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**SAN BERNARDINO TEACHERS  
ASSOCIATION/CTA/NEA**

**B Y L A W S**

Located in the City of San Bernardino  
San Bernardino, California

Revised - 2009

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## **I. NAME AND PURPOSE**

- A. The name of this organization shall be the SAN BERNARDINO TEACHERS ASSOCIATION/CTA/NEA in San Bernardino County.
- B. The primary purpose of this Association shall be:
  - 1. to represent its members in their relations with their employer, and to seek to be the exclusive representative of appropriate units for school employer/employee relations including, but not limited to, wages, hours, and other terms and conditions of employment;
  - 2. to form a representative body capable of developing group opinion on professional matters to speak with authority for teachers;
  - 3. to provide an opportunity for continuous study and action on problems of the profession;
  - 4. to provide a means of representation for its ethnic-minority members;
  - 5. to promote professional attitudes and ethical conduct among members;
  - 6. to encourage cooperation and communication between the profession and the community; and
  - 7. to foster good fellowship among members.

## **II. AFFILIATIONS**

- A. The SBTA shall be an affiliate association of the NATIONAL EDUCATION ASSOCIATION.
- B. The SBTA shall be a chartered chapter of the CALIFORNIA TEACHERS ASSOCIATION.

## **III. MEMBERSHIP**

- A. Active class membership shall be open to any person who is engaged in or who is on limited leave of absence from professional education work, who is an employee of the San Bernardino City Unified School District, and whose primary assignment is such as not to hold supervisory responsibility over certificated employees represented by the association's bargaining unit.
- B. Membership shall be granted upon initiation of payroll deduction or upon payment of annual United Education Profession (UEP) dues appropriate to the category 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. Active members in good standing may attend all regularly scheduled meetings of Representative Council and the Board of Directors.
- F. The dues of Active Members of the Association shall be set forth in Article IV, Section 1.
- G. Associate class membership shall be open to any person who is interested in advancing the cause of public education but who is not eligible for active membership in the Association. Any person whose eligibility for active membership has been withdrawn because of holding a supervisory position

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may be enrolled as Associate members in accordance with policies adopted by the Representative Council. Rights and privileges in such cases shall be limited to continuance in economic benefits and insurance programs previously held as active members.

- H. Certified employees who are assigned to be negotiators for management are ineligible for membership in the Association.
- I. All members shall be members of the United Education Profession, SBT/CTA/NEA.
- J. The rights to and privileges of membership shall not be abridged in any way because of: age, sex, race, color, ethnic group, marital status, national origin or sexual orientation.
- K. All active members shall adhere to The Code of Ethics of the Education Profession.
- L. No member of the Association may be disciplined without a due process hearing that shall include an appellate procedure to the association's Board of Directors.
- M. The membership year shall be the period of time from September 1 of any calendar year through August 31 of the following year — inclusive.

#### **IV. DUES**

- A. The dues of this organization shall be equal to .45 percent of the SBCUSD Salary Schedule (Appendix A) amount of the previous year at Column II, Step 1. Any additional increase in dues shall be approved by a majority vote of SBT/CTA members. Associate member dues are the same as Category 1.
- B. Membership in any given class or category shall be continuous after initial enrollment as per maintenance of membership in contract or until a change in category. If by October 10 of any calendar year, a member has not either paid the established annual 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.
- C. There shall be three categories of membership. The category of membership shall be determined by the following placements:
  - 1. CATEGORY 1. Full dues for those members whose assignment is more than 60% of a normal assignment, except for those certificated personnel whose salaries are less than the minimum teacher salary for the district, such as pre-school, head start, child care, adult education, and long term substitute teachers whose daily salaries are less than the regular minimum teacher salary.
  - 2. CATEGORY 2. One-half (1/2) dues for:
    - a. Those members whose teaching assignment is greater than 1/3, but not more than 50% of a normal assignment.
    - b. Those members whose teaching assignment is greater than 50% but not more than 60% of a normal assignment or employed as pre-school, head start, child care, adult education working 18 hours a week or more, and long term substitute teachers whose daily salaries are less than the regular minimum teacher salary.

