

# CONSTITUTION

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## ARTICLE I Name

The name of this organization shall be the Manteca Educators Association/CTA/NEA in San Joaquin County.

## ARTICLE II Purpose

The primary purposes of this association shall be to provide an opportunity for continuous study and action on the problems of the profession, to foster good fellowship, to promote professional attitudes and ethical conduct among members, to raise the standards of the teaching profession, to advance the general welfare of the schools, to encourage cooperation between the teacher and the community, to form a representative body capable of developing group opinions on professional matters to speak with authority for teachers, and 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.

## ARTICLE III Affiliation

Section 1. The Manteca Educators Association/CTA/NEA shall be a chartered member of the California Teachers Association.

Section 2. The Manteca Educators Association/CTA/NEA shall be an affiliated local association of the National Education Association.

## ARTICLE IV Membership

Section 1. Upon payment of annual dues or by other method acceptable to MEA/CTA/NEA, personnel employed in the Manteca Unified School District will become members of MEA, CTA, and NEA. Membership in this association authorizes the association to represent its members individually and collectively in all employment relations. (This provision signifies the individual member's support of the association's position once it has been determined through the normal democratic processes operating within the association.)

Section 2. Qualifications of membership for the following classes of membership are established and defined as follows:

a. Active. Any person who is engaged in professional education work as an employee of Manteca Unified School District, on limited leave of absence from professional education work as an employee of Manteca Unified School District, or otherwise meets criteria established by CTA/NEA will be recognized as an active member. All active members shall be fully entitled to the privileges of membership as set forth within the bylaws.

b. Retired. Any person who at, or prior to, the time of retirement from active service was a member of the Association and who is a qualified applicant for or recipient of service or disability retirement allowances from a public or private retirement system or who currently is a member of California Retired Teachers Association, may become a Retired Life member. In addition to eligibility for participation in the economic services program of the Association, a Retired Life member shall be entitled to receive the official publication of the Association.

Section 3. Membership shall not be abridged in any way because of age, sex, race, color, ethnic group, national origin, or sexual orientation.

Section 4. Rights and Privileges of members.

a. Active Members. Active members in good standing shall be entitled to the following rights and privileges:

(1) No member of the Association may be disciplined without a due process hearing, which shall include the established appellate procedure.

(2) The right to vote in a chapter on all matters submitted to the membership.

(3) Eligibility to seek and serve in any elective and/or appointive office in the Association for which qualified, except for such restrictions as may be elsewhere provided in the Bylaws to render employees of the Association or its affiliates ineligible to hold elected office on a governance body of the Association.

(4) Admission to and participation in Association Meetings except for Executive Board Meetings.

(5) Eligibility for appointment to committees of the Association.

(6) Receipt of official publications of the Association.

(7) All Association services available to the membership.

b. Other Active Members. Persons who were granted life membership under previous provisions of this constitution shall be entitled to all privileges of Active membership. All other persons enrolled in classes of membership other than the Active class shall be granted such privileges as may be prescribed for that class by actions of the State Council of Education, except that such persons shall not be eligible for elective office in the Association.

Section 5. Obligations of Membership. Members of the Association shall be subject to the following obligations:

- a. Prompt payment of membership dues as required for the class of membership.
- b. Active support and promotion of the stated purposes of the Association.
- c. Cooperation with Association officers, representatives and committees through personal service in furthering the program of the Association.
- d. Conformity with the code of professional ethics adopted by the Association.
- e. Support of and conformity to the provisions of these By Laws.

Section 6. Termination of Membership. Membership in the Association shall terminate upon the death or resignation of the member. Membership may also be terminated under the following circumstances:

- a. Any member who falls to pay the annual dues as may be prescribed for the class of membership in which enrolled shall automatically be dropped from membership as provided in the Standing Rules of CTA.

ARTICLE V                      Dues

Section 1. The membership year shall be September 1 through August 31 of the following calendar year or else as otherwise determined by CTA/NEA. Dues shall be delinquent for any class of member on October 31 of current membership year unless fully paid in cash or being paid under valid payroll deduction authorization which the member has executed and filed with the employer and which will result in the collection of full dues prior to the end of the membership year.

Section 2. Dues are to be paid directly to California Teachers Association through the Manteca Educators Association membership Chairperson or as otherwise provided by agreement with CTA and Manteca Unified Schools.

