

BERKS CAREER AND TECHNOLOGY CENTER EDUCATION ASSOCIATION
CONSTITUTION AND BYLAWS

ARTICLE I. NAME

- A. The name of this Association shall be the Berks Career and Technology Center Education Association Association/PSEA/NEA (hereinafter referred to as "Association").
- B. This Association is a local of the Eastern Region and shall be affiliated with the Pennsylvania State Education Association ("PSEA") and the National Education Association ("NEA").

ARTICLE II. PURPOSE

The purpose of this association shall be to promote the general educational welfare of the Berks Career and Technology Center; to protect and advance the interests and general welfare of the members; to foster professional zeal; and to advance educational standards.

To enable members to speak with a common voice on matters pertaining to the teaching profession and to present their individual and common interests before the school, the joint operating committee, and other legal authorities.

To promote membership in and cooperation with the Pennsylvania State Education Association and the National Education Association in carrying out their avowed objectives.

ARTICLE III. MEMBERSHIP

- A. Membership in the Association shall consist of active membership and such other categories of membership as may be provided in the Association Bylaws. All members shall subscribe to the purpose of the Association and PSEA set forth in the Constitution and Bylaws.
- B. Active membership shall only be available to persons actively employed by the Berks Career & Technology Center and in the bargaining unit represented by the Association.
- C. A person shall not be eligible for membership in the Association unless he or she maintains membership in PSEA and NEA.
- D. All rights, title, and interests, both legal and equitable, of a member in and to the property of the Association shall end upon termination of membership.

E. According to procedures adopted by the membership, the membership may suspend from membership or expel any member who shall have violated the code of ethics of the education profession or whose interests and activities are destructive to the association; it may cancel the membership of any member convicted in a court of law of a crime involving a moral turpitude; and may reinstate a member who has previously been suspended or expelled from the association.

ARTICLE IV. OFFICERS

A. The officers of the Association shall be the President, A first Vice-President (who is the Vice-President of the opposite center of the President), a second Vice-President, a Secretary, and a Treasurer who shall participate as voting members of the Representative Council. Only active members of the Association may hold these offices or vote in the election of officers.

B. Election of officers shall be conducted at the general membership meeting held in May of each year. Elections may instead be conducted through mail ballot or a secure electronic platform, subject to the Representative Council's approval and adoption of appropriate procedures. The officers shall each serve for a term of one year, which shall run from September 1 following the election. Officers may be re-elected for consecutive terms. The committee on elections shall report results to the President who shall cause them to be published.

C. The election of all officers shall be through open nomination, by secret ballot, by majority vote, and in conformity with the one-person one-vote principle.

D. A vacancy in the office of President shall be filled by the first Vice-President (who is the Vice-President of the opposite center of the President), until the next regularly scheduled election. A vacancy in any other elected office shall be filled by appointment by the Representative Council until such time as a special election can be held, which shall be within the next two months. If a vacancy occurs within two months of the next regularly scheduled election, the vacancy shall be filled by appointment until the next regularly scheduled election.

E. Whenever a majority of the executive committee shall agree that an officer has been grossly negligent of the duties defined in the bylaws or is incapacitated, they shall recommend to the membership that the office be declared vacant. If the committee so votes by a two-thirds majority, it shall immediately elect a replacement to fill unexpired terms subject to membership approval.

F. The President, Treasurer and Secretary of the Berks Career and Technology Center Education Association will have one half of his/her local, PSEA and NEA dues paid for by

the Association. The First Vice-President, Second Vice-President and Building Representatives are excused from paying local dues during their term.

ARTICLE V. DELEGATES

- A. The elected officers of the Association shall serve as Delegates to the Region and PSEA House of Delegates and to the NEA Representative Assembly.
- B. Additional delegates shall be elected at the same time as officers are elected, through open nomination, by secret ballot, by majority vote, and in conformity with the one-person one-vote rule. Only active members of the Association may hold these offices or vote in the election of delegates.
- C. Delegates shall each serve for a term of one year, which shall run from September 1 following the election.
- D. Successor delegates to fill possible vacancies must be elected at the same time delegates are elected or by special election.