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3. CATEGORY 3. One-fourth (1/4) dues for those member whose teaching assignment is 1/3 or less than a normal teaching assignment, and adult education teachers working less than 18 hours a week.
  - D. Membership year and economic benefits shall commence September 1 and end August 31.
  - E. Full cash memberships will be accepted before October 10<sup>th</sup>, after this date the membership payments shall go on payroll deduction.
  - F. By October 1, all current members shall be notified of the monthly association dues structure. Members shall notify SBTA on or before December 15, of any error. Excess dues shall be refunded upon presentation of appropriate documentation for prior deductions. Notification after December 15, shall be corrected but with no retroactive refund.
  - G. Representation fees shall be apportioned on the same percentage basis as the full United Education Profession dues.

## **V. POLICY MAKING BODY**

- A. The policy making organization of the Association shall be the REPRESENTATIVE COUNCIL. The Representative Council, comprised of the members of the Association, derives its power from and shall be responsible to the membership.
- B. The Representative Council shall be composed of the following active members:
  1. Board of Directors;
  2. Faculty Representative elected on the basis of one-person, one-vote;
  3. Committee chairpersons, ex officio non-voting;
  4. CTA State Council Representatives;
  5. any member of the Association who holds CTA/NEA offices or committee appointments, ex officio non-voting.
- C. The Representative Council shall:
  1. establish Association policies and objectives;
  2. adopt an annual budget of the Association at the last meeting of the school year and act on all expenses not provided for in the regular budget;
  3. approve the establishment or discontinuance of committees recommended by the Board of Directors and act upon committee appointments;
  4. recommend the dues of the organization according to Article 4, Section 1;
  5. approve original negotiation package;
  6. recommend or not recommend the negotiated tentative agreement to be presented for ratification;
  7. prepare own Standing Rules in accordance with these Bylaws;
  8. evaluate Association services according to the following formula:
    - i. Representative Council members shall approve an evaluation committee at its January meeting;
    - ii. Evaluation Committee will present evaluation form at March Rep Council meeting;
    - iii. Representative Council members will review and complete evaluation forms and return them to the April meeting;

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- iv. results will be presented in written form at the May meeting;
  - v. these findings will be presented to the Board of Directors and will be used in developing goals and objectives for the following school year.
9. have final approval or disapproval of the recommendations of the PAGE committee on candidates and issues.
- D. The Representative Council shall meet at least ten (10) times each school year, the number, place, and time of meetings to be decided by the Board of Directors with approval of the Representative Council.
  - E. Special meetings of the Council may be called by the President, the Board of Directors, petition of twenty percent (20%) of the membership, or majority vote of Representative Council members.
  - F. Special meetings of the 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 regular meetings of the Council shall be sent to all members of the Council at least three (3) days prior to the date of the meeting.
  - H. For emergency meetings of the Representative Council during crisis situations, the Board of Directors shall adopt procedures to notify reps of meeting dates, places and times.
  - I. A quorum for all meetings of the Council shall consist of the majority of all voting members of the Council, or a representation from a majority of the schools and special services departments.
  - J. The term of office for members of the Council shall be two (2) years, except SBTA Board of Directors whose terms are set by Article VIII of these Bylaws and CTA State Council members whose terms are set by CTA Bylaws.
  - K. SBTA Representative Council members shall be eligible for reelection.

## **VI. FACULTY REPRESENTATIVES**

- A. Faculty representatives shall be elected by and from the active membership of each faculty group in May. Such election shall be by open nomination and secret ballot. A faculty representative shall not conduct an election in which he/she is a candidate. Each faculty shall be entitled to at least one (1) representative and shall have one (1) representative to each fifteen (15) Association members on the faculty or major fraction thereof. When there is more than one rep from the building, one person shall be designated chairperson of the representatives from that building.
- B. Active members who are not represented through individual faculty groups shall be counted as special faculty groups entitled to the same representation on the Council as the individual school faculty groups.
- C. Special services departments with SBTA shall have at least one (1) representative.
- D. Vacancies may be filled by properly elected or appointed replacements.
- E. 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

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- and 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 Board of Directors.

