

# UTICA EDUCATION ASSOCIATION BYLAWS

Last Amended, April 2007

## ARTICLE I - RULES OF PROCEDURE

- A. Roberts Rules of Order, Newly Revised, shall be the authority on all questions of procedure not specifically stated in this Constitution or Bylaws.
- B. A quorum for all Board of Directors and UEA-RA meetings shall consist of a majority of the membership of the governing body.
- C. A quorum for a meeting of the membership shall consist of no less than 25% of the total membership.

## ARTICLE II - NOMINATIONS AND ELECTIONS

- A. A Nominations Committee appointed by the President and approved by the UEA-RA shall present nominations for the various offices at a regularly scheduled meeting of the UEA-RA in the month prior to the annual election.
  - 1. Nominations from the floor shall also be accepted at this time.
  - 2. All nominees shall be members of the Association.
    - (a) Nominees for Elementary Trustee shall be elementary teachers.
    - (b) Nominees for Secondary Trustee shall be secondary teachers.
    - (c) Nominees for Special Education Trustee shall be special education teachers.
  - 3. The Nominations Committee shall determine eligibility of nominees for office of Trustee.
- B. An Elections Committee appointed by the President and approved by the UEA-RA shall establish guidelines for all elections of the Association except that of Association Representative.
  - 1. The Elections Committee shall develop standard procedures for the conduct of elections which shall be approved by the UEA-RA.
  - 2. Such procedures shall include the following:
    - (a) secret ballot
    - (b) voting by members at their work locations and/or UEA office, except in situations where the Board of Directors shall designate an alternate site
    - (c) absentee ballot
    - (d) voting will take place over a two-school day period.
    - (e) election of President, Vice-President, Secretary and Treasurer, MEA-RA and NEA-RA delegates by the total membership.
    - (f) election of the Elementary Trustees by elementary teachers; Secondary Trustees by secondary teachers; and Special Education

Trustee by elementary and secondary special education teachers, as defined by the Master Agreement.

- (g) ballots and all other records pertaining to the election be preserved for one year and kept in the custody of the President;
  - (h) election results by building or special group will be available for inspection at the UEA Office to any member.
  - (i) in any election requiring a majority vote, a run-off election between the two top vote getters shall take place when no candidate receives a majority vote in the initial election.
  - (j) reporting election results to MEA within 30 days of election certification
  - (k) in the event of uncontested elections for all UEA offices, excepting the office of President, Vice-President, and MEA-RA and NEA-RA delegates, the results will be determined by a vote of acclamation for each individual office by the UEA-RA.
    - (1.) The portion of the ballot containing candidates for the positions of MEA-RA and NEA-RA delegates shall state that unsuccessful candidates shall become alternates in the order of votes received.
  - (l) Staffs of 16 or less will have their ballots from their ballot box consolidated into a common ballot box for the purposes of counting and reporting out.
- C. Officers of the Association shall be elected in an annual general election to be held between March 1<sup>st</sup> and April 1<sup>st</sup> as recommended by the Elections Committee and approved by the UEA-RA.
1. The President, Vice-President, Secretary and Treasurer shall be elected by the total active membership for two year terms which shall commence on July 1<sup>st</sup> following their election.
    - (a) The President shall be elected by a majority of those voting; the Vice-President, Secretary, and Treasurer shall be elected by plurality.
    - (b) If no candidate for President receives a majority, there shall be a run-off election between the top two vote-getters. It shall be held according to normal election procedures and shall be completed within five (5) school days.
    - (c) Should a vacancy occur in the office of President, the duties and powers of the office shall be discharged by the Vice-President until such time as a special election to fill the unexpired term shall take place.
    - (d) Should a vacancy occur simultaneously in the offices of President and Vice President, the other officers of the Association shall discharge the duties and powers of the office of President until such time as a special election to fill the unexpired term(s) shall take place in the following order: (1) Treasurer; (2) Secretary; (3) the Directors in order of their seniority as members of the Board of Directors. Tiebreaker shall be done by lottery
    - (e) Should a vacancy occur in the office of President, the unexpired term shall be filled by a majority vote of the membership within thirty (30) school days. A majority of the votes cast shall be required for election.

