BYLAWS’ COMPLIANCE: QUICK and EASY

Presidents Conference
July 18-19, 2015

Kim Breen
Regional UniServ Staff

What is the GOVERNANCE DOCUMENTS REVIEW COMMITTEE?

What are its duties?
What allows the Governance Documents Review Committee to review Association governance documents?

**CTA S.R. 4-1 & NEA Bylaws 8-7**

Governance documents for ALL associations and affiliates must be reviewed at least once every five years to determine compliance with the minimum standards for chartering and affiliation.

Why do CTA chapters have to meet NEA requirements?

- As an affiliate of the NEA and in order to meet its obligations, CTA must require its members and chapters to comply with NEA standards.
- CTA chapters must be affiliated with the NEA (CTA Standing Rule 4-1).
How will an Association know if its governance documents meet current standards for chartering?

Request a Review by or help from the Gov Docs Review Committee; bylawsreview@cta.org

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Why Do We Have Bylaws and Election Standing Rules?

- to ensure the smooth operation of your Association
- to help with the resolution of disputes in your Association
What are the components necessary in an Association’s Bylaws?

- Name of Association
- Purpose
- Affiliations
- Membership
- Dues/Fees
- Roles and Responsibilities
  - Officers
  - Executive Board
  - Policy-Making Body
- Meetings
- Bargaining
- Grievances
- Nomination & Election Procedures
- Parliamentary Authority
- Amendment Procedure

Why do CTA/NEA use Robert’s Rules of Order, newly revised, as their Parliamentary authority?

- It is important for all members of an organization to use a single parliamentary guide.
- It is the most widely accepted authority on parliamentary procedure.
- In other words...it brings order out of chaos.
Can Associations have an immediate Past President on their Executive Board?

If the Association does, the Past President must:

➢ Be a non-voting member
➢ Serve only one year

Should an Association elect Co-Presidents?

NO...

There is no provision within CTA/NEA Requirements for Chartering of Chapters that provides for Co-Presidents.
Can a *retiree* serve as President of the Association or as a member of the Bargaining Team?

Only Active Members may:
- serve as President or be elected to any leadership position
- serve on any body that establishes policy for the Association
- serve on the Bargaining Team
- be appointed to committees or teams in the Local Association

What rights do Retirees have within the Local Association?

NONE
Who Votes on the Executive Board and Representative Council?

- CTA/NEA Rules require all voting members of governance bodies be elected by the membership they represent.
- However, committee chairpersons may serve on Exec Board and Rep Council in a non-voting status.

What should be the “Policy-Making Body” of the Association/Union?

Representative Council? General Membership?

This depends on the size of the Association and the ability of the general membership to meet regularly.
What is a Quorum?

According to Robert’s Rules a quorum is the minimum number of voting members who must be present at a properly called meeting in order to conduct business.

Why must Association Governance Documents include provisions for the One-person One-vote principle?

- Guarantees equal representation
- Is a requirement under CTA SR 4-1 and NEA Bylaw 8-7.a
What is meant by One-Person One-Vote?

One-Person One-Vote

- A voting procedure by which the vote of each member has equal weight, and
- each representative represents approximately the same number of members as each and every other delegate in the elected governing body.

**NEA Standing Rule 13C**

What is Open Nomination?

- All ACTIVE members, who meet the qualifications for an elected position, may be nominated or self-nominated.
- All ACTIVE members, who choose to run for that position, shall have their names placed on the ballot.
Who is entitled to vote in Association Elections?

- All ACTIVE MEMBERS shall be eligible to vote in association elections...

- EXCEPT... when the election is restricted to a specific group of Active Members.

  e.g. Elections for site representatives are voted on by the members at that site.

Why is it necessary to have a Special Election to fill a vacancy in an elected office... couldn’t the President just appoint?

- Only elected persons serve in elected positions.

- The only way to ensure a vacant office will be filled by a person representing a majority of the membership is by holding a special election.

  An appointee of the President only represents the President.
What is meant by Secret Ballot?

- A written or printed ballot is used with all eligible voters.
- All eligible voters have the right to vote in secret.

NEW RULE...

New language in your Local’s Bylaws will allow elimination of Election Standing Rules provided the Chapter’s bylaws include the “magic” statement that the chapter will follow the CTA Elections Manual.
NEW LANGUAGE...

The Chapter shall follow and members are entitled to the rights contained in the CTA Requirements for Chapter Election Procedures published annually with the CTA Elections Manual.

What are CTA *leave as-is* requirements for election procedures?

There shall be an appointed Elections Committee.*

**Duties of the Elections Committee**

- Ensure that all Chapter/CTA/NEA election procedures and timelines are followed
- Establish election timelines
- Develop and carry out timelines and procedures
- Prepare ballots for election of officers and other elections as may be necessary
  - Count the ballots and certify the results
  - Handle initial challenges

*Bylaw Language, Nominations and Elections: Section XI*
Local Standing Rules

Local Standing Rules are not subject to review by the Governance Documents Review Committee. However, they must not contradict the Bylaws and Election Standing Rules.

Examples:
- Conference/State Council Accommodations
- Stipends
- Committees and Their Charges

How does an Association know what is required in its Bylaws?