Section 3. The basic annual dues level for active members in each category for CTA, Coordinating Council and NEA are set by these organizations to cover the operating expenses.

Section 4. The Association portion of the basic annual dues shall be established a majority vote of the Representative Council at the last regular meeting of the school year, otherwise the Association portion of the dues will continue as established for the next year.

Section 5. When unusual circumstances require, the Manteca Educators Association may levy a special dues assessment to defray the cost of Manteca Educators Association activities. Such assessment will require a majority vote of the membership.

ARTICLE VI                      Officers and Executive Board Members

Section 1. The Officers shall be a President, a Vice President, a Secretary, and a Treasurer who shall be and remain currently paid members of the National Educators Association, the California Teachers Association, and the Manteca Educators Association during their term of office.

Section 2. The Executive Board will consist of the President, Vice President, Secretary, Treasurer, immediate Past-President, State Council Representatives, Bargaining Chair, Membership Chair, Grievance Chair, Secondary Director, Junior High Director, Intermediate Director, Primary Director, and Special Education and Education Services Director.

Section 3. Members of the Manteca Educators Association will elect all officers by open nominations and secret ballot.

Section 4. Officers will be elected on the basis of one-person, one-vote.

Section 5. Membership Chair, Bargaining Chair, Grievance Chair, Secondary Director, Junior High Director, Intermediate Director, Primary Director, and Special Education and Education Services Director will be appointed by the President and confirmed by the Executive Board and Representative Assembly.

#### ARTICLE VII School Site Organization

The purpose of the School Site Organization is to stimulate interest and participation in the Association's activities and to deal with those matters which directly affect each faculty individually.

#### ARTICLE VIII Meetings

Section 1. Regular meetings of the Association and of its various committees shall be provided in the Bylaws.

Section 2. Special meetings of the Association and of its various committees may be called as hereinafter provided.

#### ARTICLE IX Quorum

Section 1. A Quorum for all meetings of the Association shall consist of a simple majority of the association membership.

Section 2. A Quorum for the Representative Council shall consist of a simple majority of the schools represented.

Section 3. A Quorum for all meetings of the Executive Council shall consist of five members of the Executive Council.

#### ARTICLE X Amendments

This Constitution may be amended by simple majority of the association members. This vote shall be by secret ballot. Notice in writing of a proposed amendment must be filed with the Secretary, presented at the preceding general meeting, approved by a quorum of the Representative Council, and notice filed at each of the school sites within the chapter.

#### ARTICLE XI Nominations and Elections

##### Section 1. Elections Committee

(1) There shall be an Elections Committee

(2) The Elections Committee and Chairperson shall be appointed by the president and approved by the Executive Board and Representative Assembly.

(3) The Committee shall be composed of at least three members who are not on the Executive Board, who are familiar with the unit operations, and who are not seeking election.

(4) The Elections Committee is charged with ensuring that elections are conducted in a fair and impartial manner.

(5) A member shall abstain from participation in Elections Committee activities during the period in which s/he or her/his immediate family member is a candidate.

## Section 2. Elections Requirements

(1) The chapter shall ensure that an open nomination procedure is in place (i.e., any member may nominate any member, including himself or herself). The only qualification for office shall be Active membership in the chapter.

(2) Every Active member shall be assured of voting by secret ballot.

(3) There shall be at least a fifteen (15) day period between notice of election and the actual voting.

(4) There shall be an all Active member vote. A member who is off-track shall be sent election information by mail to his/her last known residence.

(5) A chapter shall provide means for all Active members to vote (including vote by mail), and it shall be the responsibility of the member to notify the chapter if s/he desires a ballot at a site other than the regularly schedule voting place.

(6) An Active member shall acknowledge receipt of a ballot by signature on a registration sheet at the time of issuance of the ballot or on an envelope when returning the voted ballot. If a roster of Active members is prepared for a school site ahead of time, initials of the member may be accepted.

## Section 3. Announcement

(1) The announcement of election shall include the offices, length of terms, and the elections timeline.

(2) The announcement shall be publicized in a manner that ensures every member has an opportunity to file a declaration of candidacy.

## Section 4. Timeline

(1) Schools on alternative calendars shall be considered when setting election timelines.

