

BYLAWS

SAN DIEGO EDUCATION ASSOCIATION/CTA/NEA

Certified by SDEA Board of Directors - January 8, 2020

Approved by SDEA Representative Council – May 6, 2020

I. NAME AND LOCATION

The official name of this Association shall be the San Diego Education Association/CTA/NEA in San Diego County.

II. PURPOSES

The primary purpose 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 promote cooperation and communication between education support professionals and certificated educators;
- 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 San Diego Education Association shall be a chartered chapter of the California Teachers Association (CTA).
- B. The San Diego Education Association shall be an affiliate local association of the National Education Association (NEA).
- C. The San Diego Education Association shall be an affiliate local association of the San Diego and Imperial County Central Labor Council – AFL-CIO

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 San Diego Unified School District or a charter school governing body of a charter school chartered by San Diego 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. Supports the goals of the Association; and agrees to adhere to the Code of Ethics of the National Educational Association.
- C. Membership may be granted upon initiation of payroll deduction or upon payment of annual Association/CTA/NEA dues.
- D. The right to vote and to hold elective office or appointive position within the Association shall be limited to Active members.
- E. Members shall receive special services, obtain assistance in the protection of professional and civil rights, and receive reports and publications of the Association.
- F. Active members shall adhere to The Code of Ethics of the Education Profession.
- G. 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.
- H. 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.
- I. 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.
- J. Unless otherwise expressly provided by law, non-member individuals employed in the certificated bargaining units represented by the Association shall have no rights or privileges within this Association.

V. DUES, FEES, AND ASSESSMENTS

- A. The basic annual dues level for Active members, 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 be established by action of the active membership of the Association at the last regular meeting of the school year.
- C. Membership shall be continuous after initial enrollment until delinquent or until a change in professional status shall make the member ineligible for membership.

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. Voting members of the Board of Directors;
 - 2. Faculty Representatives elected on the basis of one-person one-vote;
 - 3. The following additional representatives:
 - a. CTA State Council Representatives
 - b. Committee Chairperson, non-voting (provided they are not an elected representative to the Representative Council); and
 - c. Any SDEA members who hold a CTA/NEA office are ex-officio
- 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;
 - 3. Approve the establishment or discontinuance of committees recommended by the Board of Directors; and
 - 4. Establish the dues of the Association.
- D. The Representative Council shall schedule meetings monthly during the school year; and shall meet a minimum of seven times a year. The number, place and time of meetings to be decided by the Board of Directors.
- E. Special meetings of the Representative Council may be called by the President, the Board of Directors, 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 (2) 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. Representative Council meetings may be held in an electronic format, such as a webinar only for the purpose of dispensing information to members. Voting on action items during a webinar is allowed only when the circumstances make it impossible for the Representative Council to meet in person.
- J. A quorum for all meetings of the Representative Council shall consist of a majority of all voting members present at the commencement of the meeting of the Representative Council.

VII. REPRESENTATIVES

- A. Association Representatives/Council Representatives shall be elected by and from the Active membership for each school site/program or job alike group. Such election shall be by open nominations and by secret ballot.
- B. Representatives shall serve a term of 1 year.
- C. Each faculty, site/program or job alike unit shall be entitled to at least one Association Representative and shall have additional Council Representatives for each 20 Active members on the staff, or major fraction thereof, whose duties shall be to attend council meetings and to assist the Association Representative in carrying out their duties.
- D. 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.
- E. Vacancies: Vacancies in the office of Representative for whatever cause may be filled by properly elected replacements.
- F. Association Representatives/Council Representatives shall:
 - 1. Conduct constant and ongoing liaison between the Representative Council and the Active members of the faculty/site unit or job alike group;
 - 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;
 - 4. Join and participate in SDEA committees;
 - 5. Utilize SDEA staff for information and problem solving; and
 - 6. Perform such additional duties as prescribed by the Board of Directors.
- G. A Representative shall 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. 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.
- E. 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 Board of Directors
2. Prepare the agenda for the meetings of the Association, the Representative Council and the Board of Directors;
3. Be the official spokesperson for the Association;
4. Be familiar with the governance documents of the Association, CTA, and NEA;
5. Be responsible for the formation and distribution of the Association's calendar of activities; in conjunction with the Board of Directors;
6. Appoint all chairpersons and members of committees with the approval of the Board of Directors by the beginning of each school year;
7. Appoint the chairperson and members of the Bargaining Team with the approval of the Board of Directors by the beginning of each school year;
8. Call meetings of the Association, Representative Council and the Board of Directors;
9. Propose the procedures for grievance processing for ratification by the Board of Directors and the Representative Council;
10. Suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association;
11. Sign checks drawn on Association accounts with the Executive Director and/or Treasurer;
12. Be a member ex-officio of all committees
13. Attend meetings of the Service Center Council of which the Association is a part;
14. Attend and represent the Association at other CTA/NEA meetings as directed by the Representative Council; and
15. Perform such other duties as prescribed by the Standing Rules.
16. The President shall be a full time twelve –month President, released from responsibilities with the San Diego Unified School District.

