

North Brunswick Township Education Association Constitution

Article I - Name

- Section 1: The name of this Association shall be North Brunswick Township Education Association, hereafter referred to as the Association.
- Section 2: The Association shall be incorporated as a non-profit, labor organization under Title 15A: 2-8 New Jersey Domestic Nonprofit Corporation Act.
- Section 3: The Association's name listed with the Federal government in relation to its employer identification number (EIN) is New Jersey Education Association trading as: North Brunswick Twp Education Assoc.
- Section 4: The EID is 23-7321-691. It will be used by the Internal Revenue Service to identify Federal tax returns and other documents (1120, 940, 941 etc.) and our payments of taxes reported on such returns.
- Section 5: The Association shall apply for tax exempt status under the Internal Revenue Code 501c(5) and govern itself in a manner that will not jeopardize its tax exempt status.

Article II - Affiliation

The Association shall be an affiliate of the Middlesex County Education Association, New Jersey Education Association, and the National Education Association. 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 - Purposes

- Section 1: 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 2: 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 3: To promote the general welfare of members, to advance educational standards and to establish and maintain good community relations.
- Section 4: To work for the welfare of students, the advancement of education, and the improvement of educational opportunities for all.

Section 5: To develop and promote continuing programs to secure and maintain better employment benefits, uniform personnel practices, professional preparation standards, sound retirement systems, and improvements in terms and conditions of employment.

Article IV - Membership

Section 1: Membership in the Association shall be open to all persons employed in the North Brunswick Township 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 Middlesex County 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, a vice president, a first vice president for each section or group of employees within the association as listed in the by laws, a recording secretary, a corresponding secretary, and a treasurer.

Section 2: The officers shall be elected by secret ballot the first week of May that school is in session and installed for a term of two years beginning July 1.

- Section 3: Whenever an officer is no longer employed in the North Brunswick Township 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 a 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 66% of 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 membership meeting shall be called two weeks after the issuance of the report.
 - g. Such recall shall be determined by a majority vote of the 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 immediate past president.
- a. **The immediate past President shall serve in an advisory capacity for one term, however,**
 - b. **The Executive committee has the prerogative to extend the term pending discussion and/or vote by the Executive Board.**
- Section 2: The Executive Committee shall be the Executive Authority of the Association.

Article VII - Representative Council

- Section 1: The policy-forming body of the Association shall be the Representative Council.
- Section 2: The Representative Council shall consist of the Executive Committee and one elected Association representative for every ten members, or major fraction thereof. Elected Association Representatives will be recognized in the Association Directory as Voting Members of the Representative Council.

- Section 3: 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.
- Section 4: There shall be at least one representative from each building. Where more than one such representative is elected, one shall be designated as Head Representative. Elections shall be held in the first week in May that school is in session and will assume office at the June meeting of the Representative Council. **Where more than one rep is elected, the member receiving the votes shall be designated head rep. In the event of a tie vote, then a ballotted run off election shall be conducted within the building.**
- Section 5: The Head Association Representative or designee shall call meetings of the Association members within their buildings to discuss Association business, appoint such building committees as the Association may require, and organize and oversee the subsequent elections of representatives, the enrollment of members, and two-way Association communication within the building.
- Section 6: 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.

Article VIII - Amendments

Amendments to the Constitution may be proposed by thirty percent (30) of the general membership or by a majority vote of the Executive Committee. A two-thirds majority vote of the membership shall be necessary for the adoption of such amendments provided that notice of the vote and /or meeting and propose 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 on the first Wednesday of each month at 4 p.m., at the call of the President, or at the request of any three members of the Committee.

Section 2: Representative Council

- a. The Representative Council shall meet on the second Wednesday of each school month at 4 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.
- b. Special meetings of the Representative Council may be held at the call of the President or upon written request to the Executive Committee of 30% of the representatives. Business to come before special meetings shall be limited to items stated in the call, which shall be sent in writing to each representative if time permits.

Section 3: Executive Committee

- a. The Executive Committee shall arrange at least four (4) meetings of the general membership each year, or of the Representative Council. If there are regularly scheduled Representative Council meetings then there may be at least one general membership meeting each year.
- b. Special meetings of the membership may be called by the President, or upon written request of one-quarter of the members for a specific purpose; but no business other than that for which the meeting is called may be transacted.
- c. At least one week prior to 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. President's Report
- f. Reports of Standing Committees
- g. Reports of Special Committees
- h. Old Business
- i. New Business
- j. 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 and Negotiators

