

MORGAN HILL CLASSIFIED EMPLOYEES ASSOCIATION

Bylaws

ARTICLE 1 NAME AND STATUS

1.1 The name of this organization shall be Morgan Hill Classified Employees Association (MHCEA), a non-profit corporation, in Santa Clara County.

1.2 This organization shall be incorporated as a non-profit corporation.

1.3 No part of the net earnings of this Association shall ever inure to or for the benefit of or be distributed to its members, trustees, officers, or other private persons, except that the Association shall be empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the exempt purposes for which it was funded.

1.4 Notwithstanding any other provisions of these Articles, the Association shall not carry on any other activities not permitted to be carried on by an Association exempt from Federal Income Tax under Section 501(c) (6) of the Internal Revenue Code of 1954.

ARTICLE 2 PURPOSES

2.1 The purposes of this organization shall be:

2.1.1 To promote professional attitudes and ethical conduct among members;

2.1.2 To raise the standards of the classified employee's professions;

2.1.3 To advance the general welfare of the students, employees and the community;

2.1.4 To encourage cooperation between the employees and the district;

2.1.5 To form a representative body capable of developing group opinion on professional matters and to speak with authority for employees;

2.1.6 To provide a means of representation for its members.

2.1.7 To provide an opportunity for continuous study and action on problems of the classified professions.

2.1.8 To represent its members in their relations with the school district or other public agency employing them; and

2.1.9 To foster good fellowship among its members.

ARTICLE 3 AFFILIATION

3.1 The Association may affiliate with other groups by approval of a majority of the Representative Council.

ARTICLE 4 MEMBERSHIP

4.1 All members of the Morgan Hill Classified Employees Association (MHCEA) Collective Bargaining Unit shall become members of the MHCEA upon payment of dues.

4.2 Membership may be granted upon initiation of payroll deduction.

4.3 Membership in this Association shall not be denied because of race, creed, color, sex, sexual orientation, national origin, age, ethnic group, or marital status.

4.4 The right to vote and to hold elective or appointive positions shall be limited to Active members of only.

4.5 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.

4.6 An individual who is serving as a negotiator for a public school employer shall not be eligible for membership in the Association.

4.7 The membership year shall be that period of time from July 1 of any given calendar year through June 30 of the following calendar year inclusive.

4.8 A member may opt out of membership at any time via written request. A written request shall be defined as a letter or e-mail directed to an officer or to Human Resources expressing the members desire to withdraw from the Association.

4.9 Any current employees of the classified unit that are not members may opt in to the Association during open enrollment periods. These periods shall be every August and January of the school year. If a member ops out of the association at any time they cannot request membership unless it is during one of the open enrollment periods.

4.10 No member of the Association may be disciplined without due process as described in Article III, Section 7 of the By-Laws.

ARTICLE 5 DUES AND FEES AND ASSESSMENTS

5.1 The basic annual dues level for Active members, and representation for non-members represented in the bargaining unit, shall be sufficient to cover the operating expenses of the Association.

5.1.1 A stipend shall be paid to the President, the Vice President, the Secretary and Treasurer and to all site reps for Association work. The yearly payment will be made to elected representatives by half payment in December and payment in June. The payment schedule will be as follows:

President - \$1,500.00 – yearly stipend
Vice President - \$1,300.00 yearly stipend
Secretary - \$1,200.00 yearly stipend
Treasurer - \$1,200.00 yearly stipend
Site Reps - \$1,000.00 yearly stipend

All stipends may be subject to change by unanimous vote of the active members.

5.1.2 Dues may be paid by payroll deduction, as authorized by the laws of the State of California. (6/91, 6/93, 5/00)

5.1.3 The reassessment of dues shall occur upon committee review and a 2/3 acceptance vote of the association members.

5.1.4 The Treasurer shall present a report on the indexing level of the annual dues at the September meeting. Approval of the Treasurer's report at this meeting shall constitute the official establishment of the dues.

5.1.5 Any change in the dues structure as outlined in 5.1 or 5.2 shall be voted on by the membership.

5.1.6 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.

