

# **HTA Constitution and By-laws**

## **Article I – NAME**

The name of the organization shall be the Hudson Teachers' Association, henceforth to be referred to as the HTA.

## **Article II – PURPOSES**

Section 1 – To work for the welfare of school children, the advancement of education, and the improvement of instructional opportunities for all through a unified effort.

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

Section 3 – To unify and strengthen the teaching profession and to secure and maintain the terms and conditions of employment necessary to support teaching as a profession.

Section 4 – To enable members to speak with a common voice on matters pertaining to the teaching profession and to present their individual and common interests before the Board of Education and other legal authorities.

Section 5 – To promote better understanding of educational issues among teachers and the community.

Section 6 – To give all active members equal voice in decision making, either through elected representatives or direct voting.

## **Article III – MEMBERSHIP AND DUES**

Section 1 – The membership shall consist of active, associate, and agency fee members.

Section 2 – Active membership shall be all professional teachers as defined by mutual agreement with the Board of Education and who have paid up dues to HTA.

Section 3 – associate members shall be all educational professionals; retired, leave of absence, or on sabbatical, who seek membership. Associate members may be allowed to participate in all open meetings and/or social affairs but have no rights to vote, hold office, or represent the organization.

Section 4 – Agency fee members shall be granted all rights required under New York State law.

Section 5 – Reserved Powers. Matter concerning the election of officials, dues, association affiliations, amendments to the constitution or ratification of agreements with the Board of Education shall be approved by a majority of active unit members choosing to vote in secret elections held at convenient polling places which have been announced in advance to all active members.

Section 6 – Professional Affiliations. Active membership requires its members to join NYSUT (New York State United Teachers), AFT (American Federation of Teachers) and the H.T.A.

#### **Article IV – OFFICERS**

Section 1 – The officers of the Organization shall be a President, 1<sup>st</sup> Vice-President, 2<sup>nd</sup> Vice-President, Secretary (Internal), Secretary (External), Treasurer, and an Activities Treasurer. These officers shall be elected at a regular meeting of the Organization in May, to serve for the coming school year or until their successors are elected. Terms of office shall be from June 1 until May 31 of the coming year.

Section 2 – The officers shall have the responsibility to carry out Association policy as defined by the membership, and may upon Presidential nomination and membership or executive committee approval be assisted by a variety of Ad hoc committees to assist them. Standing committees shall be maintained in such areas as, but not limited to, membership activities, professional standards, staff development, welfare, negotiations, and public relations, with subcommittees as needed.

Section 3 – The President shall see to the general implementation of all decisions, co-signer of all association expenditures, maintain an open dialogue with the Superintendent and Board of Education, and i.e. attend board meetings. The President shall be assisted by the First Vice-President who shall be in charge of delegated internal responsibilities, e.g. social/welfare, membership activities, newsletter, and serve in the absence of the President.

Section 4 – 2<sup>nd</sup> Vice-President shall represent the Association in all delegated external responsibilities, e.g. vote/cope, legislation, Committee of 100.

Section 5 – Secretary, external, shall see to all communication, receive communication, distribute information, and record all matters of note, in regard to the association and the community.

Section 6 – Secretary, internal, shall see to all communication, receive communication, distribute information, and record all matters of note in regard to the association and its membership.

Section 7 – Treasurer shall see to the collection and expenditures of dues and other monies. The usual and necessary expenditures of the Organization shall be paid by the Treasurer, on the order of the President, after the same has been voted by the executive committee. All unusual and extraordinary expenditures shall first be voted by the Organization.

Section 8 – Assistant Treasurer, shall see to the fundraising activities of the association, i.e. Scholarship fund.

Section 9 – Commission on Professional Standards. The Commission shall be composed of 5 tenured teachers. They shall serve 3 (three) two-year terms, and 2 (two) two-year terms staggered so that no more than 3 are selected in a single year. The membership at large shall vote on these commissioners as provided in general association elections.

Section 10 – The Functions of the Commission shall be:

- i. They shall constitute the group who process all grievances wherein the Hudson Teachers' Association shall be a party and shall have final authority to determine the Association's role at all stages.
- ii. They shall promote and foster professional and ethical conduct on the part of all active members.
- iii. The Professional Standards Commission shall elect a chairman and recording secretary, hold meetings as needed, supervise the orientation of new members in September and conduct meetings to explain the

grievance procedure, contract, and professional conduct to new members.

iv. Elections – The Nomination Committee Chairperson shall establish the date for elections some time during the first two weeks of May. This date shall be announced at least 2 weeks in advance of at the April meeting along with the specific polling places and a list of membership tellers to supervise voting. At this time, nominating petitions shall be available through Executive Committee members. The Nomination Committee Chairperson shall receive all nominating petitions signed by 10% of the members on or before the date of the nomination meeting. All elections shall be by secret ballot. They shall at that time draw up a ballot containing nominees. With the exception of the Professional Standards Commission and the Negotiations Committee, who must be tenured teachers, there are no specific requirements for officers other than dues paying membership. The Professional Standards Commission and all committees in Article V except the Executive Committee must have representation from every building. Election for all Association officers shall be by majority of those voting. Lacking a majority, a runoff of the top two (2) vote getters shall be set up within 5 school days. Write in votes will not be counted.

a. Absentee Ballots

1. A member who will be absent on the day of election may request an absentee ballot from their Building Representative in advance of the election. Arrangements for the delivery and return of the ballot shall be made between those two parties.

