



**Evergreen  
Teachers  
Association  
Bylaws**

Revised 2011

## **BYLAWS**

### **Evergreen Teachers Association/CTA/NEA**

#### **I. NAME AND LOCATION**

The official name of this Association shall be the Evergreen Teachers Association/CTA/NEA in Santa Clara County.

#### **II. PURPOSES**

The primary purposes of this Association shall be:

- 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;
- E. To provide a means of representation for its ethnic-minority members;
- F. To promote professional attitudes and ethical conduct among members;
- G. To encourage cooperation and communication between the profession and the community; and
- H. To foster good fellowship among members.

#### **III. AFFILIATION WITH CTA/NEA**

- A. The Evergreen Teachers Association shall be a chartered chapter of the California Teachers Association (CTA).
- B. The Evergreen Teachers Association shall be an affiliate local association of the National Education Association (NEA).

#### **IV. MEMBERSHIP**

- A. The primary category of membership shall be Active members.
- B. Active membership shall be open to any person who is engaged in or who is on limited leave of absence from professional educational work, is an employee of Evergreen Elementary School district(s), and whose primary assignment is such as not to hold evaluatory responsibility over other employees to such an extent as not to be represented in the negotiations process by the bargaining unit.

- C. Membership may be granted upon initiation of payroll deduction or upon payment of annual Association/CTA/NEA.
- D. The right to vote and to hold elective office or appointive position within the Association shall be limited to Active members.
- E. Active members shall be eligible to vote, hold elective office or appointive position, receive special services, obtain assistance in the protection of professional and civil rights, and receive reports and publications of the Association.
- F. An individual who is serving as a negotiator for a public school employer shall not be eligible for membership in the Association, and is not an Active member.
- G. Active members shall adhere to The Code of Ethics of the Education Profession.
- H. 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.
- I. No member of the Association may be disciplined without a due process hearing, which shall include the established appellate procedure.
- J. 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.
- K. Unless otherwise expressly provided by law, persons who tender agency fees shall have no rights or privileges within this Association.

#### V. DUES, FEES, AND ASSESSMENTS

- A. The basic annual dues level for Active members, and representation fee for non-members represented in the bargaining unit, shall be sufficient to cover the operation expenses of the Association, the dues of CTA, and the dues of NEA.
- B. 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 school year.
- C. The Association shall apportion any negotiated representation fee on the same percentage basis as the full Association/CTA/NEA dues.
- D. 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.

## VI. POLICY-MAKING BODY

- A. 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.
- B. The Representative Council shall be composed of the following Active members:
  - 1. Executive Board, ex-officio-voting;
  - 2. Site Representatives elected on the basis of one-person one-vote.
- C. The Representative Council shall:
  - 1. Establish Association policies and objectives;
  - 2. Adopt the annual budget of the Association on or before the first meeting of the school year by a majority vote;
  - 3. Approve the establishment or discontinuance of committees recommended by the Executive Board; and
  - 4. Establish the dues of the Association.
  - 5. Approve the schedule of compensation or stipends to be paid to members.
- D. The Representative Council shall meet at least once during each school month; the number, place and time of meetings to be decided by the Executive Board.
- E. Special meetings of the Representative Council may be called by the President, the Executive Board, or by the petition of twenty percent (20%) of the Active membership.
- F. 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.
- G. 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.
- H. 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.
- I. Members of the Representative Council shall serve a term of 1 year(s). (EXCEPT FOR THE CTA STATE COUNCIL REPRESENTATIVES WHOSE TERMS ARE SET BY CTA.)
- J. A quorum for all meetings of the Representative Council shall consist of a majority of all voting members of the Representative Council-

## VII. SCHOOL SITE REPRESENTATIVES (definition)

- A. Site representatives shall be elected by and from the Active membership for each site or faculty group. Such election shall be by open nominations and by secret ballot.

- B. Each site shall be entitled to at least one representative and shall have one representative for each 15 Active members on the faculty, or major fraction thereof.
  - 1. The Site Representative will assume office at the first regular meeting of the council in September, and continue in office until the next September.
- C. Active members who are not represented through an individual school faculty group shall be counted as a special faculty group entitled to the same representation on the Representative Council as individual school faculty groups.
- D. Vacancies: Vacancies in the office of Representative for whatever cause may be filled by properly elected replacements.
- E. Site Representatives shall:
  - 1. Site Representatives shall attend and participate in all Representative Council Meetings;
  - 2. Conduct constant and ongoing liaison between the Representative Council and the Active members of the faculty site;
  - 3. Serve as the official channel through which written communications and publications can be easily and quickly transmitted between the Association and the members;
  - 4. Represent the views and input of the Active membership of the site in votes taken in the Representative Council, conducting frequent and regular polls of such membership for this purpose; and
  - 5. Perform such additional duties as prescribed by the Executive Board.
- F. A Site Representative may not conduct an election in which he/she is a candidate.