The CTA manual, Requirements for Development of Bylaws for Chartered Chapters of CTA, has samples A and B.

Sample A - for small associations not using a Representative Body. (CTA suggests <100)

Sample B - for larger associations using a Representative Body. (CTA > 100)
This sounds difficult!

Make it easy...  
...use the template

BYLAWS
Association/CTA/NEA
1. NAME AND LOCATION
The official name of this Association shall be the ____________________________
Association/CTA/NEA in ____________________________ County

FILL IN THE BLANKS
I. NAME AND LOCATION OF ASSOCIATION

A. The official name of this Association shall be ___________ Association/CTA/NEA (CTA Standing Rule 4-1)

B. In ______________ County. (CTA Standing Rule 4-1)

II. PURPOSES

A. To represent its members in their relations with their employer and to seek to be the exclusive representative of appropriate units of school employees in all matters relating to employment conditions and employer-employee relations including, but not limited to, wages, hours, and other terms and conditions of employment.

B. To form a representative body capable of developing group opinion on professional matters to speak with authority for members.

C. To provide an opportunity for continuous study and action on problems of the profession.

D. To raise the standards for education support professionals.
II. PURPOSES (This Article shall include as a primary purpose the following statement:)

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<th>E.</th>
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<td>To provide a means of representation for its ethnic-minority members (CTA Standing Rule 4-1 1.a)</td>
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<td>To promote professional attitudes and ethical conduct among members</td>
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<td>To encourage cooperation and communication between the profession and the community</td>
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<td>To foster good fellowship among members.</td>
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III. AFFILIATIONS WITH CTA/NEA

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<td>Chapter acknowledges affiliation with CTA and NEA as follows:</td>
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<tr>
<td>“The _____________ Association shall be a chartered chapter of the California Teachers Association (CTA).”</td>
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<td>(CTA Standing Rule 4-1)</td>
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<th>B.</th>
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<tr>
<td>“The _____________ Association shall be an affiliated local Association of the National Education Association (NEA).”</td>
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...USE THE CHECK SHEET

IF YOU STILL HAVE QUESTIONS...

Seek the help of your

➢ Primary Contact Staff
➢ Executive Director
➢ Governance Documents Review Committee

S.O.S.
LOCAL STANDING RULES EXAMPLE

A. LOCAL STANDING RULES FORMATION

Local Standing Rules can be amended or changed by a simple majority of the Executive Board.

B. EXECUTIVE BOARD ATTENDANCE

1. Executive Board members absent from four (4) consecutive regularly scheduled meetings shall be considered to have vacated his/her position.
2. An election to fill that position will be held within 30 days.

C. ELECTION OF EXECUTIVE BOARD

1. Announcements of any open positions, responsibilities of each position and length of office for the Executive Board will be made to all members in the month of March.
2. Nominations for open positions will be taken at the April Representative Meeting.
3. Members will have 14 calendar days to submit nominations or to nominate themselves.
4. The election of Executive Board members will be held during the month of May.
5. Any run off election will be held as soon as possible but no later than the first week of June.

D. OFFICE MANAGER

The hourly wage for the current secretarial employee is $26 per hour.

E. PRESIDENTIAL CELL PHONE

1. The Association will provide the President a cell phone with which to carry on association business.
2. The number of the cell phone will be provided to unit members.
3. The treasurer will review the cell phone bill and present it to the Executive Board for review in any month that charges exceed the current service plan.

F. STIPENDS FOR ASSOCIATION WORK

1. Officers of the Association
   
   1. Each officer will receive a monthly stipend to be paid during the months the Association is doing business for its members.
   2. The stipend schedule approved by Representative Council is:
      
      a. President $700
      b. Vice-President $525
      c. Treasurer $500
      d. Secretary $350
2. **Grievance Committee**
   Each member of the committee will receive a monthly stipend of $75 during the months that he/she is doing Association business.

3. **Bargaining Team**
   Each member of the negotiating team will be paid a stipend during the months he/she does Association business as follows:
   a. Bargaining Chair $100
   b. Bargaining Team Member $50

4. **Newsletter Editor:**
   The Association Newsletter editor will be paid a stipend of $50 during the months he/she does the Association business.

5. **The Website Editor:** will be paid a monthly stipend of $50 during the months he/she does Association business.

**G. Ratification/Pilot Program Vote Pertaining to Changes to the Collective Bargaining Agreement and/or Waiving Rights**

1. Only Active Members who are affected by the proposed change will be eligible to vote.
2. The minimum threshold for passage is 75% percent of members affected by the proposed change. (Failure to vote = a NO vote)

**H. Grievance Procedure for Arbitration**
The decision to proceed to Arbitration on a Grievance shall be decided by a majority vote of the voting members of the Executive Board.

**I. Travel Reimbursement**
Costs related to attendance at CTA sponsored conferences shall be reimbursed in the following manner:
   a. Hotel Accommodations 2 to a room
   b. Mileage $.55 per mile
   c. Meals $70 total/receipts required
   d. Hotel CTA Standards

**J. Site Representative Pay**
Each site representative shall be paid in December and May $10 per meeting he/she attended in the previous months with the following stipulations:
   He/She signed in to the meeting and stayed until adjournment.