

BYLAWS
HESPERIA TEACHER'S ASSOCIATION/CTA/NEA
Amended and approved January 16, 2007
Amended and approved November 13, 2013

I. NAME AND LOCATION

The name of this association shall be Hesperia Teacher's Association/CTA/NEA in San Bernardino County. In this document, it is referred to as "Association."

II. PURPOSES

The primary purpose of this Association shall be:

1. 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;
2. To form a representative body capable of developing group opinion on professional matters to speak with authority for certificated personnel;
3. To provide an opportunity for continuous study and action on problems of the profession;
4. To provide a means of representation for its ethnic and minority members;
5. To promote professional attitudes and ethical conduct among its members;
6. To encourage cooperation and communication between the profession and the community; and
7. To foster good fellowship among members.

III. AFFILIATION WITH THE UNITED EDUCATION PROFESSION (UEP)

1. The Hesperia Teacher's Association/CTA/NEA shall be chartered chapter of the California Teachers Association (CTA).
2. The Hesperia Teacher's Association/CTA/NEA shall be an affiliated local association of the National Education Association (NEA).

IV. MEMBERSHIP

1. Active membership in Hesperia Teacher's Association/CTA/NEA (hereafter referred to as "member") shall be open to any certificated employee who is engaged in or who is on limited leave of absence from professional education work, is an employee of Hesperia Unified School District, and whose primary assignment is such as not to hold supervisory responsibility over other certificated employees to such an extent as to not be represented in the negotiations process by the teacher bargaining unit.
2. Membership may be granted upon payment of annual United Education Profession (UEP) dues appropriate to the class of membership.
3. The right to vote or hold elective office or appointive position within the Association shall be limited to active members.
 - A. Voting members shall be those members of the bargaining unit as specified in the contract. All other bargaining unit members are non-voting.
4. All Hesperia Teacher's Association/CTA/NEA members shall be eligible to receive special services, to obtain assistance in the protection of professional and civil rights, and to receive reports and publications of the Association.
5. An individual who is serving as a negotiator for a public school employer shall not be eligible for membership in the Hesperia Teacher's Association.
6. Active members shall adhere to the Code of Ethics of the Education Profession.
7. The rights to any privileges of membership shall not be abridged in any way because of: age, sex, race, color, ethnic group, marital status, national origin, sexual orientation, religious preference, or handicapping conditions.
8. No member of the Association may be disciplined without a due process hearing, which shall include the established appellate procedure.
9. The membership year shall be that period of time from July 1 of any given calendar year through June 30 of the following calendar year, inclusive.

V. DUES, FEES, AND ASSESSMENTS

1. The basic annual dues level for active members, and representation fee for non-members represented in the bargaining unit, shall be sufficient to cover the operating expenses of the Association, the dues of CTA, and the dues of NEA.

2. The Association's portion of the basic annual dues, and the representation fee for non-members, shall be established by action of the Representative Council by the last regular meeting of the school year.
3. Agency representation fees shall be apportioned on the same percentage basis as the full United Education Profession dues.
4. Membership in a given class or category shall be continuous after initial enrollment until delinquent or until a change in professional status shall make the member ineligible for that class or category.
5. To maintain membership benefits, members on extended leave must apply to the Executive Board for "on leave" membership status.

VI. POLICY-MAKING BODY

1. The policy-making body of the Association shall be a Representative Council. The Representative Council, comprised of members of the Association, derives its powers from and shall be responsible to the membership.
2. The Representative Council shall be composed of the following active members:
 - A. Executive Board, ex officio*;

* What is meant by ex officio? Ex officio means by virtue of office. A person serving on a Representative Council, by virtue of an office held, is serving ex officio and has all the rights of a regularly elected council member, including the right to vote.
 - B. Faculty Representatives elected on the basis of one-person-one vote; and
 - C. The following additional representatives:
 - i. Elected Service Center Council Representative(s) when not already serving on the Representative Council in another capacity.
 - ii. CTA State Council Representatives, if any.
3. The Representative Council shall:
 - A. Establish Association policies and objectives;
 - B. Adopt the annual budget of the Association on or before May 31 of the preceding school year;