- (f) Should a vacancy occur in the office of VicePresident, Secretary, or reasurer, the unexpired term shall be filled by majority vote of the UEA- RA. A majority of the votes cast shall be required for election. Said vote shall take place at the first regularly scheduled UEA-RA meeting occurring ten (10) or more school days after official notification of the vacancy has been made by the President or Acting President.
- 2. Trustees of the Association shall be elected by plurality for two-year terms which shall commence July 1<sup>st</sup> following their election, according to provisions of Article IV, Section A. of the UEA Constitution.
    - (a) During their term of office, Trustees' teaching assignments must be in the categories they were elected to represent.
    - (b) Should a vacancy occur in the position of Trustee, the unexpired term shall be filled by majority vote of the members of the UEA-RA whose teaching assignments are in the categories they were elected to represent. A majority of the votes cast shall be required for election.
    - (c) Said vote shall take place at the first regularly scheduled UEA-RA meeting occurring ten (10) or more school days after official notification of the vacancy has been made by the President or Acting President.
- D. MEA-RA Delegates shall be elected, by plurality for two-year terms, in accordance with the provisions of the Constitution and Bylaws of that organization.
- 1. MEA-RA Delegates shall take office on September 1<sup>st</sup> following their election.
  - 2. Should a vacancy occur in the delegation, the vacancy shall be filled by an elected MEA-RA delegate alternate in the order of the number of votes received.
  - 3. Results of the MEA Representative Assembly delegate elections are to be transmitted to the MEA within ten days after the election.
  - 4. Ballots and all records pertaining to the election of MEA-RA delegates shall be preserved for one year and shall be kept in the custody of the President of the UEA.
- E. NEA-RA Delegates shall be elected by a plurality of the membership each year in accordance with the provisions of the Constitution and Bylaws of that organization. The term of office of NEA RA Delegates shall be two years.
- 1. The UEA President and Vice President shall be NEA-RA Delegates in accordance with Article III Sections A and B of the UEA Bylaws.
  - 2. NEA-RA Delegates shall take office immediately upon certification of their election.

3. Should a vacancy occur in the delegation, the vacancy shall be filled by an elected NEA-RA delegate alternate in the order of the number of votes received.
  4. Failure to attend the NEA convention shall constitute resignation from the position of NEA-RA Delegate, and said position shall be declared vacant and filled according to E.4., in accordance with the Constitution and Bylaws of the NEA.
- F. Association Representatives and their alternates shall be elected by a plurality by their respective building staffs or special groups as defined in Bylaws, Article II, Section F.2. in June of each year prior to the end of school.
1. Such elections shall be conducted by a current Association Representative or his/her designate.
  2. Groups entitled to representation in the UEA-RA shall include the following:
    - (a) elementary specialists (art, music, physical education);
    - (b) speech therapists;
    - (c) social workers, psychologists, work study coordinators, and itinerant teacher consultants;
    - (d) others not elsewhere represented, including, but not limited to alternative school teachers, bi-lingual teachers, teachers on special assignment, and reading consultants not counted as building staff members.
  3. Each school or special group shall be entitled to one Association Representative. Schools with more than 20 members are entitled to one representative for every twenty (20) members or major fraction thereof, based on the size of the staff at the time of the election. Individuals who are assigned to a building or group on a part-time basis shall count as 1/2 person for the purposes of determining the number of representatives to which that group or building is entitled. Staff members represented in groups under F.2. shall not be counted in determining the number of representatives to which a building staff is entitled.
  4. Should size of a school staff or special group entitle them to an additional Association Representative the following September, they may elect same. A plurality of the votes cast shall be required for election.
  5. Vacancies in the position of Association Representative shall be filled in a special building/group election within ten (10) school days.
- G. The procedure for determination of classification of individuals as members of particular voting constituencies within the Association shall be as follows:
1. For the purposes of nomination and election of Trustees to the Board of Directors, individuals assigned more than 50% to a secondary building shall be designated secondary teachers; individuals assigned more than 50% to an elementary building shall be designated elementary teachers.

