

# RIALTO EDUCATION ASSOCIATION/CTA/NEA

## BY-LAWS

Revised March 26, 2014

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# **RIALTO EDUCATION ASSOCIATION/CTA/NEA**

## **BY-LAWS**

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### **ARTICLE I –NAME AND LOCATION**

The (Chapter) Rialto Education Association (REA) is a chartered chapter of the California Teachers Association (CTA) and shall be an affiliated local of the National Education Association (NEA) and its official title shall be: Rialto Education Association/CTA/NEA. The Association is located in the County of San Bernardino.

### **ARTICLE II-PURPOSE**

**The primary purpose of this association shall be:**

- 2.1 To represent its members in their relations with their employer, and to seek to be The exclusive representative of appropriate units of school employees in all matters relating to employment conditions and employer-employee relations including, but not limited to, wages, hours, and other terms and conditions of employment;**
- 2.2 To form a representative body capable of developing group opinion on professional Matters to speak with authority for members;**
- 2.3 To provide an opportunity for continuous study and action on problems within the profession;**
- 2.4 To promote cooperation and communication between education support professionals and certificated educators;**
- 2.5 To provide a means of representation for its ethnic-minority members;**
- 2.6 To promote professional attitudes and ethical conduct among members;**
- 2.7 To encourage cooperation and communication between the profession and the community; and**
- 2.8 To foster good fellowship among members.**

## **ARTICLE III-MEMBERSHIP**

- 3.1 The primary category of membership shall be Active members.**
- 3.2 Active membership shall be open to any person who is engaged in or is on limited leave of absence from professional educational work, is an employee of the Rialto Unified School District, and whose primary assignment is such as not to hold evaluative responsibility over other employees to such an extent as not to be represented in the negotiations process by the bargaining unit.**
- 3.3 Membership may be granted upon initiation of payroll deduction or upon payment of annual REA/CTA/NEA dues.**
- 3.4 The right to vote and to hold elective office or appointive position within the Association shall be limited to Active members.**
- 3.5 Members shall receive special services, obtain assistance in the protection of professional and civil rights and receive reports and publications of the Association.**
- 3.6 Active members shall adhere to the Code of Ethics of the Education Profession.**
- 3.7 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.**
- 3.8 No member of the Association may be disciplined by the chapter without due process. Due Process includes the right to select representation, to present evidence on his/her behalf, to confront and cross/examine his/her accuser and any other witnesses against him/her, and to examine and refute all evidence considered by the hearing panel, whether or not such evidence is presented at a hearing. The member has the right to appeal the decision of the hearing panel to the governing body.**
- 3.9 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.**
- 3.10. Unless otherwise expressly provided by law, persons who tender agency fees shall have no rights or privileges within this Association.**

## **ARTICLE IV-DUES, FEES, AND ASSESSMENTS**

- 4.1 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, (currently calculated at .58% or .0058 of Step I Column I of the previous year's salary schedule), the dues of CTA, and the dues of NEA.**
- 4.2 The Association's portion of the basic annual dues, and the representation fee for non-members, shall be established by action of the Representative Council of the Association at the last regular meeting of the year.**
- 4.3 The Association shall apportion any negotiated representation fee on the same percentage basis as the full REA/CTA/NEA dues.**
- 4.4 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.**

## **ARTICLE V-POLICY MAKING BODY**

- 5.1 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.**
- 5.2 The Representative Council shall be composed of the following Active members:**
  - 1. Voting members of the Executive Board;**
  - 2. Representatives elected on the basis of one-person one vote;**
- 5.3 The Representative Council shall:**
  - 1. Establish Association policies and objectives;**
  - 2. Adopt the annual budget of the Association on or before the second meeting of the school year;**

- 3. Approve the establishment or discontinuance of committees recommended by the Executive Board; and**
- 4. Establish the dues of the Association.**
- 5.4 The Representative Council shall meet monthly during the school year; the number, place and time of meetings to be decided by the Executive Board.**
- 5.5 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 Representative Council, or by twenty percent (20%) of the active membership at large.**
- 5.6 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.**
- 5.7 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.**
- 5.8 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.**
- 5.9 A quorum for all meetings of the Representative Council shall consist of a majority of all voting members of the Representative Council.**

