

# **DESERT SANDS TEACHERS ASSOCIATION/CTA/NEA**

**A Chartered Chapter of the California Teachers Association (CTA) And an Affiliated Member of the National Education Association (NEA)**

## **BYLAWS**

For issues related to but not addressed by this document or the *DSTA Standing Rules*, CTA bylaws and procedures will apply.

### **I. NAME AND LOCATION OF ASSOCIATION**

The name of this association shall be the Desert Sands Teachers Association/CTA/NEA, incorporated in Riverside County in the State of California. Association Number 1357

### **II. PURPOSES**

The primary purposes of this Association shall be:

- A. 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;
- B. To form a representative body capable of developing group opinion on professional matters to speak with authority for teachers;
- C. To provide an opportunity for continuous study and action on problems of the profession,
- D. To provide a means of representation for its ethnic-minority members in proportion to the ethnic composition of the membership,
- E. To promote professional attitudes and ethical conduct among members,
- F. To encourage cooperation and communication between the profession and the community, and
- G. To foster good fellowship among members.

### **III. AFFILIATIONS WITH CTA/NEA**

- A. The Desert Sands Teachers Association shall be a chartered chapter of the California Teachers Association (CTA).
- B. The Desert Sands Teachers Association shall be an affiliated local of the National Education Association (NEA).

### **IV. MEMBERSHIP**

- A. The active membership class shall be open to any certificated person who is engaged in or who is on limited leave of absence from professional educational work, is an employee of Desert Sands Unified School District, and whose primary assignment is such as not to hold supervisory responsibility over other certificated employees to such an extent as not to be represented in the negotiations process by the teacher bargaining unit.
- B. Membership may be granted upon payment of annual DSTA/CTA/NEA dues appropriate to the class of membership
- C. The right to vote and to hold elective office or appointive position within DSTA shall be limited to Active members.
- D. Active members shall be eligible to vote in all elections, hold elective office or appointive position, receive special services, obtain assistance in the protection of professional and civil rights, and receive reports and publications of DSTA.
- E. An individual who is serving as a negotiator for a public school employer shall not be eligible for membership in DSTA.
- F. Active members shall adhere to *The Code of Ethics of the Education Profession*.
- G. The rights to and privileges of membership shall not be abridged in any way because of race or ethnic group, creed, gender, age, color, national origin, or sexual orientation.
- H. The membership year shall be that period of time from September 1st of any calendar year through August 31st of the following year, inclusive.
- I. No member may be disciplined without a due process hearing, which shall include the established appellate procedure.

## **V. DUES, FEES AND ASSESSMENTS**

- A. The basic annual dues level for active members shall be sufficient to cover the operating expenses of DSTA, the dues of CTA, and the NEA. Dues levels shall be indexed to CTA dues in order to maintain eligibility for CTA Arbitration Reimbursement Funds.
- B. \$5.00 per member of local dues money will be annually transferred to the PAC, not to exceed \$24,000 in local transfers. Should a member object in writing to the Treasurer, his or her portion of dues money designated for this transfer shall remain in the general fund.
- C. \$11.00 per member of local dues money will be annually transferred to the scholarship fund.
- D. \$5.00 per member of local dues money will be annually transferred to the arbitration fund.
- E. 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. If by October 31st of any calendar year, a member has not either paid the established annual membership dues for the current membership year or made satisfactory arrangements for payment, then that person's membership shall be considered delinquent and the member changed from active status to fee payer.
- F. The local chapter shall follow CTA guidelines on agency fee or organizational security fee on the same percentage basis as the full DSTA/CTA/NEA dues.

## **VI. POLICY-MAKING BODY**

- A. The policy-making body of the Association shall be a Representative Council. The Representative Council, comprised of Active members from DSTA, derives its powers from and shall be responsible to the Active membership.
- B. The Representative Council shall be composed of the following active members:
  - 1. Executive Board, ex officio;
  - 2. Faculty Representatives elected on the basis of one-person-one-vote,
  - 3. Service Center Council Representative, when not already serving on Representative Council in another capacity, ex officio, non-voting;

