

Mahwah Education Association Constitution and Bylaws

Article I – Name

Section 1: The name of this Association shall be Mahwah Education Association, Inc., hereafter referred to as the Association.

Section 2: The Association shall be incorporated as a non-profit corporation under Title 15A: 2-8 New Jersey Domestic Nonprofit Corporation Act.

Section 3: The Association shall apply for tax exempt status under Internal Revenue Code 501 c (5) and govern itself in a manner that will not jeopardize its tax exempt status. The Association may apply to NJEA to be included in a group exemption letter.

NOTE: Tax exempt status” only applies to income tax and covers money collected by an association, i.e., dues. NJEA and its affiliate associations are labor organizations, and, as such, CANNOT be sales tax exempt.

Article II – Affiliation

The Association shall be an affiliate of the Bergen County Education Association (BCEA), New Jersey Education Association (NJEA), and the National Education Association (NEA). The Association shall abide by the New Jersey Education Association’s standards for local association affiliation and shall forward a copy of its constitution to NJEA. Affiliation shall not legally carry any liability for damages on the Association or NJEA due to actions taken independently by either.

Article III – Purpose

Section 1: To work for the welfare of students, the advancement of education, and the improvement of educational opportunities for all.

Section 2: To develop and promote the adoption of such ethical practices, personnel policies and standards of preparation and participation as mark a profession.

Section 3: To develop and promote a continuing program to improve salaries, fringe benefits, working conditions and instruction through formal negotiations with the Mahwah School Board as the exclusive representation of the membership of this Association and in compliance with the laws of the State of New Jersey.

Section 4: To unify all employees eligible for membership so as to enable members to speak with a common voice on all matters of mutual concern and to represent individual and common interests of members before the Board of Education and other legal authorities.

Section 5: To represent its members and other employees in negotiations and grievances with the School District on all matters of compensation and all other terms and conditions of employment. (The Association shall be the recognized bargaining agent for all appropriate school district employees to the full extent of the provisions of Chapter 123, Public Laws of 1974, unless another organization has been officially designated as the bargaining agent.

Section 6: To promote the general welfare of members, to advance educational standards and to establish and maintain good community relations.

Section 7: To develop and promote continuing programs to secure and maintain better employment benefits, uniform personnel practices, professional preparation standards, improvements in terms and conditions of employment, and sound retirement systems.

Article IV – Membership

Section 1: Membership in the Association shall be open to all persons employed in the Mahwah School District or employed by an employer providing services to this district.

Section 2: Membership shall be continuous until the member leaves employment, resigns from the Association, or fails to pay membership dues.

Section 3: Members of the Association shall also be active members, where eligible, of the Bergen Education Association, New Jersey Education Association, and the National Education Association.

Section 4: Upon retirement, members may continue to enjoy all rights and services of active members except the right to vote and the right to be elected to office, by payment of annual dues as a retired member.

Section 5: Rights of Membership

a. Every member shall have the equal rights and privileges within the organization to nominate candidates for office; to vote in elections or on referenda of the Association; to attend membership meetings; to participate in the deliberations and voting upon the business of such meetings except that in voting on contract ratification only members in the appropriate unit of representation shall have the right to vote.

b. Every member shall have the right to meet and assemble fully with other members; to express any views, arguments or opinions; to express views at meetings upon candidates in an election of the Association or upon any business properly brought before the meeting.

c. No member shall be fined, suspended, expelled or otherwise disciplined except for nonpayment of dues without being served with specific written charges and given a reasonable time in which to prepare a defense which may be asserted at a full and fair hearing.

Article V – Officers

Section 1: The officers of this Association shall consist of a president, vice president, recording secretary, corresponding secretary and treasurer.

Section 2: The officers shall be elected at the April general membership meeting and installed for a term of two (2) years.

Section 3: Whenever an officer is no longer employed in the School District or is incapacitated, the Executive Board shall elect a replacement until the next election period, except in the case of a presidential vacancy which shall be filled by the vice president who shall serve until the next election.

Section 4: Officers of the Association shall serve their terms so long as they ethically and satisfactorily perform the duties of their office. Where an officer is guilty of misconduct, such officer may be removed for cause (shown after notice and hearing) and by a majority vote of the members of the Association.

a. Recommendation for recall can be made by a submission of petition containing the signatures of twenty-five percent (25%) the membership to the Executive Committee.

b. The Executive Committee shall notify in writing any officer who has been recommended for recall.

c. Any officer may appeal in writing to the Executive Committee.

d. The Executive Committee shall schedule hearings, whenever necessary, to review the recommendation of recall of an officer.

e. The report of those hearings shall be made available to the membership.

f. A Representative Council meeting shall be called two weeks after the issuance of the report.

g. Such recall shall be determined by a majority vote of the Representative Council membership in attendance at said meeting.

