

Note: Deletions to our bylaws are indicated by "strikethrough" font. Additions to our bylaws are indicated in bold font.

Bylaws
Etiwanda Teachers Association

BYLAWS

I. NAME AND LOCATION

The name of this Association shall be the Etiwanda Teachers Association/CTA/NEA in San Bernardino County, California.

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 members.
- C. To provide an opportunity for continuous study and action on problems of the profession;
- D. To provide a means of representation for all members including ethnic-minority members;
- 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. AFFILIATION WITH THE CTA/NEA

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

IV. MEMBERSHIP

- A. Categories of Membership. There shall be five categories of membership in the Association: Active, Staff, Student, Retired and Associate.

Active membership shall be open to any person who is engaged in or who is on limited leave of absence from professional educational work, is an employee of the Etiwanda 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 Association bargaining unit.

- B. Membership may be granted upon initiation of payroll deduction or upon payment of annual Chapter/CTA/NEA dues appropriate to the class of membership.
- C. The right to vote and to hold elective office or appointive position within the Association 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 the Association.
- E. An individual who is serving as a negotiator for a public school employer shall not be eligible for membership in the Association.
- F. 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 age, gender, race, color, ethnic group, marital status, national origin or sexual orientation.
- H. No member of the Association may be disciplined without a due process hearing, which shall include the established appellate procedure.
- I. The membership year shall be that period of time from September 1 of any given calendar year through August 31 of the following calendar year, inclusive.

V. DUES, FEES, AND ASSESSMENTS

- A. 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.
- B. 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 at the last regular meeting of the school year.
- C. The Etiwanda Teachers Association shall apportion any negotiated representation fee or organizational security fee on the same percentage basis as the Chapter/CTA/NEA dues.
- D. 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 31 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 name dropped from the rolls.

VI. POLICY-MAKING BODY

- A. 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.
- B. The Representative Council shall be composed of the following Active members:
 1. Executive Board, ex-officio non-voting;
 2. Faculty Representatives elected on the basis of one-person one-vote; and
 3. Additional representatives at the Association's discretion, which might include:

- a. Elected Service Center Council Representative(s), when not already serving on the Representative Council in another capacity ex-officio non-voting;
 - b. Committee Chairpersons, ex-officio non-voting;
 - c. CTA State Council Representatives, ex-officio non-voting if any; and
 - d. Any members of the Association who hold CTA/NEA offices or committee appointments, ex-officio non-voting.
- C. The Representative Council shall:
- 1. Establish Association policies and objectives;
 - 2. Adopt the annual budget of the Association on or before the first meeting of the school year;
 - 3. Approve the establishment or discontinuance of committees recommended by the Executive Board;
 - 4. Establish the dues of the Association; and
 - 5. Be the primary source of communication between the members, the Executive Board, and the community.
- D. The Representative Council shall meet at least once every other month from the time of their election through June inclusive at a time and place approved 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 (20%) of the membership.
- F. Special meetings of the Representative Council shall be called for a specific purpose and no business other than that for which the meeting is called may be transacted.
- G. Notices and agendas for all meetings of the Representative Council shall be sent to all members of the Representative Council at least five 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 for all meetings of the Representative Council shall consist of a majority (50% + 1) of all voting members of the Representative Council.
- J. Building representatives shall be elected in September of each school year at each school site, and shall serve for a period of one year, with term ending the following September upon election of new representatives. Representatives may serve consecutive terms. Except for the CTA State Council Representatives whose terms are set by CTA.

VII. FACULTY REPRESENTATIVES

- A. Faculty representatives shall be elected by and from the Active membership for each faculty group. Such election shall be by open nominations and by secret ballot. A faculty representative shall not conduct an election in which he/she is a candidate.
- B. Each faculty shall be entitled to at least one representative and shall have one representative for each ten Association members on the faculty, or major fraction thereof. *(Alternates may be elected (on the principle of one person one vote) and*

can attend Representative Council meetings in the absence of the elected Representative.)

