

**CONSTITUTION
&
BY-LAWS**

of the

ELIZABETH EDUCATION ASSOCIATION

February, 2018

**Adopted, 1968
Amended, 1986
Amended, 2011
Amended, 2018**

ARTICLE I - NAME AND INCORPORATION

Section 1: The name of this organization shall be Elizabeth Education Association hereafter referred to as the Association.

Section 2: It is incorporated as a non-profit corporation under NJSA Title 15A, Sections 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 Union County Education Association, the New Jersey Education Association and the National Education Association.

ARTICLE III – PURPOSES

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

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

Section 3: To advance professional rights and status and responsibilities of its members as educators.

Section 4: To represent its members and other employees in negotiations and grievances with the School Board on all matters of compensation and all other terms and conditions of employment.

Section 5: To form a representative body to speak with authority for the members.

Section 6: To establish cooperation between the educator and the community.

ARTICLE IV – MEMBERSHIP

Section 1: Active Members

- a. Active membership in the Association shall be open to any person employed in the Elizabeth Public School District, the qualifications for whose position are such as to require the member to hold an appropriate (but not administrative or supervisory) Certificate issued by the New Jersey State Board of Examiners and who holds such a Certificate .
- b. Active members, where eligible, of the Association shall also be members of the Union County Education Association, the New Jersey Education Association and the National Education Association.

Section 2: Active Supportive Members

Active Supportive membership shall be open to all other groups employed by the Elizabeth Public Schools, upon payment of membership dues as specified in the bylaws.

Section 3: Retired Members

Active and Active Supportive members upon retirement 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 the annual dues as a retired member.

Section 4: Rights of Membership

- a. Every active and active supportive 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 non-payment 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 the Association shall consist of a president, a first vice-president, a second vice-president, a recording secretary and a treasurer.

Section 2: The officers shall receive a stipend to be determined by the council.

Section 3: The officers shall be elected in April by election held in schools and be installed in June for a term of 3 (three) years.

Section 4: Officers of the Association shall serve their terms so long as they 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 the submission of a petition containing the signatures of 25% 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 general membership.
- f. A general 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 general membership by ballot, and voting shall be done in accordance with the Executive Council and approved by the Representative Council.

Section 5: In the event of vacancy in the office of the President, the First Vice President shall become President and serve until the next election.

Section 6: In the event of a vacancy in any other office, the president with the consent of the Executive Committee shall appoint a replacement to

serve until the term expires.

Section 7: In the event the 1st Vice President is unable to assume the duties of the President, the officers shall appoint an interim president with the approval of the executive committee until the next general election. The subsequent election shall be for the completion of the term of office.

ARTICLE VI - EXECUTIVE COMMITTEE

The Executive Committee shall consist of:

- a. the officers of the Association
- b. the immediate Past President
- c. the Parliamentarian
- d. Chairpersons of Committees

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 or more other elected association representatives from each school.

Section 3: In each school building in the Elizabeth Public School District,

- a. those persons who are members of this Association shall elect for a term of 1 (one) year one representative to the Representative Council for every 10 (ten) members or major fraction thereof.
- b. There shall be at least one representative from each building. Where more than one such representative is elected, one shall be designated as Chief Association Representative. Elections shall be held in October meeting of the Representative Council.

Section 4: The Chief 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 5: 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 this Constitution may be made by a two-thirds majority of the active members of the Association voting by ballot .in a regular or special election called for this purpose, provided that:

- a. the amendments have been submitted in writing to the Secretary of the Association
- b. the Secretary of the Association has distributed copies of the amendments to the members of the Representative Council
- c. the Representative Council, by a majority vote, proposes to recommend said amendments to the general membership
- d. The Secretary of the Association has distributed copies of the amendments so proposed to all active members of the Association at least two weeks in advance of the election.

BYLAWS

ARTICLE I – MEETINGS

Section 1: Executive Committee

The Executive Committee shall meet on the 1st Thursday of each month at 4:15 p.m., excepting legal holidays or inclement weather. Special meetings shall be held at the call of the President, or at the written request of five (5) members of the Committee. Such meetings shall be strictly limited to the subject for which the meeting was called.

Section 2: Representative Council

- a. The Representative Council shall meet on the second (2nd) Thursday of each school month at 4:15 p.m., excepting legal holidays or inclement weather.
- 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 ten (10) representatives.

Section 3: General Membership

- a. The Executive Committee shall arrange at least one (1) general membership meeting each year and any additional meetings as deemed necessary.
- b. Special meetings of the membership may be called by the President, or upon request of one-quarter (1/4) 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.

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 worksites, as defined by 10 or more members, must be represented to constitute a quorum for all regularly scheduled Representative Council meetings.