2. Individuals not assigned to buildings or assigned 50% each to both an elementary and secondary building shall indicate to the UEA Secretary in September of each year which designation they wish for the purposes of electing Trustees.
3. For the purpose of nomination and election of the Special Education Trustee, individuals whose assignments are specified in "Administrative Rules for Special Education" shall be designated Special Education teachers.

### ARTICLE III - DUTIES OF OFFICERS

#### A. The President shall:

1. be chief executive officer of the UEA;
2. call special meetings of the Board of Directors, UEA-RA and the general membership;
3. be responsible for policy interpretation and direction between meetings of the Board of Directors, subject to review by the Board;
4. be the official representative of the UEA and chief spokesperson on policy matters;
5. propose policy and program changes to the UEA Board of Directors and the UEA-RA;
6. preside at meetings of the UEA Board of Directors and UEA-RA;
7. report regularly to the UEA-RA and as needed with the general membership;
8. be a delegate to the MEA-RA and the NEA-RA;
9. maintain a close working relationship with the Association staff;
10. meet regularly with other officers and staff of the Association;
11. appoint committee members and committee chairpersons when the Master Agreement or these Bylaws do not provide for election or selection of same;
12. serve as ex-officio member of all committees;
13. be responsible for preparation of the Association budget in cooperation with the Association staff and the UEA Budget Committee;
14. be responsible for administration of the Executive portion of the budget;
15. direct the professional negotiations team;

16. delegate duties of the President to the officers and the Association staff as deemed necessary and proper;
  17. be bonded;
  18. send written notification of vacancies that occur in elected UEA positions to all members of the UEA-RA within two (2) school days of becoming aware that such vacancy(ies) exist(s);
  19. serve as a member of the 6-C Coordinating Council.
- B. The Vice President shall:
1. be a delegate to the MEA-RA and NEA-RA;
  2. serve as chairperson at caucuses of the UEA delegation to the MEA-RA or the NEA-RA at the discretion of the President;
  3. represent the UEA at the discretion of the President;
  4. chair the UEA-RA meetings and Board of Directors' meetings at the discretion of the President;
  5. chair committees and task forces at the discretion of the President;
  6. be a liaison between UEA-PAC and the UEA-RA and Board of Directors;
  7. upon the death or resignation of the President, assume the powers and duties of the Presidency, until a special election under Article II, Section C.1.(b) is held;
  8. upon the absence or disability of the President and without Presidential direction, assume the powers and duties of the Presidency until such absence or disability shall cease.
  9. serve as a member of the 6-C Coordinating Council.
- C. The Treasurer shall:
1. have custody of all funds of the Association and deposit them in savings institutions in the name of the Association as approved by the Board of Directors.
  2. be authorized to make disbursements of funds according to the adopted budget or when authorized by the UEA-RA or Board of Directors;
  3. submit a report of receipts and expenditures by budget category at every regular meeting of the Representative Assembly;
  4. submit annual or other special reports on finances as directed by the UEA-RA or Board of Directors;
  5. be a member of the Budget Committee;

6. be bonded;
7. represent the UEA on official matters at the discretion of the President;
8. chair committees and task forces at the discretion of the President;
9. upon the simultaneous vacancy, absence, or disability of the President and Vice President discharge the duties and powers of the office of President until such vacancy, absence or disability shall cease;
10. serve as a member of the 6-C Coordinating Council.

D. The Secretary shall:

1. take attendance and minutes at UEA-RA and UEA Board of Directors meetings and keep records of same;
2. ensure that a list of the membership and their individual classifications for purposes of UEA general elections as defined in Article II, Section G of the By-Laws is maintained;
3. inform the President and Board of Directors when non-attendance of an UEA-RA member requires replacement under Article IV, Section B.12.;
4. receive petitions for Constitutional Amendments and By-Law changes, initiative, referendum, or recall which shall then be forwarded to the President and Board of Directors;
5. represent the UEA, chair committees and/or task forces at the discretion of the President;
6. upon the simultaneous vacancy, absence, or disability of the President, Vice President, and Treasurer discharge the duties and powers of the office of President until such vacancy, absence, or disability shall cease;
7. serve as a member of the 6-C Coordinating Council.