- C. 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 school faculty groups.
- D. Vacancies: Vacancies in the office of Representative for whatever cause may be filled by properly elected or appointed replacements.
- E. **Faculty representatives shall be paid a stipend of \$25 per Representative Council meeting attended up to \$250 per year.**
- E- F. Faculty Representatives shall:
 - 1. Conduct constant and ongoing liaison between the Representative Council and the Active members of the faculty unit;
 - 2. Serve as the official channel through which written communications and publications can be easily and quickly transmitted between the Association and the Active members;
 - 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; and
 - 4. Perform such additional duties as prescribed by the Executive Board.
- F- G. A Faculty Representative may not conduct an election in which he/she is a candidate.

VIII. OFFICERS

- A. The officers of the Association shall be a President, a Vice- President, ~~and a Secretary/Treasurer.~~ **a Secretary, and a Treasurer.**
- B. These officers shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to and service in their respective positions during their terms of office.
- C. These officers shall be elected by and from the Active membership of the Association. Such election shall be by open nominations and secret ballot.
- D. Officers shall be elected for a term of one year, commencing on July 1, of any calendar year, and end on June 30 of the following year inclusive.
- E. 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. If there is a vacancy occurring in the office of the President, the Vice-President shall assume the office. 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. If there is 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 to elect successors to fill the unexpired terms.
- F. The President shall be paid a stipend of ~~\$4,000~~ **\$5,000** per annum, and other miscellaneous expenses approved by the Executive Board. The stipend will be paid no later than June 1st of each year in office.
- G. The Vice-President shall be paid a stipend of ~~\$1,500~~ **\$2,500** per annum, and other miscellaneous expenses approved by the Executive Board. The stipend will be paid no later than June 1st of each year in office.
- H. ~~The Secretary/Treasurer shall be paid a stipend of \$1,500 per annum, and other miscellaneous expenses approved by the Executive Board. The stipend will be paid no later than June 1st of each year in office.~~

- H. The Secretary shall be paid a stipend of \$2,500 per annum, and other miscellaneous expenses approved by the Executive Board. The stipend will be paid no later than June 1st of each year in office.**
- I. The Treasurer shall be paid a stipend of \$2,500 per annum, and other miscellaneous expenses approved by the Executive Board. The stipend will be paid no later than June 1st of each year in office.**
- J. The President shall be the chief executive officer of the Association and its policy leader.**

The President shall:

1. Preside at all meetings of the Association, the Representative Council and 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. Be familiar with the governance documents of the Association, CTA, and NEA;
5. Appoint all chairpersons and members of committees, and of the bargaining team, with the approval of the Executive Board. Members of the elections committee must be approved by majority consent of the Representative Council;
6. Call meetings of the Association and the Executive Board;
7. Co-sign, with the Treasurer, all checks drawn against Association accounts;
8. Serve as an ex-officio member of all Association committees;
9. Suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association;
10. Attend meetings of the Service Center Council of which the Association is a part;
11. Meet with individual school site's members to receive direction from teachers regarding their needs; and
12. Attend other CTA/NEA meetings as directed by the Representative Council.

J. The 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;
4. Be responsible for the formation and distribution of the Association's calendar of activities;
5. Be responsible for creation and distribution of Association newsletters to members; and
6. Serve as coordinator of committee activities at the direction of the President.

~~K. The Secretary/Treasurer shall:~~

- ~~1. Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, Representative Council, and the Executive Board;~~
- ~~2. Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to members of the Representative Council and Executive Board; and to the membership when appropriate;~~
- ~~3. Keep an accurate roster of the membership of the Association and of all committees; and~~
- ~~4. Maintain records and carry on the correspondence pertaining to the affairs of the Association as directed by the President;~~
- ~~5. Receive all funds belonging to the Association and be responsible for their safekeeping and accounting;~~
- ~~6. Pay out all funds in accordance with appropriate laws and guidelines of the Association. Co-sign all checks against Association accounts;~~
- ~~7. Prepare bi-monthly a written financial report for each regular meeting of the Representative Council and Executive Board;~~
- ~~8. Prepare ballots for elections in accordance with the standing rules, and the elections committee's needs (if the Secretary/Treasurer is a candidate for any election then this responsibility must be given to the Elections Committee)~~
- ~~9. Be responsible for an annual audit of the books of the Association and distributing a summary of this audit to the membership;~~
- ~~10. Submit membership and financial reports to CTA, NEA, and other agencies as required by law; and~~
- ~~11. To perform other duties as the President may assign.~~