(2) The timeline for the election shall include dates for:

- a) Time, date, and place where declaration of candidacy is to be received. Literature shall include information that date is receipt date and not postmark date.
- b) Date for acknowledgment of declarations from candidates.
- c) Date for preparation of ballots.
- d) Date of which ballots will be distributed.
- e) Date(s) when voting will take place.
- f) Deadline date, time and place for return of ballots, (date received, not postmark date).
- g) Date, time and place where ballots will be counted.
- h) Date(s) that announcement of results will be made to leadership, candidates and members.
- i) Dates and timelines for run-off election, if necessary
- j) Deadline for filing of challenges (date received, not postmark date)

#### Section 5. Finances

- (1) Chapter monies received through dues, assessment or similar levy shall not be used to promote any candidate.
- (2) A candidate may not accept direct contributions from a chapter's treasury or indirect contributions in the form of use of a chapter's assets, facilities, staff, equipment, mailings, good will and credit.
- (3) A unit may not state or indicate its preference for a candidate in the unit's publications.
- (4) The official logo of the unit or official Association title may not be used in a way that suggests that the candidate has the support of the unit, CTA, or any of its affiliates.

#### Section 6. Candidate's Rights

- (1) Privileges extended to one candidate shall be extended to all candidates.
- (2) Each candidate shall receive a copy of the election timeline, procedures and guidelines.
- (3) Each candidate shall have the right to a list of the name and address of school sites and the number of Active members at each site for the purposes of campaigning.

#### Section 7. Ballot

- (1) The names of the candidates shall be printed on the ballot in CTA alphabetical order. The name of each candidate shall be as printed on the declaration of candidacy. When candidate's last name is hyphenated, the name before the hyphen shall be used for placement on the ballot.

(2) The ballot shall state the name of the office, the term, and the names of the candidates.

(3) The ballot shall include space for a write-in candidate, except in run-off elections.

#### Section 8. Distribution of Ballots and Method of Voting

(1) Each member shall receive a ballot.

(2) Voting shall be by one or a combination of the following methods:

a) At school site/specified voting site. If a Site Representative is a candidate, refer to *Elections Committee*.

b) Each voter must sign or initial a voter roster/sign-up sheet before receiving a ballot.

1. Voter Roster - List of eligible voters
2. Voter Sign-up Sheet - List of eligible voters which includes a place for a signature.

c) The marked ballot must be returned to a designated site representative or ballot box.

d) Site representatives must return all voter roster/sign-up sheets and ballots to the Elections Committee by the designated date and time.

e) Active members who are off-track or on a dues paying leave shall be notified by mail in order to provide them an opportunity and right to vote.

(3) Voting at School Site(s)/Specified Voting Site Using Envelopes  
When voting is conducted at school or specified sites using envelopes, the procedure shall be as follows:

a) A list of current Active members shall be prepared, which includes each members name and school address.

b) The voter shall be provided with the following:

1. A ballot;
2. Instructions on folding of the ballot in the inner envelope; placement of the ballot in the unsigned inner envelope; signature on the out envelope; and deadline date for receipt of the voted ballot at the chapter office.
3. A small envelope (inner envelope) in which to place the voted ballot; and
4. A larger envelope (outer envelope addressed to the chapter, on which the voter prints and signs his/her name.

c) At the time of counting of the ballots, the names on the outer envelope shall be checked against the official list of voters. The name on the official list shall be marked to show that the voter has returned a ballot.

- d) The outer envelope shall then be opened and put in a separate stack for safekeeping as a record of voters.
- e) All inner envelopes shall be placed in a separate receptacle.
- f) The inner envelopes shall be slit and the ballots removed from the envelopes, stacked and then counted.
- g) Active members who are off-track or on a dues paying leave shall be notified by mail in order to provide them an opportunity to vote.

#### Section 9. By Mail

- (1) When the voting is conducted by mail, the procedure shall be as follows:
  - a) Active members who are off-track or on a dues paying leave shall be notified by mail in order to provide them an opportunity to vote. Special care should be taken in all phases of handling of ballots to ensure the accuracy and the secrecy of voting by mail. The following procedures and guidelines have been developed for this situation:
- (2) A list of current Active members shall be prepared, which includes the following: name, school and home address.
- (3) The mailing list shall exactly correspond to the current official roll of voting members.
- (4) Each voter shall be provided with
  - a) A ballot
  - b) Instructions on Folding and placing of the ballot in the unsigned inner envelope.
  - c) Instructions on Placing of the unsigned inner envelope addressed to the chapter.
  - d) Deadline date for receipt of the voted ballot at the chapter office.
  - e) A small (inner) envelope
  - f) A larger (outer) return envelope, addressed to the chapter.
- (5) The ballot shall be date stamped when it is received in the chapter office and then put in a safe place until the votes are to be counted.
- (6) At the time of counting, the names on the outer envelope shall be checked against the official list of eligible voting members.
- (7) The outer envelopes shall then be opened and put in a separate stack for safekeeping as a record of voters.
- (8) The inner envelopes shall be placed in a separate receptacle.