4. Committee Chairpersons, ex officio, non-voting;
  5. CTA State Council Representatives; and
  6. Any member of DSTA who holds CTA/NEA office, ex officio.
- C. The Representative Council shall:
1. Establish association policies and objectives,
  2. Adopt the annual budget of the Association on or before May of the prior school year,
  3. Approve the establishment or discontinuance of committees recommended by the Executive Board,
- D. The Representative Council shall meet at least once during the each school month, the number, place and time of meeting to be decided by the Executive Board.
- E. Special meetings of the Representative Council may be called by the President, the Executive Board, or by the petition of twenty percent of the membership.
- F. Special meetings of the Representative Council shall be called for a specific purpose and no other business may be transacted.
- G. Notices and agendas for all meetings of the Council shall be sent to all members of the Representative Council at least two days prior to the date of the meeting.
- H. 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.
- I. A quorum of all meetings of the Representative Council shall consist of a majority of all voting members of that body.
- J. Members of the Council shall serve a term of one year, except for the CTA State Council Representatives whose terms are set by CTA, and members of the Executive Board whose terms are specified elsewhere in these *Bylaws*.

## VII. FACULTY REPRESENTATIVES

- A. Faculty representatives shall be elected by and from the Active membership for each faculty group by open nominations and secret ballot.
- B. Each faculty shall be entitled to at least one representative and shall have one representative for each 25 active members or majority thereof, on the faculty. The October California Basic Educational Data System (CBEDS) of individual school enrollment shall be the cut-off for determining site representation.
- C. Active members who are not represented through an individual school faculty group shall be counted as special faculty group entitled to the same representation on the Representative Council as individual school faculty groups.
- D. An at-large election with open nominations and secret ballot shall be held for Ethnic- Minority representatives if percentage guarantee is not met.
- E. Faculty Representatives shall:
  - 1. Conduct constant and on-going liaison between the Representative Council and the Active members of the faculty unit through maintaining site bulletin board and monthly faculty meetings after each Representative meeting;
  - 2. Serve as the official channel through which written communications and publications can be easily and quickly be transmitted between DSTA and the Active membership;
  - 3. Represent the views and input of the Active membership of the faculty in votes taken in the Representative Council, conducting frequent and regular polls of such membership for this purpose;
  - 4. Perform additional duties as prescribed by the Executive Board; and
  - 5. Carry grievances through the informal level and serve as liaison to the appropriate grade level director;
  - 6. Faculty Representatives shall attend regular monthly meetings. Should they need to be excused, they must contact the association president within 24 hours of said meeting. Representatives who attend at least eighty percent (80%) of scheduled meetings will have the DSTA portion of their annual dues reimbursed.

- a. Should faculty representatives attend less than eighty percent (80%) of regularly scheduled meetings without being excused by the association president, their position as representative will be subject to recall at their site. (Immediate emergencies excluded).

7. New Faculty representatives shall be required to attend a New Faculty Representative Training.

- F. A Faculty Representative may not conduct an election in which s/he is a candidate.

### **VIII. OFFICERS**

- A. The elected officers of the Association shall be a President, First Vice - President, Second Vice-President, Recording Secretary, Treasurer, Grade Level Directors (two Elementary School Directors, one Middle School Director, and one High School Director), and Ethnic Minority Representative.
- B. These officers shall be and remain currently paid-up members of DSTA/CTA/NEA as a condition for nomination to and service in their respective positions during their term of office.
- C. While it may be desirable that candidates for any office of the Association shall have served as members of the Representative Council immediately preceding their election, it shall not be a requirement of running for and/or holding office.
- D. Election of officers shall be by open nominations and secret ballot.
- E. Officers shall be elected for a term of two years, commencing on the first business day following the last regular school day of the year elected, on alternate years with the following breakdown:
  - 1. The first group shall be composed of the President, First Vice-President, Middle School director, first Elementary School director, and Ethnic Minority Representative.
  - 2. The second group shall be composed of the Second Vice-President, Secretary, Treasurer, High School Director, and Second Elementary Director.
  - 3. The term of the first group and the high school director shall be extended one year in order to establish the rotation.

G. A vacancy shall be deemed to exist in the case of death, resignation, or inability to serve in any of the offices of DSTA. In the event of a vacancy occurring in the office of the President, the First Vice-President shall assume the office. If the First Vice-President declines or is unable to assume the presidency, the Second Vice-President shall assume the presidency. If the Second Vice-President also declines or is unable to assume the office a special election shall be called to elect a successor within thirty (30) days. In the event a vacancy occurs in the other offices, a special election of DSTA shall be called to elect a successor. All elected officers, including each Grade Level Director and Ethnic Minority Representative-At-Large, shall attend regularly schedule Executive Board meetings and Representative Council meetings unless excused by the association president within 24 hours of said meeting.