## VIII. OFFICERS

- A. The officers of the Association shall be a President, a Vice- President, a Secretary, and a Treasurer.
- B. 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.
- C. These officers shall be elected by and from the Active membership of the Association. Such election shall be by open nominations and secret ballot.
- D. Officers shall be elected for a term of 2 year(s), commencing on July 1 of any calendar year.
- E. 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 President, the Vice-President shall assume the office of for the remainder of the un-expired terms. In the event a vacancy occurs in the other offices, a special election shall be held to elect successors to fill the un-expired terms.

F. The President shall be the chief executive officer of the Association and its policy leader.

The President shall:

1. Preside at all meetings of the Association, the Representative Council and Executive Board;
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, CTA, and NEA;
5. Appoint all chairpersons and members of committees with the approval of the Executive Board by the beginning of each school year;
6. Appoint the chairperson and members of the bargaining team with the approval of the Executive Board by the beginning of each school year;
7. Call meetings of the Association, Representative Council, and the Executive Board;
8. Propose the procedures for grievance processing for ratification by the Executive Board and the Representative Council;
9. Suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association;
10. Attend meetings of the Service Center Council of which the Association is a part; and
11. Attend other CTA/NEA meetings as directed by the Representative Council.
12. Execute the policies of the Association and supervise their effective implementation;
13. Appoint special committees whenever the need arise;
14. Sign, in accordance with the Bylaws, the Collective Bargaining Agreement in the name of the Association;
15. Attend meetings of the Evergreen School District Board of Trustees.

G. The Vice-President shall:

1. Serve as assistant to the President in all 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.

H. 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 the Executive Board;

2. Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to members of the Representative Council and Executive Board; and to the membership when appropriate;
  3. Keep an accurate roster of the membership of the Association and of all committees; and
  4. Carry on the correspondence pertaining to the affairs of the Association as directed by the President.
- I. 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. Provide a written financial report for each regular meeting of the Representative Council and Executive Board;
  4. Be responsible for an annual audit of the books of the Association and distributing a summary of this audit to the membership; and
  5. Be responsible for submitting membership and financial reports to CTA, NEA, and other agencies as required by law.

## IX. EXECUTIVE BOARD

- A. The Executive Board shall be composed of the elected officers, one ethnic minority representative and 1 member elected at large per 100 active members or major fraction thereof.
- B. 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.
- C. The at-large members of the Executive Board shall be elected with open nominations and by secret ballot.
- D. The at-large members of the Executive Board shall be elected for a term of 2 year(s), commencing on July 1 of any calendar year.
- E. Vacancies in the position of at-large members 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 elect successors to fill the un-expired terms.
- F. 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.
- G. 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 appointments and removal of committee members, including chairpersons;
  7. Adopt the Standing Rules for the Association;
  8. Adopt grievance procedure;
  9. Direct the grievance activities of the Association; and
  10. Exercise all the business and organizational powers and duties for the Association as prescribed by law and these bylaws, subject to any restrictions that may be imposed by the Representative Council.
- E. A quorum for all meetings of the Executive Board shall consist of a majority of the elected members of that body.

#### X. MEETINGS OF THE GENERAL MEMBERSHIP:

- A. Meetings of the Association may be called by the President, the Executive Board, or by written petition of twenty percent (20%) of the Active membership.
- B. Notices of the Association meetings including date, place, time, and purpose of the meeting shall be made available to all members of the Association at least two days before the meeting except during crisis situations.
- C. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify the Association membership of meeting dates, places and times.
- D. A quorum for meetings of the Association shall be fifty percent (50%) of the Active membership.

#### XI. BARGAINING TEAM

- A. The duties of the Bargaining Team are to represent and to bargain for all bargaining unit members.
- B. The President shall appoint all members, alternates, and the chairperson of the Bargaining Team with the concurrence of the Executive Board.
- C. Vacancies created by resignation or inability to serve shall be filled by the Executive Board from the list of alternates.
- D. The Executive Board, by two-thirds (2/3) vote, may remove a member of the Bargaining Team.
- E. The Bargaining Team shall be under the direction of the Executive Board, and shall report its activities to the Executive Board, as the Board requires.
- F. The Bargaining Team is empowered to reach tentative agreements with the district subject to ratification by the Active membership.



- G. 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 Representative Council.
- H. 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.
- I. The Executive Board shall provide for the dissemination of information regarding bargaining and the activities of the Bargaining Team to the general membership.
- J. Agreements reached between the Bargaining Team and the school board or its representatives shall be considered tentative and not binding upon the Association until such agreements have been ratified by the Active membership in the appropriate unit(s) unless such ratification shall have been specifically waived or otherwise delegated by that Active membership.

## XII. GRIEVANCE PROCESSING

- A. The Executive Board shall adopt, with the approval of the Representative Council, the procedures for grievance processing.
- B. These procedures shall include, but not be limited to, the following:
  - 1. Provide for representation to assist all members of the bargaining unit(s) in processing grievances;
  - 2. Training for handling grievances; and
  - 3. Evaluation of the Association's grievance policies and procedures.