K. The Secretary shall:

- 1. Keep a careful and accurate record of the proceedings of each meeting, regular or special, of the Association, Representative Council, and the Executive Board;**
- 2. Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to members of the Representative Council and Executive Board; and to the membership when appropriate;**
- 3. Keep an accurate roster of the membership of the Association and of all committees; and**
- 4. Maintain records and carry on the correspondence pertaining to the affairs of the Association as directed by the President;**
- 5. Prepare ballots for elections in accordance with the standing rules, and the elections committee's needs (if the Secretary is a candidate for any election then this responsibility must be given to the Elections Committee);**
- 6. Submit membership reports to CTA, NEA, and other agencies as required by law; and**
- 7. To perform other duties as the President may assign.**

L. The Treasurer shall:

- 1. Receive all funds belonging to the Association and be responsible for their safekeeping and accounting;**

2. Pay out all funds in accordance with appropriate laws and guidelines of the Association. Co-sign all checks against Association accounts;
3. Prepare bi-monthly a written financial report for each regular meeting of the Representative Council and Executive Board;
4. Be responsible for an annual audit of the books of the Association and distributing a summary of this audit to the membership;
5. Submit financial reports to CTA, NEA, and other agencies as required by law; and
6. To perform other duties as the President may assign.

IX. EXECUTIVE BOARD

- A. The Executive Board shall be composed of the President, Vice-President, and ~~Secretary/Treasurer~~ Secretary, and Treasurer.
- B. All members of the Executive Board shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to and service in this position.
- C. The Executive Board shall meet once a month from September to July in each school year. In months with a Representative Council meeting, meetings of the Executive Board should precede Representative Council meetings, and at such other times as the President may deem necessary, or upon written petition of a majority of the members of the Executive Board.
- D. The duties of the Executive Board shall be to:
 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 the grievance processing of the Association subject to the policies established by these by-laws, the Association standing rules, or by the Representative Council;
 4. Approve appointments and removal of bargaining team members with a majority approval of the representative council;
 5. Recommend a budget for the Association to the Representative Council;
 6. Approve Committee appointments;
 7. Adopt the Standing Rules for the Association;
 8. Adopt standing rules regarding standing committees and their functions and structure, order of business at Association meetings, proper timing and administration of elections, development of negotiation strategies and priorities, and other areas that are appropriate; and
 9. Exercise all the business and organizational powers and duties for the Association as prescribed by law and these bylaws, subject to any restrictions that may be imposed by the Representative Council.
- H. A quorum for all meetings of the Executive Board shall consist of a majority of the members of that body.

X. MEETINGS OF THE GENERAL MEMBERSHIP:

- A. Meetings of the Association may be called by the President, the Executive Board, or by written petition of twenty percent (20%) of the membership.

- B. Notices of the Association meetings including date, place, time, and purpose of the meeting shall be made available to all members of the Association at least two days before the meeting except during crisis situations.
- C. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify the Association membership of meeting dates, places and times.
- D. A quorum for meetings of the Association shall be a majority of the active membership,

XI. BARGAINING TEAM

- A. The President and concurrence of the Executive Board with a majority approval of the representative council as the Executive Board deems necessary shall appoint the Bargaining Team and such alternates.
- B. The President shall appoint the chairperson of the Bargaining Team with the concurrence of the Executive Board.
- C. Vacancies created by resignation or inability to serve shall be filled by the Executive Board from the list of alternates.
- D. The Executive Board, by two-thirds (2/3) majority, may remove a member of the Bargaining Team.
- E. The duties of the Bargaining Team are to represent and to bargain for the bargaining unit(s).
- F. Responsibility and authority for directing the bargaining process on behalf of the Association are vested in the Executive Board subject to policies established by the membership.
- G. Employees in each appropriate bargaining unit shall be surveyed to determine contents of the proposed contract demands, and the contract proposal for each appropriate unit shall be approved by Association members in that unit.
- H. The Bargaining Team shall report its activities to the Executive Board in such form and with such frequency as the Executive Board may require.
- I. The Executive Board shall provide for the dissemination of information regarding bargaining and the activities of the Bargaining Team to the general membership.
- J. Agreements reached between the Bargaining Team and the school board or its representatives shall be considered tentative and not binding upon the Association until such agreements have been ratified by the membership in the appropriate units unless such ratification shall have been specifically waived or otherwise delegated by that membership.