## **VII. ETHNIC-MINORITY REPRESENTATIVES**

- A. The Representative Council and Board of Directors shall each have a proportionate number of ethnic-minority representatives according to the Association's ethnic-minority membership.
- B. If there is not sufficient number of ethnic-minority representatives elected to meet the requirements of Section 1, then a special election shall be held to elect the required number of representatives.
- C. Ethnic minority shall mean those persons designated as ethnic minority by statistics published by the United States Bureau of Census.

## **VIII. OFFICERS**

- A. The elected officers of the Association shall be the President, Vice President, Secretary, and Treasurer.
- B. These officers shall be and remain currently paid-up, active members of the United Education Profession as a condition for nomination to and service in their respective positions during their term of office.
- C. These officers shall be elected by and from the active membership of the Association. Such election shall be by open nomination and secret ballot.
- D. Officers shall be elected for a term of 2 years, commencing on July 1 of any calendar year.
- 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. In the event the vacancy occurs in the office of President, the Vice President shall assume the office. In the event the vacancy occurs in an office other than President, the Representative Council shall elect a successor to fill the unexpired term at the next regularly scheduled meeting.
- F. 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 the Board of Directors;
  - 2. prepare the agenda for the meetings of the Association, Representative Council, and the Executive Board;
  - 3. be the official spokesperson for the Association;
  - 4. familiarize himself/herself with the governance documents of the Association, the CTA and NEA;
  - 5. appoint all chairpersons and members of committees and the Bargaining Team with approval of the Board of Directors and Representative Council;
  - 6. cosign all checks, with the Treasurer, drawn upon the treasury;
  - 7. call meetings of the Association and Board of Directors;
  - 8. suggest policy, plan activities for the Association, and be held responsible for the progress and work of the Association;

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9. attend meetings of the Service Center Council of which the Association is a member; and
  10. attend other CTA/NEA meetings as may be directed by the Representative Council.
- G. The Vice President shall:
1. serve as assistant to the President in duties of the President;
  2. assume duties of the President in absence of the President;
  3. be responsible for the formation and distribution of the Association's calendar of activities;
  4. serve as the coordinator of committee activities at the direction of the President; and
  5. shall be one of the authorized cosigners of checks for the Association.
- H. The Secretary shall:
1. keep careful and accurate records of the proceedings of each meeting, regular or special, of the Association, Council and Executive Board;
  2. be responsible for distribution of all notices and minutes of the meetings to members of the Council, the Board of Directors and to the membership when appropriate;
  3. keep an accurate roster of the membership of the Association, all committees, and task forces; and
  4. carry on the correspondence pertaining to the affairs of the Association as directed by the President.
- I. The Treasurer shall:
1. receive all funds belonging to the San Bernardino Teachers Association; and be responsible for their safekeeping and accounting;
  2. pay out such funds upon the orders of the President;
  3. be responsible for keeping an itemized account of receipts and expenditures and report same to the Board of Directors and Representative Council;
  4. present books to be audited annually by an accountant approved by the Board of Directors;
  5. prepare a monthly statement showing expenditures and receipts which shall be published in the month following the close of the month;
  6. direct preparation of the proposed annual budget for adoption at the last Representative Council meeting of the school year;
  7. shall be one of the authorized cosigners of checks for the Association;
  8. provide the proposed annual budget a minimum of five (5) school days prior to the Representative Council meeting when the budget is to be adopted;
  9. submit membership and financial reports to CTA/NEA or other agencies, as required by law; and
  10. serve as Treasurer of the PAGE COMMITTEE(S) and be responsible for the preparation of all legal reports for PAGE.