## XIII. NOMINATIONS AND ELECTIONS

The chapter president must provide Active members an opportunity to vote in all elections. Chapter presidents do not have the option of deciding that such elections shall not be held except for NEA-RA Local Delegate elections where, following a period of open nominations, voting may be waived if the number of candidates is equal to or less than the number of positions to be filled and the affiliate has adopted a governing provision or election policy allowing such a practice.

- A. There shall be an appointed Elections Committee.
- B. 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.

- C. State Council Representative elections shall be conducted in accordance with CTA guidelines after the chapter or service center council has been notified to do so by the CTA Elections Committee.
- D. NEA State Delegate elections shall be conducted in accordance with CTA guidelines.
- E. NEA Local Delegate elections shall be conducted in accordance with CTA/NEA guidelines.
- F. The duties of the Elections Committee shall be to:
  - 1. Ensure that all Association/CTA/NEA election codes and timelines are followed;
  - 2. Establish election 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.

#### XIV. COMMITTEES

- A. Committees, except as otherwise provided in these bylaws, may be established and discontinued by the Executive Board, subject to approval by the Representative Council.
- B. Each committee shall submit periodic reports to the Executive Board and Representative Council.
- C. All committees shall study problems within their area of concern and shall make recommendations in writing to the Representative Council for its information and or action.
- D. The Association President or the Representative Council may create special committees to study, and report, or to perform a specific task.
- E. All Standing/Special Committee chairpersons must have attained probationary or tenured status in the Evergreen School District at the time of appointment.

#### XV. PARLIAMENTARY AUTHORITY

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

## XVI. AMENDMENTS/PROCEDURES:

These Bylaws may be amended by a two-thirds (2/3) vote of the representatives at any regular or special meeting of the Representative Council. Notice in writing of a proposed Bylaws 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.

## XVII. RATIFICATION

These Bylaws shall become effective and supersede all previous Bylaws when passed by a two-thirds vote of the Representative Council.

## EVERGREEN TEACHERS ASSOCIATION HEALTH WELFARE TRUST

1. Procedures for appointment of Trustee/s to the Evergreen Trust:
  - a. Trustee/s shall be appointed by the Executive Board upon the recommendation of the President and with the approval of the Representative Council.
  - b. The length of term/s is as stipulated in the Trust Document.
2. Procedures for removal of a Trustee/s from the Evergreen Trust:
  - a. Trustee/s shall be removed only by the Executive Board with approval of the Representative Council.
  - b. Removal of a Trustee/s may only occur upon a two-thirds vote of the full Executive Board.
  - c. Request for consideration of removal of a Trustee/s must be presented to the Executive Board in writing stating the reasons for said request.
3. Procedures for communication between the Evergreen Health and Welfare Trust and the Evergreen Teachers Association:
  - a. The trustee/s shall transmit copies of all minutes and financial reports to the President of the Association who in turn will submit the documents to the Executive Board at the next regular Executive Board meeting.
4. Procedure for amending and/or modifying the Trust Document:
  - a. The provisions of the Agreement and Declaration of the Trust may be amended or modified at any time, and from time to time, by an agreement in writing from the Executive Board of the Association, subject to the terms and conditions of any applicable collective bargaining agreement and any applicable law or regulations.
  - b. Such amendments or modifications shall be adopted by a two-thirds vote of the full Executive Board with the approval of Representative Council.

5. Procedure for terminating the Trust Document:
  - a. The Agreement and Declaration of Trust may be terminated by the Association by any instrument in writing at any time provided said termination complies with applicable State and Federal law
  - b. Such termination of the trust document shall be adopted by a two-thirds vote of the membership of Evergreen Teachers Association.

#### EVERGREEN TEACHERS ASSOCIATION POLITICAL ACTION COMMITTEE

1. Procedures for utilizing the PAC: The Evergreen Teachers Association may become involved in the recommendation process of local candidates by following a fair and thorough process in which:
  - a. All candidates are given equal access to the committee and a good faith effort has been made to determine their positions on important issues facing education.
  - b. Recommendations are made by the PAC Committee, adopted by the local Executive Board and ratified by the Evergreen Teachers Association Representative Council.
2. No funds or "in-kind" support may be spend on non-recommended candidates.
3. The Evergreen Teachers Association PAC may issue recommendation letters or statements of recommendation with reasons for the recommendation for purposes of press releases or member education after approval of the local association's Executive Board.
4. Any member may request to be on the Evergreen Teachers Association PAC and may serve with consent of the association's Executive Board.
5. Meetings of the PAC will be called by the chairperson when there is business to conduct. All members will be notified in advance of the meeting. A quorum consisting of committee members is necessary to conduct business.
6. Procedures for Bylaw changes may be initiated by a majority vote of the Executive Board and approved by a majority vote of the Representative Council