F. 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. Serve as coordinator of committee activities at the direction of the President;
4. Work with such Association Committees and Joint Committees as may be assigned by the President;
5. Conduct such meetings as may be assigned by the President; and
6. Perform such other duties as prescribed by the Standing Rules.

G. 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 Board of Directors;
2. Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to members of the Representative Council and Board of Directors; and to

the membership when appropriate;

3. Perform such other duties as prescribed by the Standing Rules.

H. 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 and provide a financial report quarterly to the Representative Council, Board of Directors and the Membership, to be consistent with current practice.
4. Recommend to the Board of Directors an auditor to perform the annual audit and be responsible for an annual audit of the books of the Association and distributing a summary of this audit to the appropriate governance bodies;
5. Be responsible for submitting membership and financial reports to CTA, NEA, and other agencies as required by law;
6. Serve as chairperson of the Budget Committee;
7. Arrange for appropriate bond in an amount approved by the Board of Directors, for necessary officers and employees of the Association;
8. Sign checks drawn on the accounts of the Association with the Association and/or Executive Director; and
9. Perform such other duties as prescribed by the Standing Rules.

IX. BOARD OF DIRECTORS

- A. The Board of Directors shall be composed of the elected officers, elected at large and twelve (12) Geographic Directors.

The twelve Geographic Directors shall be elected by and from the Active membership in their geographic districts. Among the twelve elected directors, four shall be designated as elementary, four shall be designated as secondary and four shall be designated at large seats and open to any qualified Active member within the Board of Directors election district. Directors shall be elected for a term of two (2) years.

- B. All members of the Board of Directors 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. A vacancy shall be deemed to exist in the case of death, resignation, or inability to serve as a Geographic Director of the Association. In the event a vacancy occurs a special election shall be held to elect successors to fill the unexpired terms.
- D. In the event of a transfer out of the geographic area and/or change of level from which they were elected, that member would serve the remainder of that year. The seat would then be filled by the next general or special election.
- E. The Board of Directors 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 Board of Directors.
- F. Any member of the Board of Directors with more than three (3) unexcused absences or more than five (5) excused absences in a six-month period can be recommended for

removal from the Board. Removal can only be affected by a two-thirds (2/3) vote of the Board.

G. The duties and the responsibilities of the Board of Directors 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 no later than the last regular meeting of the Council for the current year;
6. Approve by majority vote all appointment and removal of committee members, including chairpersons;
7. Adopt the local Standing Rules for the Association;
8. Adopt grievance procedure;
9. Oversee the hiring, evaluation, and termination of staff in accordance with negotiated contracts and standing rules;
10. Direct the negotiations between the Association and staff;
11. Ratify the negotiated Agreement between the Association and staff;
12. 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.

H. The Board of Directors may conduct executive sessions during which discussions shall be exclusively limited to:

1. Hiring, firing, and/or evaluation of Association staff;
2. Personnel cases or grievances involving members and the District;
3. Strategy and tactics related to bargaining; and
4. Litigation.

I. A quorum for all meetings of the Board of Directors 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 Board of Directors, 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 Board of Directors shall adopt procedures to notify the Association membership of meeting dates, places and times.

- D. General Membership meetings may be held in an electronic format, such as a webinar, only for the purpose of dispensing information to members, provided that all bargaining unit members are invited to be a part of the webinar with the ability to ask questions and hear all responses. Voting on action items during a webinar is strictly prohibited.
- E. A quorum for meetings of the Association shall be 10 percent 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 Board of Directors.
- C. Vacancies created by resignation or inability to serve shall be filled by the Board of Directors from the list of alternates.
- D. The Board of Directors, by two-thirds (2/3) vote, may remove a member of the Bargaining Team.
- E. Responsibility and authority for directing the bargaining process on behalf of the Association are vested in the Board of Directors subject to policies established by the Representative Council.
- F. 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.
- G. The Bargaining Team shall report its activities to the Board of Directors as the Board requires.
- H. The Board of Directors shall provide for the dissemination of information regarding bargaining and the activities of the Bargaining Team to the general membership.
- I. 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(s) unless such ratification shall have been specifically waived or otherwise delegated by that active membership.

XII. GRIEVANCE PROCESSING

- A. The Board of Directors 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 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*.

San Diego and Imperial Counties Labor Council Local Delegate elections shall be conducted in accordance with AFL-CIO guidelines.

The chapter president must provide all Active members an opportunity to vote. Chapter presidents do not have the option of deciding that such elections shall not be held.

- A. The Elections Committee and Chairperson shall be appointed by the president and approved by the Board of Directors to which it is responsible at the beginning of each school year. 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 for paper and online elections;
 - 4. Prepare ballots for election of officers, board of directors and such other elections as may be necessary;
 - 5. Count the ballots and certify the results; and
 - 6. Handle initial challenges.
- 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 rules after the chapter or Service Center Council has been notified to do so by the CTA Elections and Credentials Committee.
- D. NEA State Delegate elections shall be conducted in accordance with CTA/NEA rules.
- E. NEA Local Delegate elections shall be conducted in accordance with CTA/NEA rules.

XIV. COMMITTEES

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

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 Board of Directors.

XVI. AMENDMENTS

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 (Secretary-Treasurer) and provided to members of the Representative Council at the meeting preceding the one at which it is to be voted upon.