- Section 1: President
The President shall preside over meetings of the Executive Committee, the Representative Council, and the General Membership. The President shall appoint, with approval of the Executive Committee, the chairperson and members of all committees and shall be the executive officer of the Association. The President shall, along with the Treasurer, sign all checks and vouchers drawn upon the treasury. 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. **The President shall maintain passwords to electronic accounts and office cell phone for NBTEA business only. Upon the election of a new President, all account passwords shall be updated.**
- Section 2: Vice President
The Vice President shall assume all duties of the President in the President's absence and shall perform all other functions usually attributed to this office. The Vice President shall chair the PR&R committee and work closely with one or more standing committees as the President may suggest. **The Vice President will act as a backup third signature for checks drawn upon the Treasury made out to the President or Treasurer.** In the case of a presidential vacancy, the vacancy shall be filled by the vice president who shall serve until the next election. **The Vice President shall maintain passwords to electronic accounts and office cell phone for NBTEA business only. Upon the election of a new Vice President, all account passwords shall be updated.**
- Section 3: Recording Secretary
The Recording Secretary shall keep accurate minutes of all meetings of the Executive Committee, the Representative Council, and General Membership meetings; shall prepare such minutes for reproduction and distribution within 40 days and shall maintain official files, and shall perform any other duties relative to the position of Recording Secretary.
- Section 4: 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 Corresponding Secretary.

Section 5: Treasurer

The Treasurer shall hold the funds of the Association and disburse them accordingly upon submission of vouchers approved by the President; shall sign all checks along with the President; shall report at each meeting of the Executive Committee, the Representative Council, and General Membership; and shall keep the President and the Executive Committee informed of the financial condition of the Association. 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. Endorsement of checks shall be limited to endorsements for deposit to the credit of 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.

NOTE- Associations having a total annual budget of less than \$5,000 may choose to have the annual audit performed by an outside independent person. Associations having a total annual budget of \$5,000 or more must have the annual audit performed by public or certified accountant(s).

Section 6: Second Vice Presidents

The Second Vice Presidents shall represent their section of the unit on the Executive Committee and Representative Council and work closely with one or more standing committees as the President may suggest.

Second Vice Presidents shall represent:

VP of Aides- Building, Lunch & Playground, Clerical, Instructional, Medical, Water Safety, Sign Language Aides

VP of Secretary/Clerks- Secretaries & Clerks

VP of Computer Techs- Techs I and II

VP of Custodians- Custodial/Maintenance/Groundsmen

VP of Special Services- CST, OT, PT, Nurses, Speech, Guidance

VP of Teachers- Pre-K-12 Certificated Teachers

VP of Transportation- Bus Aides & Bus Drivers

Section 7: Negotiators

The negotiating team is appointed by the President and shall negotiate a recommended agreement pending ratification by the members of the Association who are members of the bargaining unit. **With the exception of Uniserv consultants, all negotiators must be active NBTEA members.**

Article IV - Powers and Duties of the Executive Committee

Section 1: The Executive Committee shall:

- a. be responsible for the management of the Association
- b. authorize all expenditures within the limits of the budget
- c. by a two-thirds vote authorize the spending of money for non-budgeted items not to exceed \$500 in any one case. (Disbursements in excess of \$500 must have the approval of a majority of the Representative Council.)
- d. propose policies for consideration by the Representative Council
- e. execute policies established by the Representative Council
- f. cause to be reported to the members its transactions and those of the Representative Council
- g. establish such special committees as may be necessary
- h. establish agenda for the Representative Council and all General Membership meetings.

Section 2: In the event of vacancy in the office of the President, the Vice President shall become President and serve until the next annual election.

Section 3: Whenever the offices of both the President and Vice President shall become vacant between elections, except as provided in Section 2 above, the remaining members of the Executive Committee shall choose one of their members to serve as President pro tempore until the Representative Council can fill the vacancies.

Article V - Powers and Duties of the Representative Council

Section 1: The Representative Council shall:

- a. approve the budget
- b. set the dues for the Association
- c. act on reports of committees
- d. establish the policies of the Association
- e. adopt rules for governing the conduct of meetings as are consistent with this Constitution and Bylaws
- f. be the final judge of qualifications and elections of officers, ex-active committee members and association representatives.

Section 2: Powers not delegated to the Executive Committee, the officers or other groups in the Association shall be vested in the Representative Council.

Article VI - Elections

Section 1: Nominations

The President shall appoint, subject to approval by the Executive Committee at its March meeting, an Elections Committee. No officer of the Association or member of the Executive Committee shall serve on the Elections Committee. A list of names of candidates shall be prepared by the Committee or solicited by Election Committee members at each building and presented to the Executive Committee and General Membership at least 30 days before the election.