XII. GRIEVANCE PROCESSING

- A. The Executive Board shall adopt, with the approval of the Representative Council, 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(s) in processing grievances;
 - 2. Training for handling grievances; and
 - 3. Evaluation of the Association's grievance policies and procedures to determine grievance viability. (See Appendix A)

XIII NOMINATIONS AND ELECTIONS

- A. There shall be an appointed Elections Committee.
- B. Elections shall be conducted with:
 - 1. Open nomination procedure;
 - 2. Secret ballot;
 - 3. All members vote;
 - 4. Record of voters receiving or casting ballots;
 - 5. Majority vote, unless otherwise specified.
- C. State Council 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.
- D. NEA State Delegate elections shall be conducted in accordance with CTA guidelines.
- E. NEA Local Delegate elections shall be conducted in accordance with NEA/CTA guidelines.
- F. The duties of the Elections Committee shall be to:
 - 1. Ensure that all chapter/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.

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.
- B. 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 the Association, the Representative Council, and the Executive Board.

XVI. AMENDMENTS/PROCEDURES:

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

STANDING RULES

NOMINATIONS AND ELECTIONS

Standing Rules are the day-to-day rules by which the organization runs its meetings and business. They should be easily changed in order to adapt to changing conditions and policy (example: simple majority vote of the Executive Board).

A. Elections Committee

1. There shall be an Elections Committee.
2. The Elections Committee shall be appointed.
3. The Elections Committee shall be composed of at least three members.
4. The chair of the Elections Committee shall be appointed by the President.
5. Members of the Elections Committee shall be approved by the Representative Council.
6. A member shall abstain from participation in Elections Committee activities during the period in which s/he or her/his immediate family member is a candidate.

B. Election Requirements

1. The chapter shall ensure that an open nomination procedure is in place (i.e., any member may nominate any member, including himself or herself). Only reasonable qualifications for office such as membership in the chapter may be required.
2. Every member shall be assured of voting by secret ballot.
3. There shall be at least a fifteen (15) day period between notice of election and the actual voting.
4. There shall be an all member vote. A member who is off-track shall be sent election information by mail to his/her last known residence.
5. A chapter shall provide means for all members to vote (including vote by mail), and it shall be the responsibility of the member to notify the chapter if s/he desires a ballot at a site other than the regularly scheduled voting place.
6. A member shall acknowledge receipt of a ballot by signature on a registration sheet at the time of issuance of the ballot or on an envelope when returning the voted ballot.

If a roster of members is prepared for a school site ahead of time, initials of the member may be accepted.
7. All elections shall be decided by a majority vote, unless otherwise specified. In the event no candidate receives a majority vote, a run-off election shall be held between the two candidates receiving the highest number of votes.

C. Announcement

1. The announcement of election shall include the offices, length of terms, and the election timeline.
2. The announcement shall be publicized in a manner that every member has an opportunity to file a declaration of candidacy.

D. Timeline

1. Schools on alternative calendars shall be considered when setting election timelines.
2. The timeline for the election shall include dates for:
 - a. Time, dates, and places where declarations of candidacy are to be received. Literature shall include information that date is receipt date and not postmark date.
 - b. Date for acknowledgment of declarations from candidates.
 - c. Date for preparation of ballots.
 - d. Date on which ballots will be distributed.
 - e. Date(s) when voting will take place.
 - f. Deadline date for requesting absentee ballot.
 - g. Deadline date, time and place for return of ballots, including absentee ballots.
 - h. Date, time and place where ballots will be counted.
 - i. Date(s) that announcement of results will be made to leadership, candidates and members.
 - j. Dates and timelines for run-off election, if necessary.
 - k. Deadline for filing of challenges.

E. Finances

1. Chapter moneys received through dues, assessment or similar levy shall not be used to promote any candidate.
2. A candidate may not accept direct contributions from a chapter's treasury or indirect contributions in the form of use of a chapter's assets, facilities, staff, equipment, mailings, good will and credit.