- C. Approve the establishment or discontinuance of the committees recommended by the Executive Board;
 - D. Establish the dues of the Association; and
 - E. Ratify, by 61% of voting members of the Representative Council, interim negotiations that deal with areas other than basic salary schedule and fringe benefit package. (Abstentions will not be included when calculating voting percentages.)
4. The Executive Board shall determine, prior to June 15, the number, place, and time of meetings of the Representative Council. This will be posted at all sites.
- A. Any change in the meeting schedule requires a two-thirds (2/3) vote of the Executive Board.
 - B. All members of the Representative Council must be notified of any schedule change at least seven (7) days prior to the scheduled meeting.
5. Special meetings of the Representative Council may be called by the President, the Executive Board, or by a petition of twenty percent (20%) of the membership.
6. Special meetings of the Representative Council shall be called for a special purpose, and no business other than that for which the meeting was called may be transacted.
7. Notices and agendas for all meetings of the Representative Council shall be sent to all members of the Representative Council at least five working days prior to the date of the meeting.
8. 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.
9. A quorum for all meetings of the Representative Council shall consist of a simple majority of all voting members of the Representative Council.

VII. Faculty Representatives

- 1. Faculty representatives shall be elected by and from the active membership for each faculty group. Such election shall be by open nomination and by secret ballot.
- 2. Members of the Representative Council shall serve a term of one year, except for the CTA Council Representatives whose terms are set by CTA.

3. Each faculty shall be entitled to at least one representative and shall have one representative for each twenty (20) Association members or majority thereof on the faculty. An additional voting representative shall be added when a faculty has more than half of the members required for additional membership.

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| 0-30 Members = 1 Representative |
| 31-50 Members = 2 Representatives |
| 51-70 Members = 3 Representatives |
| 71-90 Members = 4 Representatives |
| 91-110 Members = 5 Representatives |
| 111-130 Members = 6 Representatives |
| 131-150 Members = 7 Representatives |

4. Active members who are not represented through an individual school faculty group shall be counted as a special faculty group entitled to the same representation on the Representative Council as individual faculty groups.

5. If a vacancy occurs because of lack of attendance (three (3) consecutive meetings or five (5) total meetings), their active membership for that faculty group shall hold an election within thirty (30) teacher work days to pick a successor.

6. Faculty representatives shall:

- A. Conduct constant and ongoing liaison between the Representative Council and the active members of the faculty unit;
- B. Serve as the official channel through which written communications and publications can be easily and quickly transmitted between the Association and the active members;
- C. Represent the views and input of the active membership of the faculty in votes taken in the Representative Council, conducting frequent and regular polls for such membership for such purpose;
- D. Work in conjunction with the Membership Committee in recruitment of new members;
- E. Perform such additional duties as prescribed by the Executive Board;
- F. Meet monthly with site principal to monitor class size and discuss/address concerns;

- G. Faculty Representatives from the previous year shall select any member in good standing not running in the election to conduct the election; and
- H. Election results shall be sent to the Elections Chair within ten (10) working days.

VIII. OFFICERS

1. The officers of the Association shall be:
 - A. President
 - B. Vice President
 - C. Secretary
 - D. Treasurer
2. These officers shall be and remain currently paid-up members of the UEP as a condition for nomination to service in their respective positions during their terms of office.
3. These officers shall be elected by and from the active membership of the Association. Such election shall be by open nomination and by secret ballot.
4. Officers shall be elected for a term of two (2) years, commencing on July one (1) of odd calendar years.
5. Any Executive Board member missing three (3) consecutive meetings or a total of five (5) meetings during a school year without valid cause may be subject to removal from office at the discretion of the Executive Board.
6. 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. In the event of 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 within thirty (30) teacher work days to elect successors to fill the unexpired terms.
7. The President shall be chief executive officer of the Association and its policy leader. The President shall:
 - A. Preside at all meetings of the Association, the Representative Council, and the Executive Board;
 - B. Prepare the agenda for the meetings of the Association, the Representative Council, and the Executive Board;
 - C. The official spokesperson for the Association;