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

ARTICLE III - POWERS AND DUTIES OF THE OFFICERS

Section 1: President - The President shall:

- a. preside over all meetings of the Executive Committee, Representative Council and General Membership
- b. appoint the chairperson and members of all standing committees and special committees with the approval of the Executive Committee not otherwise provided for in the Constitution and Bylaws, and fill within 30 days any vacancy of the committee chairperson that may occur
- c. be ex-officio a member of all committees
- d. with the Treasurer, sign all orders drawn upon the treasury for which a voucher has been submitted
- e. represent the Association before the public either personally or through a designated representative
- f. perform all other functions usually attributed to the office
- g. appoint a parliamentarian
- h. serve as a member of the Negotiating Team and appoint with the approval of the Executive Board and Representative Council six (6) active members of that team

Section 2: First Vice President - The First Vice President shall:

- a. assume all duties of the President in his or her absence and work closely with the following standing committees: Social, Legislative, Instruction, Professional Rights and Responsibilities, and Scholarship /Kappy Award, unless otherwise designated by the President
- b. will present committee reports of the above committees to the Executive Board and Representative Council in the absence of the Committee chairperson

- c. become President whenever the presidency becomes vacant as provided for in Article V, Section 5 of the Constitution
- d. develop a training workshop for Association Reps yearly
- e. cover the office three (3) days after school each week as assigned by the President
- f. perform such duties deemed necessary by the President.

Section 3: Second Vice President - The Second Vice President shall:

- a. assume all duties of President in the temporary absence of both the President and the First Vice-President and work closely with the following standing committees: Budget, Communications, Membership, Negotiations, Public Relations, and Support Staff Committees, unless otherwise designated by the President.
- b. present committee reports of the above committees to the Executive Board and Representative Council in the absence of the committee chairperson
- c. attend appropriate training seminars, including the Support Staff Leadership Workshops, as assigned by the president and approved by the Executive Board.
- d. perform such duties deemed necessary by the President

Section 4: Recording Secretary - The Recording Secretary shall:

- a. keep accurate minutes of all the Executive Committee, Representative Council and General Membership meetings
- b. distribute minutes for review and adoption to all members of respective bodies five (5) days prior to the next, or if requested, Executive Committee, Representative Council and General Membership meetings
- c. distribute agenda prior to the next regularly scheduled meeting
- d. distribute copies of all proposed amendments to the Constitution as prescribed in Article VIII of the Constitution
- e. submit the name of the Treasurer to the New Jersey Education Association (NJEA) upon election so that NJEA can provide bonding coverage

- f. cover the office two (2) days after school each week as assigned by the President
- g. perform such duties deemed necessary by the President.

Section 5: Treasurer - The Treasurer Shall:

- a. be responsible for collection of all dues
- b. deposit all monies in a bank, in the name of the Association
- c. Notify NJEA of name of bank in which Association dues are deposited
- d. hold the funds of the Association and disburse them accordingly upon submission of vouchers approved by the President
- e. sign all checks along with the President
- f. report at each meeting of the Executive Committee, Representative Council and General Membership
- g. prepare an annual financial statement which shall be reported to Representative Council at the November meeting, and be made available upon request
- h. file the appropriate Federal and State forms
- i. Within the first five (5) days of each month, ensure that local dues monies have been transmitted by NJEA to the Association
- j. serve on the Budget Committee
- k. be bonded for such amount as may be determined by the Executive Committee from time to time
- l. maintain the books for the Philanthropic Fund and the Political Action Committee
- m. cover the office one (1) day after school each week as assigned by the President
- n. perform such duties deemed necessary by the President.

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 \$1,000.00 in any one case. Disbursements in excess of \$1,000.00 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. set the agenda for the Representative Council and all General Membership meetings
- i. study the recommendations of the Scholarship/Kappy Award Committee and choose recipients.
- j. study the recommendations of the Political Action Committee and choose recipients, if any

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

Section 3: Whenever the offices of both the President and First Vice President shall become vacant between elections except as provided in Article V, Section 5 of the Constitution, the Second Vice President shall become President. In the event the office of Second Vice President is vacant, 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. by a majority of Representative Council present at voting approve disbursements in excess of \$1,000.00 for non-budgeted items.

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 - COMMITTEES

Section 1: Structure

There shall be standing committees carrying the specific functions listed below.

Section 2: Appointment

The President, with the advice and consent of the Executive Committee, shall appoint members of the standing committees at the regular meeting in May 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 to the Executive Committee, Representative Council and 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 Title and Duties

- a. The Negotiations Committee shall survey the members and prepare a

proposed package to be negotiated with the Board of Education by the Association's negotiating team in all areas of member welfare and general working conditions. The results of agreement between the negotiation team and the Board of Education shall be put in writing and presented to the membership at least twenty-four (24) hours prior to voting. Voting will be done by secret ballot in one ballot box for each contract at a designated location.

Side bar agreements, while contract is enforced, shall be approved by the Executive Committee with prior notice to the membership.