ARTICLE VI. EXECUTIVE COMMITTEE

- A. Composition – The Executive Committee shall consist of the elected officers of the Association, and shall be the executive authority of the Association.
- B. Meetings – A majority of members present shall be a quorum for the executive committee.

ARTICLE VII. REPRESENTATIVE COUNCIL

- A. The Representative Council shall consist of the officers and faculty (building) representatives from each building in the District. Appointed Committee chairs may sit on the Representative Council but without vote. Only active members of the Association may hold these offices or vote in the election of faculty representative.
- B. The Representative Council shall meet at least once a month from September through June at a time and place designated by the President. Such meetings may be conducted by videoconference or other technology that permits members of the Representative Council to participate remotely so long as all participants may engage in discussion, deliberation, and voting.

- C. Faculty (Building) representatives shall be elected through open nominations, by secret ballot, by majority vote, and in conformity with the one-person one-vote rule, provided however that there shall be at least one faculty representative from each building.
- D. Faculty (Building) representatives shall each serve for a term of one year, which shall run from September 1 following the election.
- E. Any vacancy shall be filled by appointment by the Representative Council until such time as a special election can be held, which shall be within the next two months. If the vacancy occurs within two months of the next regularly scheduled election, the vacancy shall be filled by appointment until the next regularly scheduled election.

ARTICLE VIII. PROPORTIONAL REPRESENTATION

The composition of the Representative Council shall reflect ethnic minority representation in proportion to the Association's ethnic minority membership.

ARTICLE IX. MEMBERSHIP AND FISCAL YEAR

- A. This Association shall have the same membership year as PSEA and NEA.
- B. This Association shall have the same fiscal year as PSEA and NEA.

ARTICLE X. COMPLIANCE PROVISION

- A. This Association's Constitution and Bylaws shall conform to and be consistent with the Constitution and Bylaws of PSEA.
- B. The Association adopts the PSEA Code of Ethics of the Education Profession.

ARTICLE XI. MEMBERSHIP MEETINGS

- A. There shall be at least two general meetings of the Association's membership each year, one of which shall be held in May to conduct election of officers. The President shall set the time and place of each meeting. At least two weeks' notice shall be given to the membership of the meeting.
- B. A special meeting of the membership may be called at any time by a majority vote of the members of the Representative Council or upon written petition signed by twentyfive percent (25%) of the members of the Association. Only that business stated in the call or

petition for the special meeting may be conducted at the meeting. At least one week's notice must be given to the membership of the meeting.

C. A special meeting for the purpose of ratification of a collective bargaining agreement shall be called by the President in accordance with the bylaws of the Association.

D. General or special meetings of the membership may be conducted electronically by videoconference or other technology that permits members to participate remotely so long as all participants may engage in discussion, deliberation, and voting.

ARTICLE XII. NON-PROFIT STATUS

A. This Association is not organized for profit and no part of its earnings shall inure to the benefit of any private member or individual. In the event of the disaffiliation with PSEA, liquidation, or dissolution of the Association, whether voluntary or involuntary, no member shall be entitled to any distribution or division of the remaining assets of the Association, including funds and property or its proceeds.

B. The balance of all assets held by the Association at the time of liquidation or dissolution, after payment of all debts and obligations of the Association, shall be used or distributed, subject to the laws of the Commonwealth of Pennsylvania, exclusively for the purpose herein set forth.

ARTICLE XIII. COMMITTEES

A. The Association shall have committees as set forth in the Bylaws. Members of the committees and committee chairs shall be appointed by the President with the approval of the Representative Council. The committees shall operate consistent with policies and practices established by the Representative Council and shall be of terms and durations established by the Representative Council.