- D. Appoint all chairpersons and members of committees and of the Bargaining Team, with the approval of the Executive Board;
 - E. Appoint an election committee and chairperson, subject to the approval of the Executive Board, to conduct all general elections of the Association.
 - F. Be familiar with the governance documents of the Association, CTA, and NEA;
 - G. Direct, with the approval of the Executive Board, the negotiation and grievance programs of the Association;
 - H. Call the meetings of the Association and the Executive Board;
 - I. Suggest policies, plans, and activities for the Association and be held responsible for the progress and work of the Association;
 - J. Attend meetings of the Service Center Council of which the Association is a part; and
 - K. Attend other CTA/NEA meetings as directed by the Representative Council.
8. The Vice President shall:
- A. Serve as assistant to the President in all duties of the President;
 - B. Assume the duties in the absence of the President;
 - C. Be responsible for the formation and distribution of the Association's calendar of activities; and
 - D. Serve as the coordinator of activities at the direction of the President.
9. The Secretary shall:
- A. Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, Representative Council, and Executive Board;
 - B. Be responsible for the distribution of all notices, agendas, and minutes of meetings to members of the Representative Council and Executive Board, and to membership when appropriate;
 - C. Keep an accurate roster of the membership of the Association and of all committees; and
 - D. Carry on the correspondence pertaining to the affairs of the Association at the direction of the President.
10. The Treasurer shall:
- A. Receive all funds belonging to the Association and be responsible for their safekeeping and accounting;
 - B. Pay out such funds upon order of the President;

- C. Prepare a written financial report for each regular meeting of the Representative Council and the Executive Board;
- D. Be responsible for an annual audit of the books of the Association and distributing a summary of this audit for membership;
- E. Present a proposed budget to the Executive Board at the April meeting; and
- F. Submit membership and financial reports to CTA, NEA, and other agencies as required by law.

IX. EXECUTIVE BOARD

1. The Executive Board shall be comprised of the officers and the directors, which shall consist of one member elected at large from the membership, one member elected by and from the elementary membership, and one member elected by and from the secondary membership.
2. All members of the Executive Board shall be and remain members of the Hesperia Teacher's Association/CTA/NEA/UEP as a condition for nomination to and service in their positions.
3. The members of the Executive Board shall be elected by open nomination and by secret ballot.
4. The directors of the Executive Board shall be elected for a term of two (2) years, commencing July one (1) of even calendar years. (Officers' terms commence on July one of odd calendar years. See Section XIII, Par. 4.)
5. Any Executive Board member missing three (3) consecutive meetings or a total of five (5) meetings during a school year without valid cause may be subject to removal from office at the discretion of the Executive Board.
6. Vacancies in the position of member of the Executive Board shall be deemed to exist in the case of resignation or inability to serve in this position. In the event of a vacancy occurring in this position, a special election to fill the vacancy shall be held within thirty (30) teacher work days.

7. The Executive Board shall meet prior to each regular meeting of the Representative Council and at such times as the President may deem necessary, or upon written petition of a majority of the members of the Executive Board.
 - A. Cancellation of any regularly scheduled meeting requires a two-thirds (2/3) vote of the Executive Board.
8. The duties of the Executive Board shall be:
 - A. To coordinate activities of the Association;
 - B. Direct the bargaining activities and grievance processing of the Association, subject to policies set by the Representative Council;
 - C. Approve and remove Bargaining Team members;
 - D. Recommend a budget for the Association to the Representative Council at the May meeting;
 - E. Approve Committee appointments;
 - F. Adopt the Standing Rules of the Association; and
 - G. Exercise all of the business and organizational powers and duties for the Association as prescribed by law and these bylaws, subject to any restrictions, which the Representative Council may impose.
9. A quorum for all meetings of the Executive Board shall consist of a simple majority of the members of the Executive Board.