#### **ARTICLE VI-REPRESENTATIVES**

- 6.1 Representatives shall be elected by and from the Active membership for each faculty group. Such election shall be by open nominations and secret ballot.**
- 6.2 Representatives shall serve a term of one (1) year and may be re-elected.**
- 6.3 Each faculty, site or site unit shall be entitled to at least one representative and shall have one representative for each twenty-five (25) Active members on the staff, or major fraction thereof. Each elected representative is entitled to one elected alternate.**
- 6.4 A faculty representative who must be absent from a Representative Council meeting must send an alternate. Upon being seated by the Representative Council, each alternate assumes the rights and responsibilities of membership of the Council for the duration of the meeting.**

- 6.5 Active members who are not represented through an individual school group shall be counted as a special faculty group entitled to the same representation on the Representative Council as individual school faculty groups.**
- 6.6 Vacancies: Vacancies in the office of Representative for whatever cause may be filled by properly elected replacements.**
- 6.7 Representatives shall:**
- 1. Conduct constant and ongoing liaison between the Representative Council and the Active members of the faculty/site unit;**
  - 2. Serve as the official channel through which written communications and publications can be easily and quickly transmitted between the Association and the members;**
  - 3. Represent the views and input of the Active membership in votes taken in the Representative Council, conducting frequent and regular polls of such membership for this purpose; and**
  - 4. Perform such additional duties as prescribed by the Executive Board.**
  - 5. A Representative shall not conduct an election in which he/she is a candidate.**

## **ARTICLE VII-OFFICERS**

- 7.1 The officers of the Association shall be the President, a Vice-president, a Secretary, and a Treasurer.**
- 7.2 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.**
- 7.3 These officers shall be elected by and from the Active membership of the Association. Such elections shall be by open nominations and secret ballot.**
- 7.4 Officers shall be elected for a term of two (2) years commencing on July 1 of any calendar year.**
- 7.5 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.**

## **7.6** Duties of Officers

### **7.6.1** The President shall:

1. Preside at all meetings of the Association, the Representative Council and the Executive Board and serve as ex-officio member of all committees.
2. Prepare the agenda for the meetings of the Association, the Representative Council, and the Executive Board.
3. Be the official spokesperson for the Association.
4. Be familiar with the governance documents of the Association, the CTA, and the NEA.
5. Annually appoint all chairpersons and members of committees and the Bargaining team with the approval of the Executive Board by the beginning of each school year.
6. Call meetings of the Association, **the Representative Council** and the Executive Board.
7. Suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association.
8. Prescribe duties and functions of staff subject to policies and direction of the Executive Board.
9. Attend meetings of the Service Center Council of which the Association is a part **and attend other CTA/NEA meetings as directed by the Representative Council.**
10. Attend other CTA/NEA meetings as directed by the Representative Council and perform such duties as may be directed by the Executive Board or the Representative Council.
11. **Propose the procedures for grievance processing for ratification by the Executive Board and the Representative Council.**

### **7.6.2** The Vice President shall:

1. Serve as an assistant to the President in all the duties of the President.

2. Assume the duties of the President in the absence of the President;
- 3. Be responsible for the formation and distribution of the Association's calendar of activities and,**
- 4. Serve as coordinator of committee activities at the direction of the President.**
5. Perform such other duties as may be directed by the President, the Executive Board, or the Representative Council.

**7.6.3** The Secretary shall:

1. Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, Representative Council and Executive Board.
2. Be responsible for distribution of all notices, agendas and minutes of meetings to members of the Representative Council and Executive Board and to the membership via the REA office staff.
3. Keep an accurate roster of the membership of the Association and of all committees.
4. Carry on the correspondence pertaining to the affairs of the Association as directed by the President.

**7.6.4** The Treasurer shall:

1. Receive all funds belonging to the Association and be responsible for their safekeeping and accounting.
2. Pay out such funds upon orders of the President.
3. Prepare a written financial report for each regular meeting of the Executive Board and Representative Council.
4. Be responsible for an annual audit of the books of the Association and publish an annual financial summary of the audit to the membership.
5. Submit membership and financial reports to CTA, NEA, and other agencies as required by law.