#### ARTICLE IV - ELECTED BODIES

A. The UEA Board of Directors shall:

1. initiate Association policies and programs for the approval of the UEA-RA;
2. offer advice and recommendations on issues coming before the UEA-RA;
3. execute the objectives and policies of the Association as set forth by the UEA-RA;
4. meet monthly prior to each regularly scheduled UEA-RA meeting, and at the will of the majority of the Board;

5. serve as the interim governing body;
6. approve UEA-RA agendas;
7. direct both standing and ad-hoc committees of the Association;
8. direct yearly audit and report same to UEA-RA;
9. screen and hire Association staff with the approval of the UEA-RA;
10. chair or serve on committees and task force groups at the discretion of the President;
11. direct the President to call special meetings of the UEA-RA or general membership as needed;
12. be able to declare a President absent or disabled by an affirmative vote of seven (7) members of the Board;
13. upon the simultaneous vacancy, absence or disability of the President, Vice-President, Treasurer, and Secretary discharge the duties and powers of the office of President until such vacancy, absence, or disability shall cease, according to the order established by the lottery provided in Article II, Section C, 1, (c).
14. shall serve as members of 6-C Coordinating Council according to the order in which they succeed to the UEA presidency up to the number provided for in the 6-C Coordinating Council Constitution and By-Laws.

B. The UEA Representative Assembly shall:

1. be the official policy-making body of the Association;
2. determine the annual UEA program;
3. set policy and establish positions on current issues;
4. determine the annual budget and authorize payment of all moneys.
5. establish membership dues in conjunction with budget preparation by June 1st of each year;
6. authorize special assessments;
7. create such committees as may be necessary for the proper execution of the UEA's responsibilities;
8. establish regular meeting dates for the UEA Board of Directors and Representative Assembly;
  - (a) meet monthly from September through May;

- (b) meet whenever a special meeting is called by the President, a majority of the Board of Directors, 20% of the general membership, 20% of the UEA-RA;
- (c) with at least 18 hours' notice of a meeting being required except in emergencies;

- 9. approve all Presidential appointees;
- 10. approve the employment of the UEA staff;
- 11. certify all petitions and election results;
- 12. request an election to replace an Association Representative who is absent and not represented by an alternate for three regular UEA-RA meetings during a single school year;
- 13. approve the UEA Negotiating Team;
- 14. make recommendations to the membership on a tentative Master Agreement;
- 15. be the final authority on all matters not otherwise provided for in the Constitution or Bylaws.
- 16. amend the UEA Constitution and Bylaws.

C. Minutes and attendance at Board of Directors and UEA-RA meetings will be made available for membership inspection in a timely manner.

#### ARTICLE V - MEA AND NEA RA DELEGATES

A. The MEA-RA Delegates shall:

- 1. attend Regional Council meetings;
- 2. attend all sessions of the MEA-RA;
- 3. represent the interests of the UEA at the above meetings;
- 4. report on the actions of the said governing bodies to the UEA-RA.

B. The NEA-RA Delegates shall:

- 1. attend all sessions of the NEA-RA;
- 2. represent the interests of the UEA at the above meetings;
- 3. report on the actions of the said governing bodies to the UEA-RA.

#### ARTICLE VI - ASSOCIATION STAFF

The Executive Director(s) shall:

- A. manage the UEA office and supervise its personnel and assume other responsibilities and duties as directed by the President and/or Board of Directors.
- B. serve as a consultant to the officers, governing bodies, MEA-RA and NEA-RA delegations and all committees.
- C. prepare the Association budget in cooperation with the President, Vice-President, Treasurer, and Budget Committee, subject to the guidelines adopted by the UEA-RA and the UEA Board of Directors.
- D. assist UEA members in matters involving the Master Agreement.
- E. be subject to all conditions of employment as defined in the contractual agreement between the UEA and him/herself.