## **IX. BOARD OF DIRECTORS**

- A. The Board of Directors shall consist of the following:
1. The President, ex officio, elected to a two-year term of office in odd

- numbered years;
  2. the Vice President, ex officio, elected to a two-year term of office in odd numbered years;
  3. the Secretary, ex officio, elected to a two-year term of office in odd numbered years;
  4. the Treasurer, ex officio, elected to a two-year term of office in odd numbered years;
  5. twelve Directors, elected to a two-year term of office in even numbered years from within directorial districts as hereinafter defined.
- B. All members of the Board of Directors shall be and remain currently paid up local, state, and national (active) members as a condition for nomination and election.
- C. Members of the Board of Directors shall be elected by open nomination and secret ballot.
- D. Vacancies in the position of members of the Board of Directors shall be deemed to exist in the case of death, resignation, or inability to serve in this position, a special election to fill the vacancey shall be held within thirty days as soon as practicable.
- E. The Board of Directors shall meet before each regular meeting of the Representative Council and at such other times as the President may deem necessary, or upon written petition of a majority of the members of the Board of Directors.
- F. Establishment of Directorial Districts:
1. Directorial Districts shall be established within the following divisions by the Representative Council using criteria that the Representative Council may from time to time adopt:
    - i. Elementary
    - ii. Middle
    - iii. Senior High
    - iv. Special Services
  2. Directorial Districts shall be in compliance with one-person, one-vote standards verified as follows in January of even numbered years:
    - i. The total number of active Association members shall be divided by twelve (12) to arrive at a base figure of members per Director.
    - ii. A similar computation shall be obtained for each division, that is, the number of members per director within each division.
    - iii. The figure for each divisional director shall be compared with the base figure to establish the percentage of deviation.
    - iv. The average percentage of deviation per divisional director shall be as equitable as possible.
- G. Duties and Responsibilities
1. recommend to Council all appointments of members of committees and the chairpersons of all standing committees;
  2. act upon recommendations of the Executive Director for employment or dismissal of Association staff;
  3. establish Standing Rules of procedure consistent with these bylaws for itself, the bargaining team and all committees.

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4. act upon all documents and instructions issued by or in the name of the Association and act upon all contracts to which the Association shall be a party;
  5. consider and recommend to Council approval of expenditures not provided for in the regular budget;
  6. administer and direct special funds of the Association;
  7. review the annual budget and recommend its approval to the Representative Council;
  8. annually authorize the Office Manager to cosign checks drawn on the SBTA account;
  9. act as the UniServ Board;
  10. act as the Representative Council when the majority of schools is not in session;
  11. direct the grievance processing of the Association;
  12. direct the bargaining activities; recommend or remove Bargaining Team members in accordance with Article X of these Bylaws;
  13. exercise all the business and organizational powers and duties for the Association as prescribed by law in these bylaws;
  14. members of the Board of Directors shall be subject to attendance requirements as follows:
    - i. In case of two (2) unexcused absences from regularly scheduled meetings during the school year, the seat of a member shall be declared vacant.
    - ii. A member of the Board of Directors shall be considered excused from the regular meetings because of personal illness of a family member, bereavement, legal responsibilities, personal necessity of an emergency nature, district on-site negotiated administrative requirements to attend school functions, one (1) off track vacation obligation or SBTA/CTA/NEA obligations.
  15. review the PAGE committee recommendations and forward them to the Representative Council with a recommendation of approve, disapprove, or no recommendation.
- H. The quorum for all meetings of the Board of Directors shall consist of a majority of the Board.
- I. Offices and Directors shall be installed at the May Representative Council meeting. Officers shall assume their respective officers and duties on July 1 of odd numbered years. Directors shall assume their respective offices and duties on July 1 of even numbered years.
- J. The Board of Directors shall determine the number, place and time of SBTA Board meetings.