## **ARTICLE VIII- EXECUTIVE BOARD**

**8.1 The Executive Board shall be comprised of the elected officers, the elected CTA State Council Delegates and the elected Segment Directors as follows:**

**Elementary (K-5),  
Middle School (6-8) /Non-graded\*  
High School (9-12)**

**The ratio for the directors shall be 1:200 members in each segment. The Bargaining Chair, The Instructional and Professional Development Chair, as well as the Political Action Chair shall serve as non-voting ex-officio members of the Executive Board.**

**\*Non-graded includes TOSA's and itinerate staff such as speech therapists, APE, nurses, and VAPA.**

**8.2 The Directors of the Executive Board shall be elected with open nomination and by secret ballot.**

**8.3 The Directors of the Executive Board shall be elected for a term of two (2) years, commencing on July 1 of any calendar year.**

**8.4 Vacancies in the position of Directors of the Executive Board shall be deemed to exist in the case of death, resignation, or inability to serve in this position. If there is a vacancy occurring in this position, a special election to fill the vacancy shall be held within thirty (30) days.**

**8.5 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.**

**8.6 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.**

**8.7 The duties and the responsibilities of the Executive Board are:**

- 1. Coordinate the activities of the Association;**
- 2. Act for the Representative council when school is not in session;**

3. **Direct the bargaining activities of the Association, subject to policies established by the Representative Council;**
4. **Approve by majority vote appointment and by two-thirds (2/3) vote removal of bargaining team members;**
5. **Recommend a budget for the Association to the Representative Council;**
6. **Approve by majority vote all appointment and removal of committee members, including chairpersons;**
7. **Adopt the local Standing Rules of the Association;**
8. **Adopt the grievance procedure;**
9. **Direct the grievance activities of the Association; and**
10. **Exercise all the business and organizational powers and duties of the Association as prescribed by law and these bylaws, subject to any restrictions that may be imposed by the Representative Council.**

**8.8** Quorum: A majority of the Executive Board shall constitute a quorum for the transaction of business. A member of the Executive Board shall not be permitted to exercise the right to vote or any other power and duty of office through a proxy or alternate.

#### **ARTICLE VIV - MEETINGS OF THE GENERAL MEMBERSHIP**

- 9.1 Meetings of the Association may be called by the President as needed.
- 9.2 Special meetings of the Association may be called by the President, the Executive Board or by written petition of twenty percent (20%) of the membership.
- 9.3 Notices of the Association meeting including date, time, place, and purpose of the meeting shall be made available to all members of the Association at least two days prior to the meeting except during crisis situations. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify the Association membership of meeting dates, places, times.
- 9.4 A quorum for meetings of the Association shall be **10% of the Active Membership.**

## **ARTICLE X - BARGAINING TEAM**

- 10.1 The duties of the Bargaining Team are to represent and to bargain for all bargaining members.**
- 10.2 The President shall appoint all members, alternates and the chairperson of the Bargaining Team with the concurrence of the Executive Board.**
- 10.3 Vacancies created by resignation or inability to serve shall be filled by the Executive Board from the list of alternates.**
- 10.4 The Executive Board, by two-thirds (2/3) vote, may remove a member of the Bargaining Team.**
- 10.5 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. The Executive Board is distinct from the Bargaining Team.**
- 10.6 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 the Representative Council in that unit.**
- 10.7 The Bargaining Team shall report its activities to the Executive Board as the Board requires.**
- 10.8 The Executive Board shall provide for the dissemination of information regarding bargaining and the activities of the Bargaining Team to the general membership.**
- 10.9 The Bargaining Team is empowered to reach tentative agreements with the district. Such agreements shall be considered tentative and not binding upon the Association until such agreements have been ratified by the membership in the appropriate unit, unless such ratification shall have been specifically waived or otherwise delegated by the Active membership.**

## **ARTICLE XI - GRIEVANCE PROCESSING**

- 11.1 The Executive Board shall adopt, with the approval of the Representative Council, procedures for grievance processing.**
- 11.2 These procedures shall include, but not be limited to, the following:**
  - 1. Provide for representation to assist all members of the bargaining unit**

- in processing grievances;
- 2. Training for the handling of grievances; and
- 3. Evaluation of the Association's grievance policies and procedures.