2. The ballot must be returned to the Building Representative in a sealed envelope which bears the voter's signature across the seal. The ballot must be returned on the day of the election, or sooner, in order to be valid.
  3. There will be no provisions made for those who are absent unexpectedly, or who are unable to obtain and/or return a ballot on or before the day of the election.
- v. The Professional Standards Commission shall have sole power to review appeals and interpret all election rules and procedures, and render rapid decisions where challenges exist. They shall also establish the machinery for voting on recalls, resignations, or amendments to the Constitution.

Section 9 – Recall or Resignation of Association Officers. The Association Officers may be recalled by a  $\frac{3}{4}$  vote of the total membership who choose to vote. In case of a recall or resignation, the original nomination committee shall reconvene to seek a candidate. The election procedures shall be the same as for a general election.

## **Article V – COMMITTEES**

Section 1 – There shall be an Executive Committee consisting of the officers, including chairman of Professional Standards Committees, immediate past president, chairman of standing committees, and such additional members as necessary, appointed by the president, so that there shall be a representative from each school, where feasible. (the officers may be considered representatives of their schools; except the president and immediate past president may not be considered). The duties of the Executive Committee shall be to plan the regular meetings, to implement policies established by the membership, and to authorize transfers of

monies between codes within the budget. Any additional expenditure that increase dues or draw on association reserves must be approved by the membership.

Section 2 – no later than April 1, the president shall appoint a Nomination Committee of five; consisting of three (3) nomination committee members and two (2) alternates, to be chaired by the Nomination Committee Chair person, who shall prepare a slate of officers and shall report to the association at the end of April.

Section 3 – Nominations of people present at the meeting may also be made from the floor at this time.

Section 4 – Nominations by petition may also be made within one week of the April meeting. The petition must be ten percent (10%) of the membership.

Section 5 – There shall be a Negotiating Committee composed of seven (7) tenured members of the association.

The Chairman and Secretary of the Negotiating Committee shall be elected annually by the seven elected members of the Negotiating Committee. . An additional member to the Committee shall be one (1) retired member of the association who was a previous member of the Negotiating Committee for at least two contracts. The retired member will have no voting rights. The President will appoint this position.

- i. The Negotiating Committee shall be the persons who will negotiate or will choose a representative to negotiate with the local Board of Education or with its representatives.
- ii. Each member of the committee shall serve a term that shall continue for the life of the contract, less one year. Each election, prior to the expiration of a contract, a negotiations team will be elected to prepare for and negotiate the upcoming contract. Any vacancies that should occur shall be filled by appointment of the President.

- iii. Contract committee shall establish such sub-committees as needed to provide specific proposals and rationales for proposals.

## **Article VI – MEETINGS**

Section 1 – There shall be at least four business meetings during the school year, which shall be held one per quarter respectively, other regular meetings shall be held as designated by the Executive Committee.

Section 2 – Special meetings, as seem necessary, may be called by the President.

Section 3 – Twenty-five of the active membership shall constitute a quorum.

Section 4 – In lieu of a meeting or lack of quorum, the President, with the approval of the Executive Committee, may request a membership vote on a resolution at each school.

## **Article VII – AMENDMENTS**

Section 1 –

- A. Proposed amendments may be made by two procedures.
  - 1. A motion, seconded and approved by a majority of the membership in attendance, at a general meeting of the HTA.
  - 2. A signed petition of ten percent of the Active membership of H.T.A. as defined in Article III, Section II.
- B. All proposed amendments shall be submitted to the Professional Standards Commission which shall notify the members one week before a vote in writing, including specific proposals for convenient polling places with secret ballots. A majority of the voting members will prevail.

## **Article VIII – DUTY OF FAIR REPRESENTATION**

- 1. The individual must receive all rights and benefits guaranteed him under the clear language of the contract. These rights cannot be waived by informal agreements to ignore or change them.

2. Although the union has the right to settle a grievance involving ambiguous contract language, it has an obligation to apply such a settlement consistently, since "settlement of similar grievances on different terms is discriminatory and violates the union's duty to represent all employees equally."
3. The union has no duty to process every grievance to arbitration when it has made a good-faith judgment that the grievance is frivolous, trivial or wholly without merit. But the individual has a right to equal access to the grievance procedure including the right to arbitration for similar grievances of equal merit.
4. Settlement of grievances for improper motives such as personal hostility, political opposition or racial prejudice constitutes bad faith in and of itself regardless of the merits of the grievance.
5. An individual union member has a right to have his grievance settled on its merits. Hence a union that trades an individual's meritorious grievance in exchange for settlement of another individual's or group's grievance violates the union's duty of fair representation.
6. Although a union can make a good-faith judgment that an individual's grievance lacks merit, it nevertheless has an obligation to use reasonable care and diligence in investigating the grievance before it decides that it is nonmeritorious.

#### **Article IX - RULES OF ORDER**

Roberts Rules of Order (revised) shall be the authority on all questions of procedure not specifically stated in this constitution and by-laws.