Section 5: Nothing in this Article shall be construed as precluding officers from succeeding themselves in office, if duly elected.

Article VI – Executive Committee

Section 1: The Executive Committee shall consist of the officers, and the senior AR's. It shall be the executive authority of the Association.

The appointed officers of the association shall consist of:

-Grievance Chair

-Negotiations Chair

-Legislative Chair

Section 2: The Executive Committee shall have power to employ a staff for the efficient management of the Association and adopt personnel policies for this staff.

Article VII – Representative Council

Section 1: The legislative and policy-forming body of the Association shall be the Representative Council.

Section 2: The Representative Council shall consist of the officers of the Association, and one or more elected representatives from each district building housing personnel. Every unit shall be entitled to a minimum of one representative for every 10 members. Any unit shall be entitled to a minimum of one representative.

Section 3: Any member of the Association who is not a member of the Representative Council may attend the meetings, shall sit apart from the voting body, but may receive permission to speak.

Section 4: The Association shall guarantee ethnic minority representation on its Representative Council at least proportionate to its active ethnic minority membership. The Association shall guarantee educational support professional representation on its Representative Council at least proportionate to its active educational support professional membership.

Article VIII – Amendments

The Representative Council may adopt amendments by a two-thirds majority vote of the members attending any regular meeting provided that amendment(s) have been introduced at the preceding regular meeting of the Representative Council and that copies of proposed amendments have been immediately distributed to members of the general membership for their review and discussion.

A special meeting of the general membership may be called for this purpose, provided that notice of the meeting and proposed amendment(s) has been posted in each building or worksite at least two (2) weeks prior to the meeting.

Bylaws

Article I – Meetings

Section 1: Executive Committee

The Executive Committee shall meet as necessary, but not less than five (5) times a year at the call of the President, or at the request of any three members of the Committee.

Section 2: Representative Council

The Representative Council shall meet on the second Tuesday of the month during each school month at 3:45 p.m. The Executive Committee shall prepare the agenda for each meeting and shall circulate it to all members of the Council so that the Representatives have time to discuss it with the members in advance of the Council meetings.

Section 3: Special Meetings

Special meetings of the Representative Council may be held at the call of the president or upon written request to the Executive Board from five faculty representatives. Business to come before special meetings must be stated in the call, which shall be sent in writing to each representative. Business shall be confined to those items.

Section 4: General Membership

- a. There shall be a meeting of the General Membership on the opening day of school and for purposes of discussion and ratification of a contract. The Executive Committee may call a General Membership meeting as needed.
- b. Members will receive prior notice of each general membership meeting, the Secretary shall notify all members of the time and place of said meeting.

Section 4: The order of business at any Representative Council or regular General Membership meeting shall be as follows:

- a. Call to Order
- b. Approval of Minutes
- c. Correspondence
- d. Report of Treasurer
- e. Reports of Standing Committees
- f. Reports of Special Committees
- g. Old Business
- h. New Business
- i. Adjournment

Article II – Quorum

Section 1: A majority of the Executive Committee members shall constitute a quorum for the Executive Committee meetings.

Section 2: A majority of the Representative Council members shall constitute a quorum for the Representative Council meetings.

Section 3: The members present shall constitute a quorum for the General Membership meetings.

Article III – Power of Officers

Section 1: President

The President shall preside over the following meetings:

- 1) The Executive Board meeting
- 2) The Representative Council meeting
- 3) The General membership meeting

The President shall appoint with the approval of the Executive Board:

- 1) The chairperson and members of standing committees
- 2) Special committees
- 3) Chair people and members of the negotiation team
- 4) An Executive Director.

The president shall represent the Association before the public either personally or through delegates, and shall perform all other functions usually attributed to this office.

All checks shall be counter-signed by the president with either the treasurer or executive director.

Section 2: Vice President

The vice president shall perform the functions usually attributed to the office. The Vice President shall work closely with one or more standing committees as the President may suggest. In the case of a presidential vacancy, the vacancy shall be filled by the vice president who shall serve until the next election. He/She shall become president when the presidency becomes vacant except as provided in ARTICLE V, Section 2 of the Bylaws.