## **ARTICLE XII – NOMINATIONS AND ELECTIONS**

**12.1** The chapter shall follow and members are entitled to the rights contained in the *CTA Requirements for Chapter Elections Procedures* published annually with the *CTA Elections Manual*. The chapter president must provide Active members an opportunity to vote in all elections.

Chapter presidents do not have the option of deciding whether an election shall be held.

**12.2** Elections shall be conducted with:

- 1. Open nomination procedure;
- 2. Secret ballot;
- 3. All Active member vote;
- 4. Record of voters receiving or casting ballots; and
- 5. Majority vote, unless otherwise specified.

**12.3** State Council Representative elections shall be conducted in accordance with CTA guidelines after the chapter has been notified to do so by the CTA Election Committee.

**12.4** NEA State Delegate elections shall be conducted in accordance with CTA guidelines.

**12.5** NEA Local Delegate elections shall be conducted in accordance with CTA/NEA guidelines.

**12.6** The duties of the Elections Committee shall be to:

- 1. The Election Committee shall ensure that all REA/CTA/NEA election codes and timelines are followed;
- 2. Establish elections timelines;

- 3. Develop and carry out timelines and procedures;**
- 4. Prepare ballots for election of officers and such other elections as may be necessary.**
- 5. Count the ballots and certify the results; and**
- 6. Handle initial challenges.**

#### **ARTICLE XIII- COMMITTEES**

- 13.1 Committees, except as otherwise provided in these bylaws, may be established and discontinued by the Executive Board, subject to the approval of the Representative Council.**
- 13.2 Each committee shall submit periodic reports to the Executive Board and Representative Council.**

#### **ARTICLE XIV - PARLIAMENTARY PROCEDURE**

- 14.1 Authority: The latest edition of Roberts Rules of Order, Newly Revised, latest edition shall be the authority in Parliamentary law and procedures at all meetings of the Association, the Representative Council, the Executive Board, and the various committees of the Association, and on all matters not otherwise determined by these By-laws.

#### **ARTICLE XV - AMENDMENTS**

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

## **Standing Rule #1**

### **Procedures for Approval of Plans for Improvement of Student Academic Achievement**

1. Proposals must be submitted to the Association at least thirty school days prior to the requested implementation to allow sufficient time for a vote to be taken and the Association and Superintendent to evaluate said proposal.
2. The proposal shall be evaluated by the Negotiations team and CTA staff, with recommended action forwarded to the Executive Board in order to become a Memo of Understanding.
3. All “affected bargaining unit members” regardless of membership status, shall be afforded the opportunity to vote on proposed changes. The Executive Board will make the final decision as to whether the MOU is accepted or not accepted.
4. Proposals affecting a sub-group within a particular site may be assessed by ballots at the site conducted by the Association.

## **Standing Rule #2**

### **Rialto Education Association NEA – RA Rules for Delegates**

#### Meetings

1. Delegates will attend all California Caucus meetings.
2. Delegates will attend all Representative Assembly meetings.
3. Delegates will be present for all crucial votes including, but not limited to new business items and resolutions. A delegate's reimbursement may be affected depending upon the amount of time missed and the extenuating circumstances.

#### Attendance

1. Each delegate will sign in and out for the following:
  - a. California Caucus meetings
  - b. Representative Assembly meetings
  - c. The REA President will select an NEA RA attendee to take roll.

#### Expenses

1. Each delegate will have a maximum expense stipend as recommended by CTA, unless additional expenses are approved by the REA president.
2. Each delegate may be advanced a maximum of 80% of CTA's total expense recommendation to cover NEA-RA expenses.
3. The remaining 20% of the expense stipend will be paid after the attendance at the NEA-RA.

