National Governance Bodies shall be elected by secret ballot in a manner not inconsistent with the Constitution and Bylaws of the appropriate State and National Organizations and with the law

## X COMMITTEES AND COUNCILS

### A. Authorization:

There shall be special committees, teams, and/or councils, appointed by the president, and approved by the Representative Council, as deemed necessary to carry out the objectives of this organization.

### B. Composition and Term of Appointment:

1. Standing Committees - these committees are:  
Negotiating Team (formed when preparing proposals for a new contract. One (1) year prior to negotiations) and the Grievance Committee (ongoing).
  - a. Each standing committee shall have a chairperson, appointed by the President and approved by the Representative Council
  - b. The composition of the members and the size of the committee shall be selected by the chairperson and the President and approved by the Representative Council.
  - c. The members of the committee shall serve until their charge is fulfilled or until their successors are appointed.
  - d. Upon the request of the President, the chairperson of the committee shall report to the Representative Council.
2. Special Committees - these committees are established as needed
  - a. Each committee formed shall have a chairperson, as needed, depending on its size, and elected by its members
  - b. The composition of its members and its size shall be determined on an individual basis.

- c. The members of the committee shall serve until their charge is fulfilled or until their successors are appointed.
- d. Upon the request of the President, the chairperson of the committee shall report to the Representative Council.

C. Negotiating Team:

1. The Negotiating Team shall consist of the President of the BSA, a chairperson, and other approved team member.
2. With the aid of the negotiating committee, a survey will be prepared to establish priorities of the general membership for contract proposals and present such proposals to the Representative Council for approval.
3. The team will present the association's proposal package to the Board of Education and negotiate terms and conditions for all Personnel in the bargaining unit.
4. Upon reaching a tentative agreement with the Board of Education on all matters in negotiations, the Team shall prepare and submit its report and recommendations to the Representative Council. Upon approval by the Representative Council, the Team shall Present its recommendations to the members of the association For a vote, at the ratification meeting. The team shall notify the The members of this meeting as expeditiously as possible.

D. Grievance Committee:

1. The Grievance Committee shall consist of a chairperson and its members, who have been approved by the Representative Council
2. The Committee shall entertain all potential grievances presented by the Representative Council or a Building Representative on behalf of any member(s) of the bargaining unit.
3. If a claim is determined by the Committee to be in violation of the contract or the laws, the Committee shall proceed according to Article XXX of the contract.

## XI GENERAL MEMBERSHIP MEETINGS

- A. Meetings of the general membership may be called by the President, by a majority of the Representative Council, or by Petition of ten (10) percent of the membership. Membership Meetings shall be held no less than one (1) per year.
- B. A quorum is necessary to conduct business at a general meeting. a quorum at a general membership meeting shall consist of ten(10) percent of the total membership of record at that time.
- C. All who attend general membership meetings shall sign an attendance sheet, to be kept on file by the Secretary.

## XII. AMENDMENTS

- A. An amendment to this constitution may be presented the Membership for adoption by:
  - 1. A majority of the Representative Council
  - or
  - 2. No fewer than ten (10) percent of the membership
- B. A proposed amendment must be posted in a conspicuous place in each school building/site and/or distributed in writing to each member at least five (5) schooldays before the ratification vote.
- C. An amendment must be ratified by a two-thirds vote of members in good standing. Members shall vote on a ballot, placed in a ballot box and initialed next to name on membership registry. Members who work in multiple buildings vote in the first building they report to on the day of the vote. Absentee ballots are to vote in accordance with procedures developed by the Election Committee.

## XIII. PARLIMENTARY AUTHORITY

Meetings of all duly constituted bodies of this organization shall Be governed by Robert's Rules of Order, Newly Revised; except as otherwise provided in these bylaws



## CONSTITUTION AND BYLAWS

AMENDED 4/7/83

AMENDED 4/17/85

AMENDED 3/20/89

AMENDED 4/24/91

AMENDED 4/95

AMENDED 4/07

AMENDED 9/08