ARTICLE 6 OFFICERS OF THE ASSOCIATION

6.1 Officers and Representatives

6.1.1 The officers of the Association shall consist of:

A. President

- B. Vice-President
- C. Secretary
- D. Treasurer

The representatives shall consist of:

A. Site Representatives

6.1.2 Only members of the Association shall serve as officers.

6.1.3 Officers shall be elected by the general membership.

6.1.4 All elected officers shall have voice and vote at all Representative Council and Executive meetings.

6.1.5 All officers shall attend all of the meetings of the Executive Board, Representative Council, and any special meetings unless excused by the President.

6.1.6 A vacancy shall be deemed to exist in the case of death, resignation, or inability to serve in any offices of the Association. In the event of a vacancy occurring in any office a special election shall be held to elect successors to fill the unexpired terms.

6.1.6.1 A leave of absence for an Association officer may be granted by a majority vote of the Executive Board. When a leave is granted, a temporary replacement may be appointed by the Executive Board.

6.1.6.2 When an officer has three (3) unexcused absences out of five (5) consecutive meetings, the officer shall be notified by certified mail of this fact and the Executive Board shall declare the seat vacant.

6.2 President

6.2.1 Term and Qualifications

6.2.1.1 The President must be a Classified employee of the Morgan Hill Unified School District. The President shall be elected by the general membership and shall hold office for a two (2) year term beginning with the last item of business at the October Representative Council meeting, or until his/her successor is duly elected and officially assumes office.

6.2.1.2 In the event the President is unable to fulfill the duties of his/her office, the Vice-President shall assume the duties of the President until the President is able to resume those duties or until a special election is held. (9/01)

6.2.2 Powers and Duties

6.2.2.1 The President shall be the Chief Executive of the Association and its official spokesperson.

6.2.2.2 The President shall cause the books of the Treasurer to be audited annually and shall present a proposed budget to the Representative Council at the regular September meeting.

6.2.2.3 The President shall appoint Chairpersons to standing committees, with the approval of the Executive Board. The President shall appoint the other members of these committees with the approval of the Executive Board.

6.2.2.4 The President shall make other appointments as may be required by the By-Laws or Standing Rules.

6.2.2.5 The President shall appoint, with the approval of the Representative Council, a Parliamentarian to serve the Council.

6.2.2.6 The President may recommend to the Representative Council the establishment of committees as may be deemed necessary, for approval by the Council. Such recommendations shall include the purpose, composition, and term of the committee.

6.2.2.7 The President shall direct, with the approval of the other officers, the negotiation and grievance programs of the Association.

6.2.2.8 The President shall suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association.

6.2.2.9 The President shall deliver a report on the status of the Association at each regular meeting of the Representative Council. The President may, at each regular session of the Representative Council, make recommendations for action by the Representative Council. The President shall be required to attend special meetings of the Representative Council, at the direction of the Representative Council.

6.2.2.10 The President shall, once each year, by May1, call a session of the general membership, and shall report to the membership on the general status of the Association, and conduct such other business as may be required.

6.2.2.11 The President shall be the liaison between the Association and all other persons, groups, and organizations.

6.3 Vice-President

6.3.1 Term and Qualifications

6.3.1.1 The Vice-President must be a Classified employee of the Morgan Hill Unified School District. The Vice-President shall be elected by the general membership and shall hold office for a one (2) year term beginning with the last item of business at the October Representative Council meeting, or until his/her successor is duly elected and officially assumes office.

6.3.2 Powers and Duties

6.3.2.1 The Vice-President may act in place of the President when the President is unable to serve.

6.3.2.2 The Vice-President shall serve as assistant to the President in all duties of the President.

6.3.2.3 The Vice-President shall serve as coordinator of committee activities at the direction of the President.

6.3.2.4 When necessary, a Vice-President pro-tem may be appointed by the President.

6.3.2.5 The Vice-President shall attend the same meetings as the President, if directed by the President.

6.3.2.8 The Vice-President shall appoint such persons or groups as may be deemed necessary to the function of the Representative Council.

6.4 Secretary

6.4.1 Term of Office

6.4.1.1 The Corresponding Secretary must be a Classified employee of the Morgan Hill Unified School District. The Secretary shall be elected by the general membership and shall hold office for a one (2) year term beginning with the last item of business at the October Membership meeting, or until his/her successor is duly elected and officially assumes office.