1. Failure to attend at least 80% of required meetings may result in the rescission of their position resulting in an election for a new office to fill that position.
2. For each unexcused absence, offices will have a pro-rated portion of the monthly stipend deducted.

G. The President shall be the chief executive officer of the Association and its policy leader, and shall:

1. Preside at all meetings of the Association, the Representative Council, and the Executive Board;
2. Prepare the agenda for the meetings of the Association, the Representative Council, and the Executive Board;
3. Be the official spokesperson for the Association;
4. Familiarize him/herself with the governance documents of the Association, the CTA and the NEA;
5. Appoint and/or remove all committee chairpersons, San Gorgonio Service Center Council Representative, members of committees, with the approval of the Executive Board except as otherwise expressed within these *Bylaws*;
6. Co-sign checks, drawn upon the treasury;
7. Call meetings of the Association and the Executive Board;
8. Attend meetings of the Service Center Council of which the Association is a part;

9. Suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association;
10. Attend other CTA/NEA meetings as directed by the Executive Board or Representatives Council;
11. Attend meetings of the Board of Education of the Desert Sands Unified School District, or if unable to attend, delegate this assignment to the 1st vice president or 2nd vice president; and
12. Supervise the activities of the Office Manager.

H. The First Vice-President shall:

1. Serve as assistant to the President in all duties of the President;
2. Serve as coordinator of committees and provide a summary of all committee activities, at the direction of the President;
3. Assume the duties of the President in his/her absence;
4. Act as the liaison between the Executive Board and the Grievance Committee; and
5. Co-sign checks, drawn upon the Treasury.

I. The Second Vice-President shall:

1. Serve as assistant to the President in all duties of the President;
2. Assume the duties of the President in the absence of the President and the 1st Vice- President;
3. Be responsible for the preparation and distribution of the Association's calendar of activities and programs;
4. Serve as coordinator of the Membership Committee and keep an accurate roster of the membership at the direction of the President;
5. Attend San Gorgonio Service Center meetings; and
6. Co-sign checks, drawn upon the Treasury.



J. The Recording Secretary shall:

1. Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, Representative Council and Executive Board, and turn them over to the Office Manager for typing and reproduction.
2. Be responsible for distribution of all notices, agendas, and minutes of meetings to members of the Representative Council and Executive Board, and to the membership when appropriate.
3. In conjunction with the Office Manager, assist the 2nd Vice-President in keeping an accurate roster of the membership of the Association and of all committees, and assist in preparing a yearly calendar of the Association's activities and programs; and
4. Be responsible for the correspondence pertaining to the affairs of the Association as directed by the President.

K. The Grade Level Directors shall:

1. Meet with their constituents and report concerns or recommendations to the Representative Council, Executive Board, or President as appropriate;
2. Attend all meetings of the District Curriculum Council for their grade level;
3. Call grade level meetings of the school Faculty Representatives as required and nominate teachers to DSTA committees;
4. Poll grade level teachers through the school Faculty Representatives when special input is required;
5. Carry out such other duties as assigned by the President;
6. Work with grade level Faculty Representatives to determine how to handle complaints; and
7. Assist grade level faculty representatives and grievant at Level 1 of the grievance procedure and communicate results at Level I to DSTA Grievance Committee.

- L. The Treasurer shall:
1. Receive all funds belonging to the Association and be responsible for their safekeeping and accounting;
  2. Pay out such funds upon orders of the President;
  3. Prepare a written financial report for each regular meeting of the Representative Council and Executive Board and submit same to the Office Manager for duplication;
  4. Be responsible for the annual audit of the books of the Association, preparing a written financial report in the form of a balance sheet and operating statement signed and certified by the officers of the organization; and further be responsible for providing each member with a copy of this financial report upon request;
  5. Submit membership and financial reports to CTA, NEA or other agencies as required by law.
- M. The Ethnic Minority Representative shall:
1. Chair the Human Rights Committee;
  2. Attend all functions/meetings of the Executive Board and Representative Council;
  3. Report out to the Executive Board and Representative Council;
  4. Attend Issues Conference and report out to the Executive Board and Representatives Council;
  5. Identify issues of importance to minorities and promote solutions; and
  6. Perform other duties as assigned by the DSTA President.