Section 3: Past Presidents

The past presidents shall advise the Executive Board and assist the president as requested.

Section 4: Recording Secretary

The recording secretary shall keep accurate minutes of all meetings of the Executive Board, Representative Council, and the general membership; shall prepare such minutes for reproduction and distribution within meeting; shall maintain official files.

Section 5: Corresponding Secretary

The corresponding secretary shall assist the President with Association correspondence; shall notify members of meetings; shall keep an accurate record of all members; and shall perform any other duties relative to the position of secretary.

Section 6: Treasurer

- a. The treasurer shall hold the funds of the Association and disburse them accordingly upon submission of vouchers approved by the President or upon authorization by the Executive Board; shall sign all checks along with the President or Executive Director.
- b. The treasurer shall keep the president and Executive Board informed of the financial condition of the Association. He/She shall assist in the initial drafting of the annual budget.
- c. The treasurer shall keep accurate accounts of receipts and disbursements shall report to each meeting of the representative council and shall prepare an annual financial statement for publication to members as directed by the Executive Board.
- d. The treasurer shall prepare a summary financial statement each month to be distributed to all members of the executive committee, representative council and for use by senior representatives in each building.
- e. The treasurer shall prepare an annual financial statement which shall be distributed to all members with a copy forwarded to NJEA; shall file the appropriate Federal and State forms; shall serve on the Budget Committee; and shall be bonded under a policy provided by NJEA. The bank account(s) in which all deposits are made shall be in the name of the Association. Notification of the name of the bank in which dues are deposited shall be sent to NJEA. Any change of the bank in which dues are deposited shall be sent to NJEA within thirty (30) days of the change.
- f. Endorsement of checks shall be limited to endorsements for deposit to the Association only. No payments in cash (including checks made out to "cash") shall be made from funds of the Association. Association bank accounts shall be reconciled by someone other than the treasurer. The books and accounts of the treasurer shall be examined at least once a year.

Section 6 - Terms & Succession

- a. The officers shall serve for a two-year term and may be re-elected without an intervening term. The treasurer shall assume office with the other officers but shall continue in office until August 31, the end of the MEA fiscal year.

b. Whenever the offices of both president and vice president shall become vacant between elections, except as provided in ARTICLE V, Section 2 of the Bylaws, the remaining members of the Executive Board shall choose one of their number to serve as president "pro tempore" until the Representative Council can fill the vacancies.

Article IV – Powers and Duties of the Executive Board

Section 1: Within policies established by the Representative Council, the Executive Board shall be responsible for the management of the Association, approve all expenditures, and carry out policies of the Association. Establish such special committees as may be necessary, set the agenda for the Representative Council and all General Membership meetings. It shall report its transactions and those of the Council to the members, and suggest policies for consideration by the Council

ARTICLE V - POWERS OF THE REPRESENTATIVE COUNCIL

Section 1: The Representative Council shall approve the budget, set the dues for the Association, act on reports of committees, and approve resolutions and other policy statements, and shall adopt procedures for implementing the Code of Ethics of the Education Profession and those to be followed in censuring, suspending, and expelling members for cause or in reinstating members. It may adopt such rules governing the conduct of the Association, and the conduct of meetings as are consistent with this Constitution and Bylaws. It shall be the final judge of the qualifications and election of officers and faculty reps. Powers not delegated to the Executive Board, the officers or other groups in the Association shall be vested in the Representative Assembly.

Section 2: Whenever a majority of the Representative Assembly shall agree that an officer has been grossly negligent of his/her duties as defined in the Bylaws, or is incapacitated, it shall recommend to the general membership that the office be declared vacant. If the general membership so votes by two-thirds of the ballots cast, open nominations and secret ballot elections shall take place for that office in question and such elected officer shall assume office for the remainder of the year until the next regular election. If such special election should occur within ninety days of the regularly scheduled election, there shall be no further election for that office until the following year.

ARTICLE VI ASSOCIATION REPRESENTATIVES

Section 1: Each unit faculty whose members are in good standing of the Association shall elect, for a term of two years, one faculty or department representative to the representative council for each ten members or major fraction thereof. There shall be at least one senior representative from each building. Where more than one such representative is eligible based on the ratio or by department designation. An individual shall be selected from among the representative shall be designated as the buildings senior representative. The building representatives the terms shall be staggered. The

selections of building representatives shall be held in May and representatives shall take their seats at the June meeting of the Representative Assembly.