6.4.2 Powers and Duties

6.4.2.1 The Secretary shall record the minutes of all Executive Board meetings and maintain a copy of such minutes in a permanent file. The Secretary shall transmit to each Executive Board Member a copy of the minutes of each meeting at the following Representative Council meeting.

6.4.2.2 The Secretary shall prepare and disseminate written correspondence as directed by the Executive Board and maintain a file of all correspondence sent to the Association.

6.4.2.3 The Secretary shall record the minutes of all Representative Council meetings, and maintain a copy of such minutes in a permanent file. Copies of the minutes shall be available at the following Rep. Council meeting.

6.4.2.4 The Secretary shall be responsible for the formation and distribution of of the Association's calendar of activities, including Rep. Council, Executive Board, and committee meetings.

6.4.2.5 The Secretary shall ensure that the agendas for the meetings of the Association and the Site Representative are prepared.

6.4.2.6 The Secretary shall arrange notification of meetings of the members to all site Representatives.

6.5.2.3 The Secretary shall maintain an official roster and attendance record of the current site representatives, of the voting unit and of Association officers. The attendance record shall be a part of the minutes of each meeting.

6.5.2.4 The Secretary shall be responsible for maintaining current copies of the By-Laws and Standing Rules and updating them as changes occur.

6.6 Treasurer

6.6.1 Term of Office

6.6.1.2 The Treasurer must be a Classified employee of the Morgan Hill Unified District. The Treasurer shall be elected annually by the general membership and shall hold office for a one (2) year term beginning with the last item of business at the October Membership meeting, or until his/her successor is duly elected and officially assumes office.

6.6.2 Powers and Duties

6.6.2.1 The Treasurer shall receive all funds belonging to the Association and be responsible for safekeeping and deposing funds into the Associations bank account. They shall also be responsible for all communications and dealings with the hired Certified Public Accountant (CPA) regarding the Associations business and financial business.

6.6.2.2 The Treasurer shall be responsible for maintaining an accurate roster of membership of the Association and for submitting membership and financial reports to the CPA and other agencies as required by law.

6.6.2.3 The Treasurer shall regularly prepare and deliver to the Representative Council the latest report on the current financial status of the Association and any prepared documents or correspondence from the CPA.

6.6.2.4 The Treasurer shall, on request of the President, deliver a report on the current financial status of the Association at any meeting. Such request to the Treasurer shall be made not less than 72 hours prior to the date of the special meeting.

6.6.2.5 The Treasurer shall help in the maintenance of the checking account(s) for the payment of Association debts. The President, the Treasurer and at least one other member of the Executive Board shall be authorized to sign checks. Checks shall require at least two signatures.

6.6.2.6 The Treasurer shall assist in the paying out funds within the limits of the approved budget within two working days of each regular meeting, but in any case no more than 30 days from receipt at the Association. No bill shall be allowed to become delinquent.

6.6.2.7 Bookkeeping procedures shall be consistent with all Federal and State laws.

6.6.2.8 The Treasurer shall, with the President, the President-Elect and the Treasurer-Elect, prepare a budget for the ensuing year.

6.6.2.9 The Treasurer shall present the proposed budget for consideration at the September Membership meeting.

6.6.2.10 The Treasurer shall be responsible for an annual audit of the books of the Association and shall distribute a summary of this audit to the Association Officers.

6.6.2.11 The books of the Treasurer shall be open to inspection by any Association member. Request for inspection shall be in writing addressed to the Association President, and subject to approval by Association Officers. The time and place of the inspection, together with other conditions which may be deemed necessary will be established by the Officers.

6.9 Recall of Elected Officers

6.9.1 Recall of Elected Officers from Office by the General Membership

6.9.1.1 The general membership may petition the Association Officers to hold a recall election of any elected officer.

6.9.1.2 A statement of the reasons for the proposed recall shall be part of the recall petition.

6.9.1.3 Such petition must bear the signatures of no less than 20% of the Association members.

6.9.1.4 Each person named in the recall petition shall have the right to make a rebuttal statement which may be published and distributed by the Association to his/her constituency at least seven days before the recall election.