(9) The inner envelopes shall be slit and the ballots removed from the envelopes, stacked, and then counted.

#### Section 10. Vote Requirement

All vote requirements shall be established in accordance with CTA guidelines. Unless otherwise specified, all elections shall be decided by majority vote. Write-in votes are valid and must be counted.

(1) A majority vote means more than fifty percent (50%) of the legal votes cast.

(2) A plurality vote means the largest number of votes to be given any candidate or issue.

(3) A two-thirds (2/3) vote means at least two thirds (2/3) of the legal votes cast.

(4) For unit officers, the election will be by majority.

(5) For State Council: (See the Election Timelines, Procedures, and Guidelines in section IV-9/2 of the CTA Elections Manual.)

e. If a unit is a single electoral district or a multiple unit electoral district, the election for State Council Representative will be by majority vote.

f. If the unit is within a multiple unit electoral district, results must be sent to the Service Center Council Elections Committee to determine if a candidate has received a majority vote. (It is important that the chapter understands that this election is conducted by the Service Center.)

(6) If a candidate does not receive a majority vote, a run-off election shall be conducted among the candidates receiving the highest number of votes. The names on the ballot will be one (1) more than the number of vacancies to be filled. When there are only two candidates for an office, the candidate receiving the higher number of legal votes cast shall be declared elected. There shall be no provisions for write-in candidates in run-off elections.

(7) For NEA Local Delegates, the election will be by majority or plurality vote, as defined in the unit's governance documents. Results must be sent to the CTA Governance Support Department and to the Service Center Council.

(8) An election for NEA Delegates may be waived and the candidate(s) declared elected if, following a period of open nominations, the number of candidates is equal to or less than the number of delegate positions to be filled. An affiliate utilizing this provision must have adopted a governing provision or election policy allowing such a practice. This election practice will not generate successor delegates unless the nomination process requires candidates for both regular and successor delegate positions.

(9) For NEA State Delegates, the election will be by majority or plurality vote as defined in the unit's governance documents. Successor

delegates (alternates) are ranked in the order of votes received. Results must be sent to the Service Center Council, which will forward the results to CTA.

(10) For additional CTA/NEA election guidelines refer to the official CTA Elections Manual.

#### Section 11. Counting of Ballots

(1) Upon receipt of ballots, tally sheets and signature sheets, the Elections Committee shall count the ballots in a secure area with only the Elections Committee members and observers present.

(2) The Elections Committee shall count valid ballots and set aside any blank or ballot(s) on which there is a question such as:

- a) Blank ballot;
- b) More ballots than signatures;
- c) Ballot submitted after deadline;
- d) Voter not an Active member;
- e) Voter's intent unclear;
- f) Votes cast for more than number allowed;
- g) Vote cast on unofficial ballot;
- h) Vote cast for ineligible candidate.

(3) The Elections Committee shall make a determination on whether the vote(s) in each category should be counted, and make a note of the decision. Each category of ballot shall be kept separate.

(4) The Elections Committee shall prepare the Final Report, recording the following information:

- a) Total number of ballots cast.
- b) The number of set aside ballots with an explanation for each category of ballot not counted.
- c) The number needed win or pass.
- d) The number of votes received by each candidate or issue.
- e) A notation whether the set aside votes would affect the outcome.
- f) Signature of each Elections Committee member present during the preparation of the report.

(5) The Elections Chair shall submit the Final Report to the President or designee who shall inform all candidates of the results.

(6) The President shall announce the results as prescribed by the timelines.

(7) If the votes set aside could affect the outcome of the election, the President and the appropriate body shall decide:

- a) to count the votes which have been set aside;
- b) not to count the votes which have been set aside; or
- c) if the election should be conducted again.

(8) Any candidate who may be affected by the vote shall not be allowed to take part in the decision-making process.

(9) The ballots and voter sign-up sheets shall be retained for one year after the election.

#### Section 12. Observers

(1) Each candidate shall be allowed to have an observer(s) (put appropriate number if more than one) at the vote counting site and shall give the name(s) of the observer(s) to the Elections Committee before counting.