F. Candidate's Rights

1. Privileges extended to one candidate shall be extended to all candidates.
2. Each candidate shall receive a copy of the election timeline, procedures and guidelines.
3. Each candidate shall have the right of access to a list containing the names and last known addresses of all members.
4. Each candidate shall be treated in a fair and equitable manner in the printing and distribution of campaign statements.

G. Ballot

1. The names of the candidates shall be printed on the ballot in *(CTA election alphabet, in alphabetical order or in an order pre-selected by the unit for one year)*. The name of each candidate shall be as printed on the declaration of candidacy. When a candidate's last name is hyphenated, the name before the hyphen shall be used for placement on the ballot.
2. The ballot shall state the name of the office, the term, and the names of the candidates.
3. The ballot shall include space for a write-in candidate, except in run-off elections.

H. Distribution of Ballots and Method of Voting

1. Each member shall receive a ballot.
2. Voting shall be by one or a combination of the following methods:
 - a. At School Site/Specified Voting Site
(If a Site Representative is a candidate, refer to A. Elections Committee, 6.)
 - 1). Voting At School Site(s)/Specified Voting Site
 - a). Each voter must sign or initial a voter roster/sign-up sheet before receiving a ballot.
 - (1) Voter Roster – List of eligible voters.
 - (2) Voter Sign-up Sheet – List of eligible voters that includes a place for a signature.
 - b). The marked ballot must be returned to a designated site representative or ballot box.
 - c). Site representatives must return all voter roster/sign-up sheets and ballots to the Elections Committee by the designated date and time.
 - 2). Voting At School Site(s)/Specified Voting Site Using Envelopes
When voting is conducted at school or specified sites using envelopes, the procedure shall be as follows:
 - a). A list of current members shall be prepared, which includes each members name, school and home address.
 - b). The voter shall be provided with the following:
 - (1). A ballot;
 - (2). Instructions on folding of the ballot in the inner envelope; placement of the ballot in the unsigned inner envelope; signature on the outer envelope addressed to the chapter; and deadline date for receipt of the voted ballot at the chapter office;
 - (3). A small envelope (inner envelope) in which to place the voted ballot; and,
 - (4). A larger envelope (outer envelope) addressed to the chapter, on which the voter prints and signs his/her name.

- c). At the time of counting of the ballots, the names on the outer envelope shall be checked against the official list of voters. The name on the official list shall be marked to show that the voter has returned a ballot.
 - d). The outer envelope shall then be opened and put in a separate stack for safekeeping as a record of voters.
 - e). All inner envelopes shall be placed in a separate receptacle.
 - f). The inner envelopes shall be slit and the ballots removed from the envelopes, stacked and then counted.
- b. By mail

When the voting is conducted by mail, the procedure shall be as follows: Members who are off-track or on a dues paying leave shall be notified by mail in order to provide them an opportunity and right to vote.

Special care should be taken in all phases of handling of ballots to ensure the accuracy and the secrecy of voting by mail. The following procedures and guidelines have been developed for this situation:

- 1). A list of current official members shall be prepared, which includes the following: name, school and home address.
- 2). The mailing list shall exactly correspond to the current official roll of voting members.
- 3). Each voter shall be provided with:
 - a). A ballot;
 - b). Instructions on:
 - (1). Folding and placing of the ballot in the unsigned inner envelope;
 - (2). Placing of the unsigned inner envelope into the outer envelope;
 - (3). Signature and school on the outer envelope addressed to the chapter; and
 - (4). Deadline date for receipt of the voted ballot at the chapter office.
 - c). Inner envelope;
 - d). Outer return envelope, addressed to the chapter; and
 - e). Instructions on returning of the voted ballot, including the signature.
- 4). The ballot shall be date stamped when it is received in the chapter office and then put in a safe place until the votes are to be counted.
- 5). At the time of counting, the names on the outer envelope shall be checked against the official list of teachers who are off-track.
- 6). The outer envelopes shall then be opened and put in a separate stack for safekeeping as a record of voters.
- 7). All inner envelopes shall be placed in a separate receptacle.
- 8). The inner envelopes shall be slit and the ballots removed from the envelopes, stacked, and then counted.