X. BARGAINING TEAM

1. The Bargaining Team and such alternates as the Executive Board deems necessary shall be nominated by the President and approved by the Executive Board.
2. The chairperson of the team shall be nominated by the President and approved by the Executive Board.
3. The Executive Board shall adopt Standing Rules, setting forth its selection procedures for bargaining team members, including terms of office and criteria for appointment.
 - A. There will be no more than ten (10) members on the bargaining team at any one time.
4. Vacancies created by resignations or inability to serve shall be filled by the Executive Board from a list of alternates.

5. The Executive Board, by a two-thirds (2/3) majority, may remove a member of the bargaining team and appoint a replacement from a list of alternates.
6. The duties of the bargaining team are to represent and to bargain for the members of the unit.
7. Responsibility and authority for directing the bargaining process on behalf of the Association is vested in the Executive Board, subject to policies established by the Representative Council.
8. Employees in the bargaining unit shall be surveyed at least once per school year to determine contents of the proposed contract *issues*. Initial and/or “sunshined” contract proposals and issues identified under HTA/District Contract shall be approved by a simple majority of the Representative Council.
9. The Bargaining Team shall report activities to the Executive Board in the form and frequency as the Executive Board may require.
10. The Executive Board shall provide for the dissemination of information regarding bargaining and the activities of the bargaining team to the general membership.
11. Agreements reached between the Bargaining Team and the School Board or its representatives shall be considered tentative and non-binding upon the Association until such agreements have been ratified by the membership or the Representative Council.

XI. GRIEVANCE PROCESSING

1. The Executive Board shall adopt, with the approval of the Representative Council, the procedures for grievance procedure as specified in the contract.
2. These procedures shall include, but not be limited to, the following:
 - A. Provide for representation to assist all members of the Bargaining Unit in processing grievances;
 - B. Training for handling grievances; and
 - C. Evaluation of the Association’s grievance policies and procedures.

XII. NOMINATIONS AND ELECTIONS

1. Nominations for offices shall be made as follows:
 - A. Any active member, upon request, shall have their name place on the ballot for an office of the Association.

- B. Another member, with the consent of the nominee, may place the name of any active member in nomination.
 - C. Nominations will be accepted from the floor.
 - D. All officers and Executive Board members shall be selected by open nomination and elected by secret ballot.
2. Elections of officers, Executive Board members and the State Council representative(s) shall be conducted concurrently with the elections for the NEA delegates by secret ballot of the general membership.
 3. Faculty representatives shall be selected by open nominations and elected by secret ballot and from the active members who are assigned to that faculty prior to the second Representative Council Meeting.
 4. Election chairperson shall be responsible to:
 - A. Conduct Executive Board elections;
 - B. Conduct contract ratification elections;
 - C. Oversee elections or conduct elections at sites; and
 - D. Prepare ballots for all elections.
 5. The Executive Board shall adopt Standing Rules, setting forth the procedures for conducting elections.
 6. Elections shall be ratified by a simple majority of the voting membership.

XIII. REFERENDUM AND INITIATIVE

1. The Executive Board and/or the Representative Council has the authority to propose a referendum. Approval is required by a simple majority of the vote of the Representative Council.
2. The active members have the authority to propose the initiative process when requested by petition of one-third (1/3) of the active membership.

XIV. RECALL ELECTIONS

1. A recall of any person in an elected position may be initiated by a petition signed by one-third (1/3) of the active membership. A statement of the reasons for the proposed recall shall be part of the recall petition.

2. Each person named in the recall election shall have the right to make a rebuttal statement, which shall be distributed to his or her constituency at least seven (7) days before the recall election.
3. Recall elections shall be by secret ballot.
4. A successful recall requires two-thirds (2/3) majority of the voting membership.