B. Any committee member may be removed from his or her committee position for gross negligence or conduct inconsistent with the Association's objectives by a two-third's vote of all members of the Representative Council after notice and an opportunity to be heard.

ARTICLE XIV. AMENDMENTS

A. This Constitution may be amended by a two-thirds vote at any regular meeting of the General Membership, or a special meeting of the General Membership called for this purpose, provided that each member receives a notice of the meeting and proposed amendment(s) at least two (2) weeks prior to the meeting.

ARTICLE XV. BYLAWS

Bylaws not inconsistent with this Constitution may be adopted or amended by a three-fifth vote at any regular meeting of the General Membership, or a special meeting of the General Membership called for that purpose.

BCTCEA BYLAWS**ARTICLE I. ASSOCIATION OBJECTIVES**

The objectives of this Association shall be as follows:

- A. To protect and advance the Association's organizational security;
- B. To improve the structure of the Association in order to ensure full and effective participation of all members, thereby establishing and maintaining an independent, self-governing organization;
- C. To promote and to protect the rights and welfare of its members;
- D. To advance professional rights and to enhance professional responsibilities in order to further the consistent development and improvement of the profession and its practitioners;

ARTICLE II. MEMBERSHIP CATEGORIES

- A. Active membership shall be available to any person actively employed by the Berks Career & Technology Center and in the bargaining unit represented by the Association.
- B. Reserve membership is available to any active member who is on unpaid leave from the District and who is a reserve member of PSEA.

ARTICLE III. MEMBERSHIP DUES

- A. The payment of an association member's dues may be done in either of two methods:
 - 1. Directly to the Treasurer.
The payment of dues by this method must follow the following guidelines:
 - i. A signed statement received by the Treasurer on or before September 15 indicating desire to make payment directly to the Treasurer.
 - ii. Payments to be made in four equal installments.
 - iii. Payments to be received by the Treasurer on or before the last school day of September, October, November and December.
 - iv. The signed statement will remain valid from year to year unless the Treasurer receives in writing a signed statement from the association member indicating a change (i.e. withdrawal from the association or a

change in payroll deduction.) This written notice must be received by September 15.

- v. A violation of the aforementioned guidelines will be grounds for immediate termination as member of the association.

2. Payroll Deduction.

The payment of dues by this method must follow the following guidelines:

- i. An original signed authorization form must be received by the Treasurer on or before September 15.
- ii. This form will remain valid from year to year unless the Treasurer receives in writing a signed statement from the association member indicating a change (i.e. withdrawal from the association or change to direct payment.) This written notice must be received by September 15.
- iii. The authorization form shall state the following:

I hereby request and authorize the Joint Operating Committee of the Berks County and Technology Center to deduct from my salary, until notified of termination, an amount required for current year membership dues and such amount as may be required for dues in each subsequent year. For Berks Career and Technology Center Education Association, the National Education Association and the Pennsylvania State Education Association.

Such amounts shall be paid to such person as is designated by the Berks Career and Technology Center Education Association. This authorization may be terminated only under the maintenance of employment. The Joint Operating Committee shall deduct any remaining amount due for the current school year from my salary then owing. I hereby waive all rights and claim for moneys so deducted and transmitted and release the Joint Operating Committee of the Berks Career and Technology Center, it's officers and employees from any and all liability therefore.

3. Maintenance of Membership

- i. All employees who are presently members of the Association shall be subject to the "maintenance of membership" provision as defined in Article III, subsection (18) of the Public School Employee Act, Act 195.