## **X. BARGAINING TEAM**

- A. The Bargaining Team and the Bargaining Team Chairperson shall be nominated by the President and approved by the Board of Directors and the Representative Council.
- B. The Board of Directors shall adopt Standing Rules setting forth its selection procedure for Bargaining Team members, including terms of offices and

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- criteria for appointment. (Appendix "B")
- C. Vacancies created by resignation or inability to serve shall be filled by nomination of the President and approval by the Board of Directors and the Representative Council.
  - D. The Board of Directors, by a 2/3 majority, may remove a member of the Bargaining Team and appoint a replacement.
  - E. The duties of the Bargaining Team shall be to represent and to bargain for the bargaining unit.
  - F. Responsibility and authority for directing the bargaining process on behalf of the Association is vested in the Board of Directors, subject to policies established by the Representative Council.
  - H. The bargaining team shall report its activities to the Board of Directors in such form and with such frequency as the Board of Directors may require.
    - I. The Board of Directors shall provide for the dissemination of information regarding bargaining and the activities of the Bargaining Team to the Representative Council and the general membership.
  - J. Ratification vote on the proposed contract by the membership shall be conducted by secret ballot vote at each site.

#### **XI. USE OF ASSOCIATION DAYS**

- A. The use of Association Days shall be in accordance with the Contract, except as noted below:
  - 1. The President will submit a monthly report to the Representative Council regarding the use of Association Days during the previous month.
  - 2. Association Days may only be used for activities which directly further the interests of SBTA as an organization.
  - 3. The full-time secretary of SBTA's office, upon authorization of the President, shall arrange for Association Days with the District. No unit member shall arrange for Association Days personally.

#### **XII. GRIEVANCE PROCESSING**

- A. The Board of Directors shall adopt, with approval of the Representative Council, procedures for grievance processing.
- B. These procedures shall include, but not be limited to the following:
  - 1. provide for representation to assist all members of the bargaining unit in processing grievances;
  - 2. training for handling grievances; and
  - 3. evaluation of the Association's grievance policies and procedures.

#### **XIII. POLITICAL ACTION GROUP FOR EDUCATION (PAGE)**

- A. Committee members shall be nominated by the President, approved by the Board of Directors, and ratified by the Representative Council for a three (3) year term.
- B. The Chairperson of the PAGE shall be appointed for a term of one (1) year by the President, subject to approval of the Board of Directors and ratification by the Representative Council.
- C. No officer or member of the committee, including chairperson, shall be or be deemed to be, an officer of SBTA by virtue of holding office or being a

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member of PAGE.

- D. The Treasurer of SBTA shall serve as Treasurer for the PAGE Committee.
- E. The PAGE Committee chairperson and treasurer shall make expenditures in the performance of the duties of the Committee, hold the funds in the Committees' name in a bank or bank account, savings and loan account, short-term time certificate or savings account, provided that such funds shall be held entirely separate and apart from the funds of the SBTA, and all expenditures shall comply with the bylaws of the Association.
- F. The Political Action Group for Education (PAGE) shall:
  - 1. publish, distribute and otherwise provide for the dissemination of information concerning the committee position or viewpoint on educational issues and other matters of interest to the San Bernardino Teachers Association,
  - 2. recommend to the Board of Directors standing rules for procedures for evaluating candidates and issues,
  - 3. have the authority to make expenditures of funds in support or opposition to issues affecting teachers and the educational system and candidates,
  - 4. report in September, January and May to the Board of Directors and the Representative Council, showing in each report the receipt and expenditures of funds, the place and amount of deposits, and any outstanding liabilities of the committee in excess of \$100.00. Any such report of the PAGE COMMITTEE(S) shall also be made available to any member of SBTA who contributes to said funds, upon his/her request;
  - 5. file reports with any governmental agency in connection with the performance of any of its duties in the name of the committee or the committee members.
- G. Member Contributions
  - 1. Each member may make a voluntary individual contribution in the amount of four percent (4%) of his/her local membership dues to be held and administered by the PAGE COMMITTEE(S).
  - 2. For the convenience of the members and the administration of the fund, four percent (4%) of all local membership dues shall be allocated to a fund to be held and administered by the PAGE COMMITTEE(S).
  - 3. Any member who elects, on or before October 15 of any year, that no part of his/her membership dues shall be allocated to such fund shall notify the Association in writing of his/her election and no part of such member's dues shall be allocated to the PAGE COMMITTEE(S) fund.
  - 4. Unless otherwise specified for another Association purpose by the member, any member who elects not to have dues paid to the PAGE COMMITTEE(S) fund shall have his/her dues allocated in full to the Association's general fund for the general purpose budget.