XV. CTA STATE COUNCIL REPRESENTATIVES AND NEA DELEGATES

1. All representatives to CTA State Council and the NEA Representative Assembly to which the Association is entitled shall be elected by and from the active membership of the Association. Such elections shall be by open nomination and by secret ballot.
2. The CTA State Council representative(s) shall be elected for a term specified by CTA.
3. NEA delegates shall be elected annually.

XVI. COMMITTEES

1. Committees, except when otherwise provided for in these bylaws, may be established and discontinued by the Executive Board, subject to approval by the Representative Council.
2. Each committee shall submit periodic reports to the Executive Board and Representative Council.
3. The Executive Board may establish a political action committee for the purposes of raising and distributing money for candidate endorsements and issues relevant to the Hesperia Teacher's Association at state and local levels.

XVII. MEETINGS OF THE GENERAL MEMBERSHIP

1. All active members are encouraged to attend all Representative Council meetings. Any bargaining unit member may attend under circumstances deemed appropriate by the Executive Board.
2. Meetings of the Association may be called by the President, the Executive Board, or by written petition of twenty percent (20%) of the membership.

3. Notices of Association meetings, including date, place, time, and purpose of the meeting shall be made available to All members of the Association at least five (5) working days in advance of the meeting, except crisis situations.
4. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify the Association membership of meeting dates, times, and places.
5. A quorum for meetings of the Association shall be a majority of the active membership.
6. Contract ratification shall be by a fifty-one percent (51%) vote of the active membership.
7. Whenever possible, ratification dates shall be held on all-district in-service days, when all members are required to be in attendance.
 - A. If timing is such that these requirements cannot be met, voting will be held at school sites and voting by mail procedures, as outlined in Standing Rules, will be followed. (See Standing Rules Sec. III.2.)
 - B. All members will be notified of results as soon as possible, but no later than thirty (30) days following the balloting.

XVIII. PARLIAMENTARY AUTHORITY

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

XIX. AMENDMENTS

1. Any proposed amendment to the Bylaws of the Hesperia Teacher's Association shall be submitted to the Secretary in writing and made available to all active members at least twenty (20) days prior to an Association meeting of the general membership at which it is to be voted upon.
2. These bylaws may be amended by two-thirds (2/3) vote of those active members present at an Association meeting of the general membership.
3. These bylaws shall be reviewed and amended as necessary, but no less frequently than every four (4) years.

(Last review/amendment July 2011)

Changes:

The following changes have been made to the HTA bylaws:

1. Style, spelling, and grammar were corrected throughout.
2. In Section VII 3. (pg. 5) Replace “There shall be only one voting representative for each 20 members. (Ex: one representative for the first 20, then entitled to a second representative when site membership equals or exceeds 31, and so on.)” with . An additional voting representative shall be added when a faculty has more than half of the members required for additional membership.

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| 0-30 Members = 1 Representative |
| 31-50 Members = 2 Representatives |
| 51-70 Members = 3 Representatives |
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| 111-130 Members = 6 Representatives |

3. In Section VII, par. 5 (pg. 5) replace “thirty (30) days” with “thirty (30) teacher work days”
4. In Section VIII, par. 6 (pg. 6) replace “within thirty (30) days” with “within thirty (30) teacher work days”
5. In Section VIII, par. 7B (pg. 6) , replace “Prepare the agenda for the meetings of the Association, the Representative Council, the Executive Board, and the Liaison Committee” with “Prepare the agenda for the meetings of the Association, the Representative Council, and the Executive Board;”
6. In Section IX, par. 6, (pg. 8) replace “within thirty (30) days” with “within thirty (30) teacher work days”
7. In Section X, par. 9, (pg. 9) replace “in such form and with frequency” with “in the form and frequency”
8. In Section X, par. 11 (pg. 9), add “or the Representative Council“ to “have been ratified by the membership.”
9. In Section XII, par. 3 (pg. 10) replace “who are assigned to that faculty in the first month of the school year” with “who are assigned to that faculty_prior to the second Representative Council Meeting.”
10. In Section XIII, add “and Initiative” to title