## **Standing Rule #3**

# **Rialto Education Association**

## **ELECTION PROCEDURES**

### **A. Elections Committee**

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

### **B. Election Requirements**

1. The Elections Committee shall submit to the Representative Council no later than the second Rep Council meeting of the school year an Election Timeline for conducting the election of officers, directors of the Executive Board, NEA Delegates and CTA State Council Representatives.
2. The Elections Committee shall conduct and/or supervise elections of REA, process nominations, prepare the ballot, canvass the election returns from the electoral groups, tabulate the results, certify the results to the Representative Council, and announce the same no later than the last Representative Council meeting of the year. Each site shall be responsible for conducting their site rep election. In the event of a dispute, the Elections Committee shall conduct the election at the site.



3. The deadline for nominations for the local NEA Representative Assembly delegates shall be dictated by the San Geronio Service Center. The deadline for open nominations for the offices of the Executive Board shall be established by the Elections Committee as part of the plan for elections. Open nominations may be made for an elective office of the Executive Board by any of the following means:
  - a. Nominations may be made by written declaration submitted to the elections committee or from the floor at any Representative Council meeting during the period designated by the elections committee for the presentation of nominations.
  - b. An active REA member may nominate himself/herself or any Active REA member. The only qualification for office shall be Active membership in REA.
  - c. Nominated candidates must verify candidacy in writing on the appropriate form developed by the elections committee and signed by the nominee prior to names being placed on the ballot.
  - d. Names of nominees shall be posted and/or emailed in/to each building not less than seven working days prior to an election.

#### C. Balloting and Voting:

1. The Chapter shall provide means for all Active members to vote by secret ballot. All candidates will be voted upon by Active unit members of the REA.
2. Secret balloting for REA election of officers, Executive Board Directors and State Council Representatives shall begin no later than the last successive Monday and Tuesday of April.
3. The Chapter shall provide voting-by-envelope at the sites using the double envelope process for all chapter elections.
4. For the NEA/RA, the election may be waived by a vote of the REA Representative Council if the number of candidates is equal to, or below the number of seats allotted the chapter.
5. The Elections Committee shall provide all candidates with rules, timelines and guidelines pertaining to the election.

6. The candidate receiving the highest number of the votes cast for each office (Executive Board officers and directors) shall be declared elected.
7. If a candidate for the CTA State Council position does not win by majority vote, then a run-off election will be held within twenty (20) school business days. The run-off election shall be conducted among the two candidates receiving the highest votes. No write-in candidates will be accepted in the run-off election process. CTA rules and guidelines regarding State Council Elections shall be followed.

D. Challenge Procedure:

1. A challenge cannot be initiated until after the results, including and run-offs if necessary, of the election have been posted at each work site.
2. Challenges for election of State Council Representatives, Alternates, State and Local delegates to the NEA RA follow procedures in the CTA Elections Manual.
3. All official forms for challenges can be found in the CTA Elections Manual.
4. Challenging party(ies) must notify the REA President and Elections Chair of a challenge in writing, using the official Original Elections Challenge Form, within ten (10) calendar days after the announcement of the results of the election. If the REA President is a candidate on the ballot, please see item number 7.
5. Upon receipt of the challenge, the REA Election's committee will notify all the candidates that a challenge has been filed and the nature of the challenge. The names of the challengers and challenge forms shall remain confidential. Within ten (10) calendar days after receipt of the challenge, the Elections Committee shall determine if the challenge is valid.
6. The Elections Committee Chair shall submit a written report including issues, findings, and recommendations to the REA Executive Board within the same ten (10) calendar day period.
7. Any member of the Executive Board who was a candidate in a race that has been challenged, or whose immediate family member is a candidate in the race that has been challenged, shall recuse themselves from discussion of and voting on the challenge. In the case where a majority of the REA Executive Board is unable to act on the challenge the decision shall move to the Representative Council.

E. Campaigning:

1. No Association financial resources such as, but not limited to, copiers, printing, paper, and the REA website page shall be used for the purpose of campaigning in REA elections.
2. The District Acceptable Use Policy prohibits the RUSD Internet for Campaigning.
3. Each candidate shall have the right to a list of the name and address of school sites and the number of active members of each site for the purpose of campaigning.