Section 2: Balloting

- a. During the first week of May that school is in session members shall vote for officers by secret ballot in their individual buildings. The one person-one-vote principle for representation shall apply except that the Association shall guarantee ethnic minority representation at least proportionate to its ethnic minority membership. Where an all inclusive affiliate exists, proportionate representation between teacher members and support professional members shall be provided.
- b. Members of the Elections Committee shall distribute, collect and tabulate the votes and present their written report to the chairperson who will announce the results.
- c. New officers shall be installed at the June meeting of the Executive Committee.
- d. Results of the elections of officers shall be reported immediately to NJEA, NEA, and the County Association by a member of the Elections Committee.

Section 3: Tabulation

The tabulation of contract ratification ballots shall be overseen by the members of the Election committee.

Article VII - Committees

Section 1: Structure

There shall be standing committees carrying the specific functions listed below. They shall be selected to be broadly representative of all members and appointed for overlapping terms of two years.

Section 2: Committee Appointment

The President, with the advice and consent of the Executive Committee, shall appoint members of the standing committees and fill all unexpired terms as vacancies occur.

Section 3: Meetings

Each standing committee shall meet according to a calendar developed by the committee.

Section 4: Reports

Each committee shall select a secretary who shall keep a continuing record of activities. Chairpersons shall report as necessary and required by and of the president, the Executive Committee, the Representative Council, and/or the General Membership and shall prepare an annual written report which shall become a part of the continuing committee record in the Association files.

Section 5: Committee Titles and Duties

- a. The Budget Committee shall propose to the Executive Committee a budget for the Association each year. Members of the Budget Committee shall have full and complete access to all financial and other records of the Association pertinent to the preparation of the annual budget.
- b. The Communications Committee shall be responsible to keep the general membership informed of Association action through fliers and newsletters. It shall develop a telephone call system and/or e-mail system for the membership in case of a crisis situation. At least one of its members shall stay in close contact with the negotiating team. All communications shall be reviewed by the Association President.
- c. The Government Relations Committee shall have broad concern for local, regional, state and national legislation affecting the interests of the Association. It shall inform members about newly proposed and enacted legislation related to their welfare, promote activities leading to the passage of desirable legislation, encourage members to exercise their responsibility for voting and their right to participate in political activity at all levels.
- d. The Grievance Committee shall explore and prepare programs for securing satisfactory policies and procedures for the redress of grievances. It shall process all grievances filed in accordance with the Agreement and policies adopted by the Association. It shall advise the Executive Committee in situations involving the defense of individual rights.
- e. The Membership Committee shall organize and conduct membership enrollment and shall communicate with members about programs, services and benefits of the Association.
- f. The Negotiations Committee shall survey the members and prepare for the officers and Executive Committee a proposed package to be negotiated with the employer by the Association's negotiating team in all areas of member welfare and general working conditions.
- g. The Privatization Committee shall monitor and address concerns related to subcontracting and privatization issues.

- h. The Public Relations/PRIDE Committee shall seek to develop public understanding of the purposes and programs of the Association. It shall be as a beacon of light shining unto the community. It shall develop procedures by which the Association can present information through newspapers, radio, television and other mass media and work cooperatively with the public in civic and social organizations.
- i. The Social Committee shall organize such social activities as may serve the needs of members and promote team building and member involvement within the Association.

Section 6: Special Committees

Each year the President shall, with the approval of the Executive Committee, appoint an Audit Committee and shall disband it upon completion of its duties. The Audit Committee shall operate according to rules approved by the Executive Committee and those found in the NJEA Standards of Affiliation. No officer shall serve on the Audit Committee. The books and accounts shall be examined at least once a year. A copy of the audit shall become part of the Association's permanent record. A copy shall be sent to NJEA.

The president shall, with the approval of the Executive Committee, appoint other special committees, as may be necessary, and shall disband them upon completion of their duties. These committees shall operate according to rules approved by the Executive Committee.

Article VIII - Dues

Any increase in the rate of dues or levy of general or special assessment must be approved by a majority vote of general members in good standing after reasonable notice of the intention to vote upon such question. Voting shall take place by secret ballot at a general or special membership meeting, or with in-school balloting, or by voting in a membership referendum conducted by secret ballot. This is the procedure if there is no Representative Council. In Associations where a Representative Council exists, any increase in the rate of dues or levy of general or special assessment shall be approved by a majority vote of the Representative Council using the one-person-one-vote principle. The dues structure shall follow the structure of the NJEA.

Article IX - Fiscal Year

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

Article X – Authority

The most recent edition of Roberts Rules of Order shall be the parliamentary authority for the Association on all questions not covered by the Constitution and Bylaws and such standing rules as the Executive Committee 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% 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 XII - Amendments

These Bylaws may be amended by a majority of those voting at any regular meeting, or special general membership meeting called for this purpose, provided that each amendment has been introduced at the preceding meeting of the Executive Committee and Representative Council and that copies have been distributed to the general membership at least two calendar weeks in advance of the meeting. These changes shall have two readings before any vote at the Representative Council.