(2) An observer shall not interfere with the counting and shall stay in the counting area until the President or designee has been notified of the results and has notified each candidate of the results.

#### Section 13. Challenge Procedure

(1) A challenge cannot be initiated until after the results of the elections have been posted at each work site.

(2) The challenging party(ies) must notify the unit president of a challenge in writing within (10) calendar days after the announcement of the results of the election. The notification must:

- a) Specify which requirement has been violated.
- b) Include evidence, insofar as possible
- c) List names and addresses of parties who can give evidence.

(3) Within ten (10) calendar days after receipt of the challenge, the unit Elections Committee shall, in accordance with the unit's bylaws and standing rules, conduct an investigation and determine whether:

- a) The challenge alleges a violation of the unit's elections requirement.
- b) The challenge is supported by appropriate documentation.
- c) More information is needed; in which case, the information will be obtained via the most feasible method.
- d) The alleged violation may have affected the outcome of the election.

(4) The Elections Committee shall submit a report including issues and recommendations to the Chapter President and the Chapter Board of

Directors/Executive Board. The Governance Board shall act on the report immediately at its first opportunity

(5) If an individual wishes to appeal the decision of the governance body of the unit, or if the unit governance body fails to act, he/she may file an appeal within ten (10) calendar days from the date of the filing of the challenge by writing to the CTA President.

(6) The challenge procedure for election of State Council Representatives and Alternates, and State or Local Delegates to the NEA Representative Assembly shall be followed as outlined in the CTA Elections Manual.

#### Section 14. Initiative Procedures

(1) The active membership shall have the authority to make decisions on any matters affecting the Association or its activities through the initiative process.

(2) An Active member shall file a notice of the intent to circulate a petition with the chapter president by including a copy of the petition to be circulated, and the names of at least three persons supporting the proposed measure and responsible for its circulation.

(3) The chapter president shall register the receipt of the notice of the intent to circulate, and acknowledge such registration in writing with the member filing the notice.

(4) The timeline for gathering signatures will commence the day that the notice of intent is registered. A maximum of 45 calendar days shall be permitted to obtain the signatures of at least 10% or more of the active members of the chapter. The petition shall contain the question proposed to be placed on the ballot.

(5) The circulators shall present to the chapter president the petition(s) containing original signatures.

(6) The chapter president shall have five (5) calendar days in which to verify the membership of the signers of the petition.

(7) If there are insufficient signatures, the petition circulator shall be notified within 3 calendar days that the petition failed for a lack of signatures.

(8) The chapter president shall cause a ballot to be furnished to the members no less than fifteen (15) calendar days after verification of membership, provided that the period that school is officially not in session shall not be included in this count.

(9) Regular election procedures (e.g., election of officers) shall be followed including voting times.

(10) The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

#### Section 15. Referendum Procedures

(1) Any action of proposed action of the Representative Council or the Executive Board shall be referred to a vote of the Active membership

upon two-thirds (2/3) vote of the Representative Assembly at any valid meeting.

(2) The referendum action shall prescribe the exact wording of the question to be posed to the Active membership on the ballot.

(3) The chapter president shall cause a ballot to be furnished to the Active members no less than fifteen (15) calendar days after action by the Representative Council, provided that the period that school is officially not in session shall not be included in this count.

(4) The timeline for gathering signatures will commence the day that the notice of intent is registered. A maximum of sixty (60) calendar days shall be permitted to obtain the signatures of at least 25 percent (25%) or more of the active members of the chapter. The petition shall contain the question proposed to be placed on the ballot.

(5) The circulators shall present to the chapter president the petition(s) containing original signatures or the vice president if the chapter president is the person being recalled.

(6) The chapter president shall have ten (10) calendar days in which to verify the membership of the signers of the petition or the vice president if the chapter president is the person being recalled.

(7) If there are insufficient signatures, the petition circulator shall be notified by mail that the petition failed for a lack of signatures.

(8) The chapter president shall cause a ballot to be furnished to the Active members no less than twenty (20) calendar days after verification of membership. The period that school is officially not in session shall not be included in this count.

(9) Regulation election procedures (e.g., election of officers) shall be followed including voting times.

(10) Any necessary supplementary rules governing recall that are not in conflict with the foregoing may be adopted and published within the same publications and by the same manner as are prescribed for other elections with the Association.