ARTICLE IV. POWERS AND DUTIES OF EACH OFFICER

- A. The President shall have the following powers and duties:
1. To represent the Association as spokesperson on policy matters;
 2. To serve as chairperson of the Representative Council;
 3. To prepare an agenda for each Representative Council meeting;
 4. To serve as an ex-officio member on all committees;
 5. To report at each meeting of the Representative Council as to his or her activities;
 6. To sign jointly with the Treasurer for any disbursement from the Association's funds;
 7. To appoint the members and chairs of all Association committees subject to approval of the Representative Council;
 8. To perform such functions as may be approved by the Representative Council or which are customarily performed by the president of an association including the right to delegate certain duties to the officers.
- B. The First Vice-President shall have the following powers and duties:
1. To perform the duties of the President in the absence of the President;
 2. To perform such duties as are delegated by the President.
- C. The Second Vice-President shall have the following powers and duties:
1. To perform the duties of the First Vice-President in the absence of the First Vice-President;
 2. To perform such duties as are delegated by the First Vice President.
- D. The Secretary shall have the following powers and duties:
1. To keep accurate minutes of all meetings of the Executive Committee, Representative Council, and General Membership meetings;
 2. To prepare such minutes for reproduction and distribution to members;
 3. To maintain official files;
 4. To assist the president with Association correspondence;
 5. File names of all officers and their addresses to the Berks County Education Association, Eastern Region Office, with the Headquarters of Pennsylvania State Education Association, and the National Education Association immediately upon their election.
 6. To perform any other duties as may be assigned by the Representative Council.
- E. The Treasurer shall have the following powers and duties:

1. To serve in the preparation of the Association's annual budget;
2. To receive and hold all monies of the Association and to pay out the same upon order of the Representative Council;
3. To sign jointly with the President for any disbursement from the Association's funds;
4. To report at each meeting of the Executive Committee, Representative Council, and General Membership all Association receipts and disbursements;
5. To ensure that an audit is conducted each year of the Association's books and records;
6. To prepare an annual financial statement for publication to members;
7. To perform such other duties as may be assigned by the Representative Council.

ARTICLE V. POWERS AND DUTIES OF THE REPRESENTATIVE COUNCIL

- A. The Representative Council shall have the following powers and duties:
1. To initiate general policies of the Association;
 2. To approve the Association's budget;
 3. To fill vacancies as provided in the constitution and bylaws;
 4. To set the Association dues;
 5. To approve appointment of members to and chairs of committees;
 6. To determine whether to move any grievance to arbitration.
- B. A majority of the Representative Council shall constitute a quorum sufficient for conducting the business of the Association unless otherwise specified in these documents.

ARTICLE VI. FACULTY (BUILDING) REPRESENTATIVES

- A. The faculty representatives shall have the following powers and duties:
1. To call meetings of Association members in their buildings to discuss Association business;
 2. To investigate and respond to member complaints;
 3. To assist in enrolling members in the Association;
 4. To serve as a communication link between members and the Representative Council;
 5. To establish such committees in the building as are necessary.

C. Any faculty (building) representative who is absent from two regularly scheduled Representative Council meetings in any year may be removed from office by the Representative Council, which shall fill the vacancy as provided in the Constitution.

D. Faculty (Building) representatives shall be elected by the active members of the Association in conformity with procedures developed by the Representative Council.

ARTICLE VII. COMMITTEES

A. Meetings – Each standing committee shall meet regularly according to a calendar developed by the committee chairperson and executive committee and may hold special meetings at the call of the chairperson.

B. Reports – Each committee shall choose a secretary who shall keep a continuing record of activities. Chairperson shall report as necessary to the membership and shall prepare an annual written report summarizing objectives, action programs, gains, and unreached goals, which the executive committee shall distribute to the members and which shall become part of the continuing committee record in the association file.

C. Standing Committees:

1. Negotiations Committee - This Committee shall review all economic and noneconomic issues in preparation for bargaining; prepare a survey to be completed by members regarding their positions and interests; and develop a proposed package for negotiations with the District. The Negotiations Committee will select the members of the Negotiating Team and may designate a chief negotiator from among the members of the Committee, provided that the committee may choose to designate a representative of PSEA as the chief negotiator.
2. Compensation (Salary) Committee - This Committee will develop long-range compensation goals. The Committee will work with the negotiations committee in developing salary schedule goals and proposals that are consistent with the short-term goals and long-term strategy of the local. The Committee shall analyze all proposed salary schedules prior to ratification and recommend salary schedules to the membership for ratification that strive to achieve the long-term goals of the local.