6.9.2 Recall of Elected Officers

6.9.2.1 A motion to hold a special meeting to consider removal of an elected officer may be made at any regular Membership Meeting. Such motion shall include the reasons for the recall.

6.9.2.2 At the special meeting, each person named in the recall motion shall have the right to make a rebuttal statement. At that meeting the Council may pass a motion of recall. Such motion must be regularly made and seconded, and passed by a vote that is equal to or greater than 50% of the total membership of the Association.

ARTICLE 7 SITE REPRESENTATIVES

7.1 Powers and Duties (10/00) (9/01)

7.1.1 Site Representatives shall advise the President, make recommendations to the President and to the Association Officers regarding the monthly Membership Meetings.

7.1.2 The Site representatives shall appoint and remove negotiations team members. Team Members must consist of at least 5 additional members, one from a different classification than the President and Vice President who are automatically on the negotiation team.

7.1.3 The Site Representatives will be responsible for distributing all communications from the Association out to the members at their sites. They shall also be responsible for bringing any relative information back from the members to Association Officers.

7.1.4 The Site Representatives will also be responsible for any voting or contract ratification by procuring an eligible voter list from the Secretary and tracking eligible voters as ballots are cast and to ensure that no one is able to vote more than once on any given matter. At the end of the voting day the Site Representatives will be responsible for bringing their ballot boxes to a predetermined location for counting.

7.1.5 All Site Representatives shall be trained in discipline and grievance procedures and will be responsible for issues that arise at their sites. Should the Site representatives be needed at a different location their mileage shall be reimbursed to them at the standard federal rate.

ARTICLE 8 MEETINGS REPRESENTATIVE COUNCIL

8.1 Frequency

8.1.1 A general membership meeting will be held monthly starting in August and continuing through May or each year.

8.1.2 A meeting of the Association Executive Officers will be held once a month throughout the year. Special meetings may be called by request of the President should the need arise.

8.1.3 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 prior to the meeting except during crisis situations.

8.1.4 For emergency meetings during crisis situations, the Association Officers shall adopt procedures to notify the Association membership of meeting dates, places, and times.

ARTICLE 9 COMMITTEES

9.1 Establishment of Committees

9.1.1 Standing committees may be established and discontinued by the Association Officers.

9.2 Committee Chairpersons

9.2.1 Selection and Term of Office

9.2.1.1 The President shall appoint committee chairpersons.

9.2.1.2 Appointments of chairpersons shall be with the approval of the Association Officers and the Site Representatives.

9.2.1.3 The term of office of a chairperson shall end at the close of the June meeting. The chairperson may be reappointed.

9.2.1.5 A chairperson may be removed by the President with the approval of the Association Officers or by a $\frac{2}{3}$ vote of the Association membership.

9.2.2 Powers and Duties

9.2.2.1 The chairpersons shall regularly convene their committees on the Mondays designated for committee meetings on the Association activities calendar unless an alternate calendar is approved by the President. The chairpersons shall direct the activities of their committees.

9.2.2.4 The chairpersons shall submit a written report to the Association Officers after each scheduled committee meeting and at other times as necessary.

9.3 Standing Committees

9.3.1 There may be the following committees of at least one (1) member each:

- A. Elections
- B. Employee Benefits
- C. Grievance
- D. Human Rights
- E. Membership
- F. Negotiations
- G. Strategy (9/02)
- H. Newsletter

9.3.2 Elections

9.3.2.1 Compositions and Duties

9.3.2.1.2 The duties of the elections Committee shall be to: ensure that all election codes and timelines are followed;

- B. establish election timelines;
- C. develop and carry out procedures and guidelines;
- D. prepare and distribute election materials;
- E. count the ballots and certify the results; and
- F. handle initial challenges.

9.3.3 Employee Benefits

9.3.3.1 The committee shall provide background information on benefits to the negotiations team.

9.3.4 Grievance

9.3.4.1 The chairperson shall become thoroughly familiar with the terms, conditions, and procedures set forth in the collective bargaining agreement. The chairperson shall have jurisdiction over all questions involving probable violations of the terms and conditions of the collective bargaining agreement.