I. Counting of Ballots

- 1. A preliminary count may take place at the voting sites.
- 2. Upon receipt of ballots, tally sheets and signature sheets, the Elections Committee shall count the ballots in a secure area with only the Elections Committee members and observers present.

3. The Elections Committee shall count valid ballots and set aside any ballot(s) on which there is a question, such as:
 - a. Blank ballot;
 - b. More ballots than signatures;
 - c. Ballot submitted after deadline;
 - d. Voter not a member;
 - e. Voter's intent unclear;
 - f. Votes cast for more than number allowed;
 - g. Vote cast on unofficial ballot;
 - h. Vote cast for ineligible candidate.
 4. The Elections Committee shall make a determination on whether the vote(s) in each category should be counted, and make a note of the decision. Each category of ballot shall be kept separate.
 5. The Elections Committee shall prepare the Final Report, recording the following information:
 - a. Total number of ballots cast.
 - b. The number of set aside ballots with an explanation for each category of ballot not counted.
 - c. The number needed to win or pass.
 - d. The number of votes received by each candidate or issue.
 - e. A notation whether the set aside votes would affect the outcome.
 - f. Signature of each Elections Committee member present during the preparation of the report.
 6. The Elections Chair shall submit the Final Report to the President or designee who shall inform all candidates of the results.
 7. The President shall announce the results as prescribed by the timelines.
 8. If the votes set aside would affect the outcome of the election, the President and the appropriate body shall decide:
 - a. to count the votes which have been set aside;
 - b. not to count the votes which have been set aside; or
 - c. if the election should be conducted again.
- Any candidate who may be affected by the vote shall not be allowed to take part in the decision-making process.
9. The ballots and voter sign-up sheets shall be retained for one year after the election.

J. Observers

1. Each candidate shall be allowed to have an observer(s) (put appropriate number if more than one) at the vote counting site and shall give the name(s) of the observer to the Elections Committee before counting.
2. An observer shall not interfere with the counting and shall stay in the counting area until the President or designee has been notified of the results.

K. Challenge Procedure

1. A challenge cannot be initiated until after the results of the elections have been posted at each work site.
2. The challenging party(ies) must notify the unit president of a challenge in writing within ten (10) days after the announcement of the results of the election.
The notification must:
 - a. Specify which requirement has been violated.
 - b. Include evidence, insofar as possible.
 - c. List names and addresses of parties who can give evidence.
3. Within seven (7) calendar days after receipt of the challenge, the unit Elections Committee shall, in accordance with the unit's bylaws and standing rules, conduct an investigation of the challenged election for the purpose of ascertaining the facts. Following the investigation to ascertain the facts, the Elections Committee will attempt to reach resolution and issue a decision regarding the validity of the challenge based on whether the alleged violation may have affected the outcome of the election. A copy of the recommendation will be sent to the president of the unit for disposition.
4. If an individual wishes to appeal the decision of the Elections Committee, or if the unit Elections Committee fails to act, he/she may file an appeal within seven (7) calendar days from the date of the filing of the challenge by writing to the CTA President.
5. The challenge procedure for election of State Council Representatives and Alternates, and State or Local Delegates to the NEA Representative Assembly is outlined in the CTA Elections Manual.

L. Initiative Procedures

1. The active membership shall have the authority to make decisions on any matters affecting the Association or its activities through the initiative process.
2. A member shall file a notice of the intent to circulate a petition with the chapter president by including a copy of the petition to be circulated, and the names of at least three persons supporting the proposed measure and responsible for its circulation.
3. The chapter president shall register the receipt of the notice of the intent to circulate, and acknowledge such registration in writing with the member filing the notice.