3. Grievance Committee - This Committee shall: assist and advise grievants; process grievances through all steps short of arbitration; make a recommendation to the Representative Council as to whether a grievance should go to arbitration; and, adopt a formal grievance review procedure for use by the local.
4. Election Committee - This committee shall conduct the election for officers and delegates of the Association, and Faculty Representatives.

D. Special Committees:

1. Membership Committee - This Committee shall organize and conduct the membership campaign and shall work with the faculty representatives in promoting membership. The Committee shall develop a new teacher orientation program.
2. Legislative Committee - This Committee shall have concern for and keep abreast of local, state, and national legislation affecting the interests of the Association and its members, and shall keep the membership informed of legislation affecting those interests. It will make legislative contacts as requested by PSEA and NEA, and in general assist in the passage of legislation favorable to the Association. The Committee shall inform the membership of PSEA and NEA recommended candidates on local, state and national level.
3. Council on Instruction and Professional Development - This Council shall promote the education objectives of the Association, assist in locating in-service programs and programs for professional development, and assist the District, students, parents and other interested parties in improving the District's educational program.
4. Social Committee - This Committee shall organize social activities for the welfare of members and to promote fellowship in the Association.

ARTICLE VIII. GENERAL MEMBERSHIP

- A. The general membership shall have the following powers and duties:
1. To elect and recall officers and elect delegates of the Association;
 2. To ratify collective bargaining agreements negotiated by the Association, according to the procedure provided herein;
 3. To give direction to the Representative Council on matters concerning the Association and members.

B. Twenty-five percent of members in attendance at the association membership meeting shall be a quorum, providing at least one member from each building is present constitute for purposes of acting on Association business unless otherwise specified in this Constitution and Bylaws. If no quorum is present the meeting shall be postponed. The secretary shall therefore inform members by written notice that the scheduled meeting will be held at least seven days after the posted membership meeting

ARTICLE IX. PARLIAMENTARY AUTHORITY

The most recent edition of Robert's Rules of Order shall be the parliamentary authority for the Association on all questions not covered by this Constitution and Bylaws or by rules of procedure adopted by the Representative Council.

ARTICLE X. REMEDIES

A. Trusteeship

1. The PSEA Board of Directors shall have the power to place a local association in trusteeship in accordance with the PSEA Bylaws.

B. Member Discipline

1. A member may be censured, suspended or expelled for the reasons and in the manner set forth in the PSEA constitution and bylaws. Only the PSEA Board of Directors shall have the authority to censure, suspend or expel a member.
2. Any member who is not current with his or her financial obligation to the Association, PSEA or NEA shall not be entitled to represent the Association in any elected, appointed, or official capacity.
3. A charged member shall be provided with due process in accordance with the PSEA Bylaws.

C. Recall

1. An officer of the Association may be recalled from office by two-thirds vote of the entire membership of the Association. Recall shall be initiated by a recall petition signed by twenty-five percent of the membership.

2. Faculty (building) representatives may be recalled by a two-thirds vote of all active members in the building(s) he or she represents. Recall shall be initiated by a written petition signed by twenty-five percent (25%) of the represented members.

D. Removal of Elected Officer

1. Whenever a majority of the Representative Council shall agree after notice and an opportunity to respond that an elected officer of the Association should be removed for cause as defined in Section 2 or is incapacitated, it shall recommend to the general membership that the office be declared vacant. If the general membership concurs by a two-thirds majority vote at a meeting called or ballot conducted for that purpose, it shall immediately notify the officer of the decision in written form and authorize an election for a replacement to fill the unexpired term.
2. Cause for removal from elective office shall be gross neglect of the responsibilities set forth in the Constitution and the Bylaws, and/or detrimental abuse of the authority and powers granted by the Constitution and Bylaws.