#### **XIV. NOMINATIONS AND ELECTIONS**

- A. The Board of Directors shall adopt Standing Rules setting forth the procedures for conducting elections. (Appendix "C")
- B. The President shall appoint an Election Committee and Chairperson, subject to the approval of the Board of Directors and the Representative Council to

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- conduct all elections of the Association.
- C. Notification of offices open for election, nomination procedures, and election time lines shall be distributed to all members and posted in all customary and appropriate locations.
    - 1. Any Active member, at his/her request, shall have his/her name placed upon the ballot for an office of the Association.
    - 2. The name of any Active member may be placed in nomination by any other member, with the consent of the nominee.
  - D. Election of officers, SBTA Board members, and NEA Local Delegates shall be conducted prior to May 1 by secret ballot of the general membership.
  - E. When the number of candidates for NEA Local Delegate is equal to or less than the number of delegate seats, the question of waiving the ballot shall be presented to the Representative Council on a non-debatable basis. A two thirds (2/3) vote shall be required to waive the ballot.
  - F. Election of CTA State Council Representative(s) shall be conducted prior to May 1 by secret ballot of the general membership.
  - G. Faculty Representatives shall be elected in May of each association year by open nominations and secret ballot by and from the active members who are assigned to that faculty. Vacancies shall be filled by special election of the constituency.
  - H. All Active members shall be afforded the opportunity to vote. All Active 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. Provisions must be made for members to cast a ballot, including a mail-ballot, in such a manner as to protect the identity of the voting member.

## **XV. RECALL ELECTION**

- A. Recall elections shall be conducted in accordance with the Standing Rules set forth in Appendix "C".
- B. A recall of any person in an elected position may be initiated by a petition signed by one fourth (1/4) of the active membership of their particular constituency. A statement of the reasons for the proposed recall shall be part of the recall petition.
- C. Each person named in the recall petition shall have the right to make a rebuttal statement which shall be distributed to their constituency at least seven (7) days before the recall election.
- D. A recall election shall be held within thirty (30) calendar days of verification of recall petition.

## **XVI. CTA STATE COUNCIL REPRESENTATIVES AND NEA DELEGATES**

- A. All representatives of CTA State Council to which the Association is entitled shall be elected by and from the active membership of the Association. Such election shall be by open nomination and secret ballot. CTA/NEA timelines will be followed for State Council and NEA Local Delegate positions.
- B. CTA State Council representatives shall be elected for terms as set by CTA.
- C. NEA delegates shall be elected for a term of one (1) year.

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## **XVII. COMMITTEES**

- A. Standing committees, except as otherwise provided in the Bylaws, shall be established and discontinued by the Board of Directors, subject to approval by the Representative Council.
- B. Each standing committee shall submit periodic reports to the Board of Directors and Representative Council.
- C. All members of standing committees and chairpersons will be active members of SBTA in good standing and will be appointed by the President with approval of the Board of Directors and the Representative Council.
- D. Each standing committee shall have standing rules approved by the Board of Directors.

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

- A. Meetings of the Association may be called by the President, the Board of Directors, or written petition of 20 percent of the membership.
- B. Notices of Association meetings, including date, place, time, and purpose of the meeting, shall be made available to all members of the Association at least two (2) days prior to the meeting, except during crisis situations.
- C. For emergency meetings during crisis situations, the Board of Directors shall adopt procedures to notify the Association membership of meeting dates, places, and times.
- D. Quorum of the Association for any general or special meeting shall be twenty percent (20%) of the membership or representation from a majority of the schools and special service departments.

## **XIX. PARLIAMENTARY AUTHORITY**

- A. *Robert's Rules of Order, Newly Revised, Latest Edition*, shall be followed at all meetings of the Association, the Representative Council, and the Board of Directors.

## **XX. AMENDMENTS**

- A. These Bylaws may be amended by a two-thirds (2/3) vote of the representatives at any regular meeting of the Representative Council provided notice of a proposed Bylaws amendment shall have been submitted to the Representative Council at the meeting preceding the one at which it is to be voted upon.

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