4. The timeline for gathering signatures will commence the day that the notice of intent is registered. A maximum of 45 school days shall be permitted to obtain the signatures of at least 10 percent or more of the active members of the chapter. The petition shall contain the question proposed to be placed on the ballot.
5. The circulators shall present to the chapter president the petition(s) containing original signatures.
6. The chapter president shall have 5 school days in which to verify the membership of the signers of the petition.
7. If there are insufficient signatures, the petition circulator shall be notified by mail of the number of signatures needed to qualify the petition. The petition circulator shall have an additional 7 school days in which to gather and submit the necessary signatures. The chapter president shall have 3 school days in which to verify the membership of the additional signers.
8. The chapter president shall cause a ballot to be furnished to the members no less than 15 school days after verification of membership, provided that the period that school is officially not in session shall not be included in this count.
9. Regular election procedures (e.g., election of officers) shall be followed including voting times.
10. The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

M. Referendum Procedures

1. Any action or proposed action of the Representative Council or the Executive Board shall be referred to a vote of the membership upon two-thirds vote of the Representative Council at any valid meeting.
2. The referendum action shall prescribe the exact wording of the question to be posed to the membership on the ballot.
3. The chapter president shall cause a ballot to be furnished to the members no less than 15 school days after action by the Representative Council, provided that the period that school is officially not in session shall not be included in this count.
4. Regular election procedures (e.g., election of officers) shall be followed including voting times.
5. The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

N. Recall Procedures

1. The active membership shall have the authority to recall from office any person or persons holding such virtue of having been elected thereto by the chapter's active members.
2. A member shall file a notice of the intent to circulate a petition to recall with the chapter president by including a copy of the petition to be circulated, and the names of at least three persons supporting the proposed recall and responsible for its circulation. If the proposed recall is for the person holding the office of president, the request shall be made to the next ranking officer.
3. The chapter president shall register the receipt of the notice of the intent to circulate, and acknowledge such registration in writing with the member filing the notice.

4. The timeline for gathering signatures will commence the day that the notice of intent is registered. A maximum of 60 school days shall be permitted to obtain the signatures of at least 25 percent or more of the active members of the chapter. The petition shall contain the question proposed to be placed on the ballot.
5. The circulators shall present to the chapter president the petition(s) containing original signatures.
6. The chapter president shall have 10 school days in which to verify the membership of the signers of the petition.
7. If there are insufficient signatures, the petition circulator shall be notified by mail of the number of signatures needed to qualify the petition. The petition circulator shall have an additional 15 school days in which to gather and submit the necessary signatures. The chapter president shall have 5 school days in which to verify the membership of the additional signers.
8. The chapter president shall cause a ballot to be furnished to the members no less than 20 school days after verification of membership. The period that school is officially not in session shall not be included in this count.
9. Regular election procedures (e.g., election of officers) shall be followed including voting times.
10. Any necessary supplementary rules governing recall that are not in conflict with the foregoing may be adopted and published within the same publications and by the same manner as are prescribed for other elections within the Association.
11. The proposal shall take effect immediately upon receipt of the required number of votes, unless otherwise specified.

Appendix A

Advancing Grievances To Arbitration

The Association's duty to represent fairly its members requires at least a minimal investigation to determine if a claim has merit. Further, the Association will not be capricious, discriminator, irrational, hostile or operate in bad faith in determining whether or not to move the grievance to arbitration.

Factors when deciding to advance a grievance to arbitration are:

- Is the grievance arbitrable?
- Is bargaining a better vehicle for resolution of the dispute?
- Does the Association have the financial resources to pay for its share of the arbitration costs?
- What is the bargained intent of the disputed contractual provision(s)?
- What evidence does the Association have to prove its assertions?
- What is the possibility of settling the dispute prior to arbitration?
- Does the Association have credible evidence and/or witnesses to prove its case?
- What is the overall importance of the dispute/issue to the Association?
- What are the chances of success at arbitration?
- What would be the effect of winning or losing the dispute at arbitration?
- Will problems be solved or will new ones be created?
- Is the grievance meritorious?
- Is the employee being judged on fact or opinion?
- What is the work record of the employee?
- Is the employee being singled out or are others being treated similarly?
- Are procedural (due process) or substantive (just cause) rights violated?
- Is the employee being treated fairly (does the discipline fit the seriousness of the alleged misconduct)?
- What is the past practice of the employer and the Association:
 - Is it unequivocal (no doubt or misunderstanding)?
 - Is the practice uniformly and regularly granted?
 - Is the practice freely and openly allowed?
 - Is the practice clearly enunciated?
 - Has the practice existed over a reasonable period of time?
 - Is the practice accepted and acted on by both parties in administering the written collective bargaining Agreement?