## **IX. EXECUTIVE BOARD**

- A. The Executive Board shall be composed of:
1. Elected Officers of DSTA;
  2. Grievance, Negotiations, Insurance, and Political Action Chairpersons, ex-officio, non-voting;

3. Any member of DSTA holding a CTA/NEA office; and
4. The immediate past president, ex-officio non-voting.

Standing Committee Chairpersons may be directed by the President to attend any or all Executive Board meetings.

- B. All members of the Executive Board shall be and remain members of DSTA/CTA/NEA as a condition for nomination and to serve in this position.
- C. The Executive Board shall meet prior to each regular meeting of the Representative Council and at such other times as the President may deem necessary, or upon written petition by a majority of the members of the Board.
- D. The duties and responsibilities of the Executive Board are:
  1. Coordinate the activities of the Association;
  2. Act for the Representative Council when school is not in session;
  3. Direct the bargaining activities and grievance processing of the Association, subject to policies set by the Representatives Council;
  4. Approve appointment and removal of all committee members, including chairpersons except as otherwise expressed within these *Bylaws*;
  5. Recommend a budget for the Association to the Representative Council;
  6. Adopt the Standing Rules for the Association;
  7. Adopt grievance procedure;
  8. Direct the grievance activities of DSTA; and
  9. 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 may be imposed by the active Representative Council.
- E. A quorum for all meetings of the Executive Board shall consist of a majority of the elected members of the Board.

- F. A special meeting of the Executive Board may be held at a time different from that of any regular meeting, and convened only to consider one or more items of business specified in the call of the meeting. Such meeting(s) shall be called by the president but can be the result of a request by 50% of the voting members of the Executive Board. Notice shall include the time, place, and exact purpose(s) of the meeting, and must be presented in writing to all members at least two days in advance.

## **X. MEETINGS OF THE GENERAL MEMBERSHIP**

- A. General meetings of DSTA may be called by the President, the Executive Board or by written petition of 20% of the membership.
- B. Notices of DSTA meetings including date, place, time and purpose of meeting shall be made available to all members of DSTA at least three days prior to the meeting except during crisis situations.
- C. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify DSTA membership of meeting dates, places and times, including but not limited to, telephone tree and drop system.
- D. Regarding General meetings, a quorum shall be the members present.

## **XI. BARGAINING**

- A. The Bargaining Team and such alternates as the Executive Board deems necessary shall be appointed by the President and approved by the Executive Board.
- B. The chairperson shall be appointed by the President and confirmed by the Executive Board.
- C. The Bargaining Team members shall serve for the period during which a contract is being negotiated.
- D. Vacancies created by resignation, inability to serve, or removal from the team shall be filled by the Executive Board from the list of alternates.
- E. The Executive Board, by a two-thirds (2/3) majority, may remove a member of the bargaining team.
- F. The duties of the bargaining team are to represent and to bargain for the bargaining unit in employer-employee relations.
- G. Responsibility and authority for directing the bargaining process on behalf of DSTA are vested in the Executive Board subject to policies established by the membership.

- H. Employees in the bargaining unit shall be surveyed to determine contents of the proposed contract demands.
- I. The bargaining team shall report its activities to the Executive Board in such form and with such frequency as the Executive Board may require.
- J. The Executive Board shall provide for the dissemination of information regarding bargaining and the activities of the bargaining team to the general membership.
- K. Agreements reached between the bargaining team and the school board shall be considered tentative and not binding upon DSTA until such agreements have been approved by a two-thirds (2/3) majority of the Executive Board and ratified by the membership unless such ratification shall have been specifically waived or otherwise delegated by that membership.
- L. Ratification of all negotiated agreements shall be by a majority of all unit members voting.
- M. As soon as practical following the conclusion of negotiations, a copy of the negotiated agreement will be distributed to members.
- M. No sooner than three (3) days from the time the negotiated agreement is distributed to the membership, general meetings will be called to explain and discuss the agreement. The
- N. No sooner than three (3) days from the time the negotiated agreement is distributed to the membership, general meetings will be called to explain and discuss the agreement. The meetings will be held in Indio, Palm Desert, and La Quinta on three (3) different dates and times.
- O. Unit members may vote on the ratification of the agreement at the conclusion of these meetings or at their sites.
- P. All ballots, voter sign-up sheets and ballot boxes shall be returned to the election committee within three (3) days following the last general meeting.