9.3.4.2 The chairperson shall recommend a procedure for handling grievance, subject to approval by the Association Officers.

9.3.4.3 The chairperson shall recommend to the Association actions which the committee considers necessary for the resolving of matters before the committee.

9.3.5 Membership

9.3.6.1 The committee shall maintain a current roster of the membership.

9.3.6.2 The committee shall encourage agency fee payers to become full active Members of the Association.

9.3.7 Negotiations

9.3.7.1 Composition

9.3.7.1.1 The number of members on the negotiations team shall be set by the Standing Rules.

9.3.7.1.2 Members of the team shall be given proper training through workshops given by Association Executive Officers.

9.3.7.1.3 Members of the team shall be recommended annually by the President and approved by the Site Representatives. Vacancies shall be filled by the President and approved by the membership

9.3.7.2 Powers and Duties

9.3.7.2.1 The duties of the negotiations team are to represent and to negotiate for the bargaining unit.

9.3.7.2.2 The Chairperson shall be the spokesperson for the Association at the negotiations table. The Chairperson shall establish the ground rules for team strategy at the negotiations table.

9.3.7.2.3 Responsibility and authority for directing the negotiations process on behalf of the Association are vested subject to policies established by the membership.

9.3.7.2.4 Bargaining Unit Members shall be surveyed to determine contents of the proposed contract.

9.3.7.2.5 In the event of a major crisis (i.e., strike), the Association President, if a member of the team, shall remove himself/herself from the team in order to organize the membership.

9.3.7.2.6 The team shall communicate to the membership through negotiation update newsletters.

9.3.7.2.7 Agreements reached between the negotiations 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.

9.3.7.2.8 The membership of the Association shall ratify all aspects of the contract unless there is a strict timeline which requires immediate action. In such case, the Representative Council may act on behalf of its constituents at a regular or special meeting. If traditional calendar schools are not in session, the Executive Board may ratify any parts for which immediate action is needed.

ARTICLE 10 BALLOTING AND ELECTION PROCEDURES

10.1 Nominations and Elections

10.1.1 Nomination and Election of AREA Officers

10.1.1.1 President, Vice-President, Secretary, Treasurer and Site Representatives shall be elected by the general membership. Representatives shall be elected according to policies and procedures after the chapter has been notified to do so by the MHCEA Elections Committee.

10.2 Issues

10.2.1 Contract Ratification

10.2.1.1 Upon reaching "tentative agreement" with the School Board on a negotiated contract or reopens the Association shall:

10.2.1.1.1 Notify the membership of said agreement, and

10.2.1.1.2 Print and post a copy of said agreement in each school for a minimum of five (5) work days before the ratification vote.

10.2.1.2 A general membership meeting may be called for the purpose of presentation and discussion of the proposed "tentative agreement".

10.2.1.3 A vote to ratify shall be by secret ballot.

10.2.1.4 Ratification shall be by a majority of the legal votes cast by Bargaining Unit Members.

10.2.1.5 The contract or reopeners shall be voted upon as a whole package.

10.2.1.6 Ratification votes on tentative agreements reached during a time when school is not in session may be taken when school resumes. If the nature of the agreement is such that waiting would be impractical, the Executive Board may ratify by a majority vote. The membership of the Association shall ratify all aspects of the contract unless there is a strict timeline which requires immediate action. In such case, the Association Officers may act on behalf of its constituents at a regular or special meeting. If traditional calendar schools are not in session, the Association Officers may ratify any parts for which immediate action is needed.

10.3 Balloting and Election Procedure for General Membership Elections

10.3.1 Elections shall be conducted with:

- A. Open nomination procedure
- B. Secret ballot
- C. All member vote
- D. Record of voters receiving or casting ballots
- E. Majority vote unless otherwise specified

10.3.2 The Elections Committee shall be responsible for implementing the elections procedures in the Standing Rules.

ARTICLE 13 AMENDMENTS

13.1 These Bylaws may be amended by a two-thirds ($\frac{2}{3}$) vote of the membership at any regular or special meeting of the membership, provided notice in writing of a proposed Bylaws amendment shall have been submitted to the Secretary and announced to all members meeting preceding the one at which a vote is to be taken.