#### ARTICLE VII – COMMITTEES

- A. The following committees shall be Standing Committees of the UEA and shall report to the Board of Directors and the UEA-RA at each regular meeting.
  - 1. Budget Review Committee: helps develop the UEA budget and recommends necessary changes.
  - 2. Crisis Committee: plans the procedures to be followed in the event of a local or statewide crisis.
  - 3. Curriculum Leadership Council: established in the Master Agreement to review and offer recommendations to the UCS Board on all programs and proposals with curricular impact.
  - 4. Elections Committee: oversees UEA elections procedures, counts election ballots and reports official results of elections.
  - 5. Grievance Committee: facilitates the solution of grievances.
  - 6. Nominations Committee: identifies members interested in seeking Association elective office and reporting same to the UEA-RA.
  - 7. Sick Leave Bank: administers the UEA Sick Leave Bank.
  - 8. Trial Board: hears local Board of Reference charges.
  - 9. External Communications Committee: promotes the UEA within the community.
  - 10. Internal Communications Committee: facilitates the flow of information among UEA members.
  - 11. New Teacher Committee: informs and develops new teachers for active union participation.

12. Social Committee: plans social events for the UEA.
  13. Constitution & By-law Revision Committee: reviews and offers recommendation to the RA on issues related to the UEA Constitution and By-laws.
- B. Committees can be established and disbanded by the Board of Directors with the approval of the UEA-RA, subject to limitations in the Master Agreement, UEA Constitution and By-Laws.
  - C. Committee members shall be appointed and charged with their duties annually by the President, no later than October 1st, with the approval of the Board of Directors and the UEA-RA. All UEA members shall be eligible to serve on any of the Association committees. Membership on some committees may be limited by provisions in the Master Agreement.
  - D. If directed by the UEA-RA, committees shall develop a formal set of Bylaws or procedures for their operation and shall submit same to the UEA-RA for approval or revision.
  - E. Each committee shall keep a permanent record of their meetings and shall prepare an annual report for the UEA-RA, to be submitted by July 1st of each year.

#### ARTICLE VIII - ETHICS AND RECALL

- A. Members of the Association shall adhere to the Code of Ethics of the NEA-MEA.
- B. Notification of Intent to Resign from an Elected UEA position.  
It is the responsibility of each elected official of the UEA to notify the President or Acting President, in writing, of his/her intent to resign from an elected Association position whenever he/she is unwilling or unable to continue to fulfill the obligation of said position. Such notification should include an effective date of resignation.
- C. Recall of UEA Officers and Trustees:
  1. The recall process shall be initiated upon receipt of a petition which meets the following criteria.
    - (a) Petitions which follow a form developed by the Election Committee shall be available to any UEA member at the UEA office upon written request to the President or Secretary.
    - (b) Recall of any UEA official elected by the total membership shall require the signatures of 25% of the UEA Membership as of the previous September 30th. At least 25% of the signatures should be from elementary members and at least 25% from secondary members.
    - (c) Recall of Trustees shall require 25% of the membership teaching at the level of the Trustee being recalled.

(d) Recall shall be for "just cause."

2. The following time line shall begin to operate once a recall petition has been given to a requesting UEA member:
  - (a) The petitions must be returned to the UEA President or Secretary with the required signatures within thirty (30) days.
  - (b) The receiving officer shall submit the petitions to the UEA-RA at its next regular meeting, at which time the UEA-RA shall forward the petitions to the Elections Committee for verification of signatures, within seven (7) days.
  - (c) If the Elections Committee finds the petitions to contain an adequate number of valid signatures, they shall schedule a recall election within thirty (30) days.
  - (d) A majority of the votes cast by the affected membership shall be required for recall.

D. Recall of an Association Representative by the building staff:

1. Those wanting a recall shall schedule a building staff meeting. A majority of the staff shall be in attendance for any official business to transpire.
2. A formal motion of recall shall be put forth and seconded and if passed, an individual shall be appointed or elected by those in attendance to conduct a secret ballot recall vote within one week, but no sooner than two days hence.
3. The UEA Secretary and President shall be informed that such recall vote has been scheduled by the individual who will be conducting it.
4. Upon conclusion of the vote, the individual conducting the vote shall tally the results and send both the ballots and the results to the UEA Secretary, who shall report on the vote to the UEA-RA at its next meeting.
5. A majority of the votes cast shall be required for recall.
6. Recall shall be for "just cause."