## **XII. GRIEVANCE PROCESSING PROCEDURES**

- A. The Executive Board shall adopt standing rules setting forth the procedures for grievance processing.
- B. These procedures shall include but not be limited to the following:

1. Provide for representation to assist all members of the bargaining unit in processing grievances;
2. Training for handling grievances; and
3. Evaluation of DSTA's grievance policies and procedures.

### **XIII. NOMINATIONS AND ELECTIONS**

The chapter president must provide Active members an opportunity to vote in all elections.

Chapter presidents do not have the option of deciding that such elections shall not be held except for NEA-RA Local Delegate elections where, following a period of open nominations, voting may be waived if the number of candidates is equal to or less than the number of positions to be filled and the affiliate has adopted a governing provision or election policy allowing such a practice.

- A. There shall be an appointed Elections Committee.
- B. Elections shall be conducted with:
  1. Open nomination procedure;
  2. Secret ballot;
  3. All Active member votes;
  4. Record of voters receiving or casting ballots;
  5. Majority vote, unless otherwise specified.
- C. Election of Faculty Representatives shall be conducted annually in the month of May.
- D. Special elections of the Faculty Representatives shall be held as needed and according to the following guidelines:
  1. If the vacancy occurs before the expiration of the current faculty representative's elected term, a special election shall be held within two weeks of announcement of vacancy or prior to the next regularly scheduled meeting of the Representative Council, whichever comes first.

2. If a vacancy in the position of Faculty Representative should occur for any reason, a special election shall be held no later than the first week of the school year following the onset of the vacancy.
  3. If no unit member is chosen from the site at which the vacancy occurs, the President with the approval of the Executive Board shall have authority to appoint an interim representative.
  4. An interim faculty representative shall not be an officer of the Executive Board, a committee chair, nor a representative from another site.
  5. The service of the interim faculty representative shall terminate at the time a special election is conducted and a unit member employed at the site is chosen to complete the remainder of the term of service.
  6. Should there be no other representative at the site, said special election shall be conducted by the Elections Chair.
- E. State Council Representative and San Gorgonio Service Center Representative elections shall be conducted in accordance with CTA guidelines after the chapter or service center council has been notified to do so by the CTA Elections Committee.
- F. NEA State Delegate elections shall be conducted in accordance with CTA guidelines.
- G. NEA Local Delegate elections shall be conducted in accordance with NEA/CTA guidelines.
- H. The duties of the Elections Committee shall be to:
1. Ensure that all DSTA/CTA/NEA election codes and timelines are followed,
  2. Establish election timelines,
  3. Develop and carry out timelines and procedures,
  4. Prepare ballots for election of officers and such other elections as may be necessary,
  5. Count the ballots and certify the results,
  6. Handle initial challenges.

- I. CTA State Council Representatives, Service Center Representatives, and NEA Delegates
  1. CTA State Council Representatives and alternates shall be elected with open nomination and secret ballot.
  2. The term of office of the CTA State Council Representatives and alternate(s) shall be for three years, or as specified by CTA.
  3. NEA Assembly delegates shall be elected with open nominations and secret ballot, for a one year term.
  4. CTA State Council Representatives and alternates, San Gorgonio Service Center Representative and NEA Assembly delegates shall report as directed by the Executive Board.

#### **XIV. COMMITTEES**

- A. Committees, except as otherwise provided in these *Bylaws*, may be established and discontinued by the Executive Board, subject to approval by the Representative Council.

Each committee shall submit periodic reports to the Executive Board and Representative Council.

#### **XV. PARLIAMENTARY AUTHORITY**

*ROBERT'S RULES OF ORDER, Newly Revised*, latest edition, shall be followed at all meetings of DSTA, the Representative Council, and the Executive Board.

#### **XVI. AMENDMENTS**

These *Bylaws* may be amended by a two-thirds (2/3) vote of the representatives at any regular or special meeting of the Representative Council provided notice in writing of a proposed *Bylaws* amendment shall have been submitted to the Secretary and made available to all members of the Council at the meeting preceding the one at which it is to be voted upon.