E. Removal of Faculty Representative

1. Whenever a majority of the Representative Council shall agree after notice and an opportunity to respond that a faculty representative should be removed for cause as defined in Section 2 or is incapacitated, it shall recommend to the active members in the building(s) represented by the faculty representative that that the office be declared vacant. If the represented membership concurs by a two-thirds majority vote at a meeting called or ballot conducted for that purpose, the Representative Council shall immediately notify the faculty representative of the decision in written form and authorize an election for a replacement to fill the unexpired term.
2. Cause for removal from the position of faculty representative shall be gross neglect of the responsibilities set forth in the Constitution and the Bylaws, and/or detrimental abuse of the authority and powers granted by the Constitution and Bylaws.

ARTICLE XI. RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT

- A. A special ratification meeting or ballot of the general membership shall be called by the President or designee for the purpose of ratifying any collective bargaining agreement. The ratification meeting or ballot will be held no sooner than two (2) days after notice of the ratification meeting or ballot, and no sooner than one (1) day after an informational meeting of the general membership for presentation of the proposed agreement. The Executive Committee may where exigent circumstances require provide for one (1) day notice of the ratification meeting or ballot and waive the informational meeting. The notice shall provide an explanation of the ratification process.

B. Any employee in the bargaining unit represented by the Association who on the day prior to the date of the ratification meeting or ballot is an active or reserve member in good standing of the Association may vote on the ratification of a collective bargaining agreement.

C. Informational Meeting

1. Any person who is an employee in the bargaining unit represented by the Association, and such other persons approved by the President or Executive Committee, may attend the informational meeting. Each attendee shall be required to sign a record of attendance.

2. Each member attending the informational meeting shall receive a copy of the actual language of proposed changes to the current agreement, or the proposed agreement with changes identified. Members may be required to return the document(s) at the conclusion of the meeting.

3. The President, Vice President, Chief Negotiator, or other person designated by the President will conduct the meeting.

4. The meeting shall have appropriate time for explanation and clarification of the ratification process, and for explanation, clarification, questions, and debate of the proposed agreement.

5. The meeting shall be confidential to the extent reasonable and possible. Only the President or designee shall speak to the public on behalf of the Association.

D. Ratification Meeting or Ballot

1. Any member in good standing of the Association on the day prior to the date of the ratification meeting, and such other persons approved by the President or Executive Committee, may attend the ratification meeting. Each attendee shall be required to sign a record of attendance. Only employees in the bargaining unit represented by the Association who on the day prior to the date of the ratification meeting or ballot is an active or reserve member in good standing of the Association may vote on the ratification of a collective bargaining agreement.

2. The President, Vice President, Chief Negotiator, or other person designated by the President will conduct the meeting.

3. The chair may provide time for questions, clarification, and/or debate before voting is conducted, and where the informational meeting is waived shall provide

appropriate time for explanation and clarification of the ratification process, and for explanation, clarification, questions, and debate of the proposed agreement.

4. The Executive Committee shall establish and provide notice of the process for voting, and appoint a committee to conduct and tabulate the vote. Ratification shall be by secret ballot. Each member eligible to vote shall be provided and sign for a ballot during the time(s) allocated for voting. There will be no proxy ballot or absentee ballot.

5. The ratification vote may be conducted through mail ballot or a secure electronic platform, subject to the Executive Committee's approval and adoption of appropriate procedures.

6. Ratification requires a majority vote of those voting to adopt the proposed agreement.

7. Results of the ratification vote will be reported to members at a time and in the manner determined by the Executive Committee.

8. Only the President or designee shall issue any press release, public statements, or notification to the employer on behalf of the Association.