#### ARTICLE IX - DUES

- A. Dues of the Association shall consist of the total amount of local, state and national dues.
- B. Local dues shall be established by a vote of the UEA-RA.
- C. Special assessments can only be voted by the UEA-RA.

#### ARTICLE X - MASTER AGREEMENT

Pursuant to Public Act 379 of the Public Acts of the State of Michigan, 1965, the UEA shall enter into a Master Agreement with the Utica Community Schools. Such agreement shall be negotiated by UEA agents, hereinafter referred to as the Negotiations Team.

- A. The formation of the Negotiations Team shall be as follows:
  - 1. The President will post notice of and accept applications for position as member of the Negotiations Team.
  - 2. The President or President-Elect should there be one, will at the beginning of May of the year preceding the expiration of the current Master Agreement, present his/her recommendations relative to the size of and composition of the Negotiations Team to the Board of Directors. Upon review by the Board of Directors, these recommendations will be forwarded to the UEA-RA for action at its May meeting.
  - 3. Once appointed, the Negotiations Team will meet periodically.
  - 4. The President will report to the Board of Directors the progress of the Negotiations Team.
  - 5. Changes in this procedure shall require a majority vote of the total membership of the Representative Assembly.
  
- B. Contract Development Process
  - 1. The Negotiations Team shall conduct appropriate contractual research which may include open hearings, surveys and other forms of data gathering. The committee will gather appropriate data from the general membership, present the data and issues as collected to the President and shall present its report the Board of Directors.
  - 2. The Board of Directors and the Negotiations Team shall mutually determine the UEA bargaining goals.
  - 3. Subsequent to the determination of the UEA bargaining goals, the Negotiations Team shall develop contract proposals based on the determined goals.
  - 4. Prior to commencement of negotiations, the President shall establish a Crisis Committee whose responsibility shall be to organize membership activities in support of a possible job action and other activities which support the bargaining process.
  
- C. Ratification Process
  - 1. The President shall be responsible for disseminating the tentative agreement, while noting changes from the existing Master Agreement, to all members of the UEA.

2. The Tentative Agreement shall be presented to the Board of Directors who shall make a recommendation to the UEA-RA concerning its ratification.
  3. Following the presentation to the Board of Directors, it shall be taken to the UEA-RA who shall make a recommendation to the general membership concerning its ratification.
  4. A Contract Information meeting will be held to inform the membership about the Tentative Agreement.
  5. Members of the Negotiations Team may conduct building meetings to discuss the tentative agreement.
  6. Ratification shall take place not less than six (6) nor more than ten (10) school days after the dissemination of the tentative agreement to the general membership.
  7. In the event the provisions of D.6. cause ratification to occur after the end of the school year, the ratification process shall begin on the first regularly scheduled teacher work day of the school year.
  8. The Tentative Agreement shall be ratified by a majority vote of the general membership.
  9. In the event that a tentative agreement is reached during the summer, the ratification procedure as specified in D.7. shall be followed.
  10. Changes to this procedure shall require a 2/3rd vote of the total membership of the UEA-RA.
- D. In the event that no tentative agreement is reached on a Master Agreement prior to the beginning of the school year, the President shall call a general membership meeting, and the status of negotiations shall be presented. A two-thirds (2/3) vote of the general membership shall be required in order to authorize withholding of services.
- E. In the event a tentative agreement is rejected by the membership, the President will convene a special meeting of the UEA-RA within three (3) calendar days to make appropriate recommendations.

#### ARTICLE XI - BYLAW AMENDMENTS

Amendments to the Bylaws may be proposed on the floor of the RA. They may be ratified by a majority vote of the UEA-RA membership at the next regularly scheduled meeting of the RA or by a 2/3rd vote of the UEA-RA membership without the passage of this time limit.