- b. The Professional Rights and Responsibilities Committee (Grievance) 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. It shall assist members in writing rebuttals to evaluations and other negative reports.
- c. The Instruction Committee shall serve the Association as monitor and initiator of the classroom teachers' input to positive programs of instruction for schools. It shall serve as a representative of the teachers to a school district's instructional council where such a vehicle exists by contract. The Instruction Committee shall investigate recommended changes in instructional programs for effects such programs may have on the professional educator. It should report its findings or curriculum developments directly to the Executive Committee.
- d. The Membership Committee shall organize and conduct membership enrollment. Its members shall attempt to enroll eligible employees enrolled for the current school year. It shall communicate with members on Automatic Payroll Deduction to return by direct mail any corrections in their status or address after receiving their annual membership cards in the mail.
- e. The Public Relations Committee (Pride) shall seek to develop public understanding of the purposes and programs of the Association, It shall develop procedures by which the Association can present material through newspapers, radio, television and other mass media and work cooperatively with the public in civic, fraternal and social organizations.
- f. The Communications Committee shall be responsible to keep the general membership informed of Association action through fliers and newsletters. It shall develop an information system for the membership in case of a crisis situation. At least one of its members shall be at the

disposal of the Negotiating team. All communications shall be reviewed by the Association President.

- g. The Social Committee shall organize such social activities as may serve the needs of members and promote rapport within the Association.
- h. The Legislative Committee shall have broad concern for state and national legislation affecting the interests of the Association. It shall inform members about newly proposed and enacted legislation related to their interests, promote activities leading to the passage of desirable legislation, encourage members to exercise their responsibility to vote and their right to participate in political activity.
- i. The Budget Committee shall propose to the Representative Council for action 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. The Committee shall also arrange for a yearly audit of the books by an outside firm.
- j. The Support Staff Committee shall study and make recommendations in all areas that are of concern to support staff. The committee shall plan at least one workshop per year pertaining to support staff concerns.
- k. The Scholarship/Kappy Award Committee shall distribute applications to the appropriate schools for the EEA Scholarships and Kappy Award, collect and review the applications, recommend changes in criteria, if necessary, and make a recommendation to the Executive Board.

Section 6: Special Committees

Each year the President shall appoint, with the approval of the Executive Committee, 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 VII – ELECTIONS

Section 1: Nominations by Self

- a. Individuals who are eligible must self-nominate to run as a candidate for President, First Vice President, Second Vice President, Recording Secretary, Treasurer, and any other elections required.

- b. An individual may only run for one office at a time per election cycle.

Section 2: Nominations by Petition

- a. Any eligible member may also self-nominate by petition if the member missed the original due date for nominations to be submitted.
- b. All individual petition nominations shall be made on forms prescribed by the Elections Committee and are subject to a due date as well.
- c. Petitions must contain at least twenty-five (25) signatures of active or active supportive members of the Elizabeth Education Association.
- d. These petitions must be submitted to the Elections Committee no later than the last day of February.
- e. A separate petition must be filed for each position sought.
- f. The Election Committee shall be notified of all petition nominations and shall be the judge of their validity and shall make known all candidates to the Representative Council at the March meeting.

Section 3: Election Procedures

- a. The President, with the approval of the Representative Council, shall appoint an Election Committee at the January Representative Council meeting. No officer may serve on this committee.
- b. The Elections Committee shall establish a voting date after taking into consideration the National Education Association (NEA) Convention deadlines and local school calendars, including state and district testing dates. Members shall vote in their respective schools for officers by secret ballot. Each member shall receive a ballot upon signature, and voting shall be done in accordance with procedures developed by the Elections Committee and approved by the Representative Council. Members may also vote the day following the general election
- c. The Elections Committee shall report the results to the President, who shall cause them to be published. New Officers, Faculty

Representatives and Delegates at Large shall be installed at the May general meeting.

- d. All district-wide positions shall be for a term of three (3) years.
- e. Results of the elections of officers shall be reported immediately to NJEA, NEA and the County Association by a member of the Elections Committee.
- f. No activity that is intended to interfere with a person's right to vote shall be permitted within a voting (polling) place or area where the ballot box is.

Section 4:

- a. Election shall be on a rotating basis:

President, NEA Delegate, UCEA Reps

Second Vice-President, Secretary

First Vice-president, Treasurer
- b. Open positions shall be filled in accordance with Article V. Section 6 of this constitution.
- c. In the event a candidate for any office is unopposed, he/she shall be declared elected by the elections committee.
- d. The officers elected will automatically be NEA Delegates.

ARTICLE VIII - FISCAL YEAR

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

ARTICLE IX - AUTHORITY

The President shall appoint a Parliamentarian by the June meeting for a term of one (1) year. 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 X – AMENDMENTS

Amendments to the Bylaws may be made by a two-thirds majority of the active members of the Association voting in a regular or special election called for this purpose, provided that each amendment has been previously introduced at a regular meeting of the Representative Council and that copies have been distributed to each active member of the Association at least two (2) calendar weeks in advance of the election.

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