Section 2: Representatives shall attend the regular meetings of the Representative Council unless they receive prior excuses from the president. After two unexcused absences of a representative, the president, with the consent of the Representative Council, may declare the seat unfilled and call for a faculty to select a replacement to complete the term.

Section 3: The representatives shall serve as a council representative. The council shall organize meetings of the members to meet periodically as the need arises to discuss proposed agenda for the Representative Council, to propose items for Council action, to review action taken by that body, and to discuss action taken in enforcing the contract. The council should meet regularly with the principal to consider matters of Association interest. It shall oversee subsequent elections of faculty representatives, the enrollment of members, and two-way Association communication within the building. It shall, as necessary, organize faculty committees to expedite Association work.

ARTICLE VII - STANDING COMMITTEES

Section 1: Structure

There shall be the following standing committees carrying out the specific functions outlined below. They shall have members selected to represent different groups in the Association. Each committee may, with the approval of the Executive Board, organize special subcommittees and task forces for specific activities from the membership of the Association.

Section 2: Meetings

Each standing committee shall meet regularly according to a calendar approved by the Executive Board and may hold special meetings at the call of the chairperson.

Section 3: Reports

Each committee shall choose a secretary who shall keep a continuing record of activities. Chairpersons shall report items of action to the Representative Council and shall prepare an annual written report summarizing objectives, action programs, gains, and unreach goals which the Executive Board shall file to become a part of the continuing committee record in the Association files.

Section 4: Relation to Executive Board

The Executive Board shall assist the president to appoint members of the standing committees at the regular meeting in June and to fill all unexpired terms as vacancies occur, and shall plan for an organization committee conference each year. It shall require and assist committees to define their immediate and long-range objectives through priorities set by member involvement. Chairpersons should organize subcommittees wherever necessary.

Section 5: Relation to State & National Associations

The standing committees shall seek to understand and relate to the objectives and programs of corresponding units of state and national associations and shall counsel with them.

Section 6: Titles and Duties

INTRODUCTION:

This section shall be revised whenever needed to fit the goals and objectives of various committees, which may develop or change their function.

- a. **NEGOTIATING TEAM** - shall negotiate with the Board of Education on hours, wages, and working conditions, including the instructional program for all personnel in the negotiating unit. The negotiation team shall be comprised of representatives from each unit. Ratification of a new contract shall consist of Quorum as defined in Article
- b. **PROFESSIONAL COMMITTEE DEVELOPMENT** - shall develop Association positions on all matters affecting instruction including: continuing education, pre-service and in-service education, student-teacher programs, evaluation, organization and methods for instruction, curriculum process and content. This is an elected position. Four members serve two year terms. The election of this committee follows the MEA policy on elections.
- c. **PRIDE & PUBLIC RELATION EDUCATION COMMITTEE** - shall seek to develop public understanding of the purpose and programs of the Association, the values of public education, and, in cooperation with the administration, the education philosophy and programs of the schools. It shall develop procedures by which the Association can work cooperatively with parents and public organizations through all available channels of communication.
- d. **COMMITTEE ON PROFESSIONAL RIGHTS & RESPONSIBILITIES** – shall develop Association positions on all matters pertaining to rights of Association members, such as: academic freedom, leave, administrative discipline and dismissal and grievance procedures and shall compile data for support of such positions in negotiations. It shall advise the Representative Assembly on implementation procedures for the Code of Ethics and the Executive Board in

cases of censure, suspension or expulsion of members. It shall develop a program of orientation to the Code of Ethics for members of the Association.

- e. COMMITTEE ON GOVERNMENTAL RELATIONS & CITIZENSHIP – shall have broad concern for local, state and national legislation affecting the interests of schools and teachers and the Association. It shall encourage members to exercise their civic and political rights and keep them informed about new legislation. It shall organize and oversee the work of the following subcommittees;
 - 1. State and Local Legislation - To study pending legislation and promote activities in support of desirable bills.
 - 2. Federal Legislation - To study legislation before the Congress and develop activities in support of desirable bills.
 - 3. Citizenship - To educate members and the public on the civic rights and responsibilities of teachers and develop programs that will encourage wide exercise of them.

- f. COMMITTEE ON PROFESSIONAL RELATIONS - shall organize and oversee the following subcommittees.
 - 1. Membership and Professional Information - To organize and conduct unified local, state and national membership enrollment among nonmembers and to inform members of the policies, programs, services, and accomplishments of the Association.
 - 2. Orientation - To develop and conduct year-long programs for the orientation of new teachers to the community, the school system, and the Association.
 - 3. Social Affairs - To organize such social activities as may serve the needs of members and promote fellowship within the Association.
 - 4. Nominations & Elections - To see that all offices are filled by open nominations and secret ballot elections and that the necessary runoff elections are held.
 - 5. Staff Directory - To compile a manual of information for all members including an alphabetical listing of all school personnel.
 - 6. Constitution Review - To continue to maintain an updated Constitution and to receive all proposed changes from members desiring the same.

- g. COMMITTEE ON HEALTH & SAFETY - shall consist of each school nurse who will be responsible for her school. The purpose of this committee is to maintain a healthy school environment for staff and students. If any health or safety problems develop, they are to be reported to the school nurse who has forms and data to document any health concerns if the school environment is suspected to be the culprit.

- h. SECRETARIAL COMMITTEE – This committee shall be concerned with the specific interests of the secretarial members of the Association.
- i. CUSTODIAL COMMITTEE – This committee will be concerned with the specific interests of the custodial members of the Association.

ARTICLE VIII NOMINATIONS & ELECTIONS

Section 1: NEA Delegate

- a. The active and supportive members in every building shall have the opportunity to nominate persons to the position of delegate to the National Convention of the NEA. No person nominated and accepting such nomination shall be excluded from the election.
- b. A secret ballot election shall be held in each building under the direction of the committee. No person nominated and running shall participate on the committee.
- c. Nominees must be members in good standing of the NEA. These nominations and elections shall be in line with the rules for such election as set forth by NEA.

Section 2: MEA ELECTIONS

- a. The active and supportive members of the Association in each building shall nominate candidates for president, vice president, secretary, treasurer, and individual building faculty representatives. No person nominated and accepting shall be excluded from the ballot. Active and supportive members within a building may only nominate persons from within their own building as their faculty representatives. They may not nominate persons as faculty representatives for other buildings.
- b. The Committee on Elections shall report all nominations to the Representative Assembly at the April meeting. Members of the Assembly may nominate other candidates from the floor.
- c. The Committee on Elections shall publish to the members' brief information on each candidate.
- d. In May all eligible members shall vote for officers by secret ballot in accordance with procedures developed by the Committee on Nominations & Elections and approved by the Representative Council. The Committee shall report the results to the executive officer of the Association who shall cause them to be published. New officers shall be installed at the June meeting of the Representative Council or the General Association.

- e. No officer shall serve on this committee. No individual may be an MEA officer and an Association Representative simultaneously.
- f. All active and active supportive members are eligible to be nominated for office.

Section 3: Write-in Ballots

Write-in ballots shall be accepted as open nomination of an individual. If the individual receives the necessary number of write-in ballots and accepts the position, that person shall be declared elected.

ARTICLE IX - DUES SCHEDULE

The Representative Council shall determine annual local membership dues.

ARTICLE X – Fiscal Year

The fiscal year of the Association shall begin September 1 and end August 31.

ARTICLE XI – AUTHORITY

Robert's Rules of Order revised shall be the parliamentary authority for the Association on all questions not covered by the Constitution and Bylaws and such standing rules as the Representative Assembly may adopt.

Article XI – Non-compliance and Dissolution

The Association shall adhere to those NJEA policies wherein non-compliance would constitute a danger to the welfare of the members of the Association or to NJEA. The NJEA Delegate Assembly shall determine what constitutes a danger to NJEA. NJEA may, at the request of the NJEA Executive Committee and 10 percent of the members of the Association, conduct an evaluation of the Association under guidelines established by the NJEA Delegate Assembly.

In the event of dissolution, all properties and assets, and assets of this corporation remaining, after paying or providing for all debts and obligations, shall be distributed and paid over to such fund or corporation organized and operated as a labor union as the Board of Trustees shall determine, and as shall, at the time, qualify as a tax exempt organization under Section 501 (c) (5) of the Internal Revenue Code, or as the same may be amended.

ARTICLE XIII – AMENDMENT

These Bylaws may be amended by majority vote at any regular meeting of the Representative Assembly provided that proposed amendments have been previously studied by the Executive Board and that copies have been sent to Faculty Representatives one calendar week in advance of the meeting.

Amended January _____, 2010