

PORTAGE EDUCATION ASSOCIATION, INC.
CONSTITUTION

ARTICLE I

Preamble

We, the professional educators of the Portage Public Schools District, believing that we must institute our own self-government and secure proper recognition and responsibility for the well-being of our members, adopt this Constitution.

ARTICLE II

Name

The name of this organization shall be the Portage Education Association, Inc., KCEA/MEA-NEA, an affiliated unit of the Michigan Education Association and the National Education Association. The association shall be a nonprofit corporation organized in accordance with the laws of Michigan.

ARTICLE III

Purpose

The objectives of this association shall be the advancement of the interests of the educational teaching, counseling, specialist and media staff members in the Portage School District.

ARTICLE IV

Membership

- A. All persons who meet the active membership requirements of the Michigan Education Association and are recognized in the Professional Negotiations Agreement between the Portage Public Schools and the Association, may, upon payment of dues as herein provided, become active members of this association with full rights and privileges of membership.
- B. Active members of this organization shall also be members of the Michigan Education Association and the National Education Association.
- C. No member shall be censured, suspended or expelled without a hearing. The hearing shall be conducted by the local trial body or by the local governing body if no trial body exists. An appeal may be made to the regional board of reference or MEA Board of Reference if no regional board exists.
- D. Persons employed by the Portage Public Schools who are not eligible to become active members may, upon payment of dues, enroll as associate members with all the rights and responsibilities of active members except the right to vote, hold office, or to represent the Association.

ARTICLE V

Officers and Governing Bodies

- A. *Officers:* The officers of the organization shall consist of a president, a vice president, a recording secretary, a treasurer and delegates to the MEA Representative Assembly. Terms of officers shall be for two years and shall commence on September 1. The President, or duly elected officer, shall serve as a Region Council delegate and be an elected representative to both the MEA-RA and the NEA-RA.
- B. The term of office for PEA officers, NEA and MEA Representative Assembly delegates and alternates shall be two (2) years commencing on the first day of summer break and end on the last contractual day in their final year of the term. Elections shall be held prior to April 1. When there are four (4) or more MEA Representative Assembly delegates elected, Representative(s) of Minority Persons 3-1 G shall be elected as required by the MEA Constitution and Bylaws. Each MEA Representative Assembly delegate shall serve as a Region Council delegate.
- C. Region Council delegates shall be elected for a term of one (1) year and shall take office on July 1. Elections shall be held prior to April 1.
- D. Election of NEA delegates and alternates shall be held prior to April 1. Delegates shall serve a two (2) year term commencing on September 1. When there are three (3) or more representative assembly delegates elected, representation of third world persons shall be elected as required by the MEA Constitution and Bylaws.
- E. *Governing body.*
 - 1. There shall be a governing body known as the Executive Board, which shall consist of officers, delegates to the MEA Representative Assembly, and five (5) members elected at-large and the immediate past-president, provided they are still an employee of the district.
 - 2. *Third World representation.* The ethnic representation shall be in compliance with the constitutions and bylaws of the National Education Association and the Michigan Education Association. In the event that the ethnic representation is less than required by the constitutions and bylaws of the MEA and NEA, rules and procedures shall be established for an at-large election to ensure proportionate ethnic minority representation.
 - 3. There shall be a legislative body to be known as the Representative Council. This body shall consist of the above named Executive Board, delegates to the NEA Representative Assembly, delegates to the county

Coordinating Council, and chairpersons of the standing committees.

4. All members of the Representative Council, except Associate members, shall have one and only one vote at the Representative Council meetings.
5. All members of the Executive Board shall have one and only one vote at the Executive Board sessions, regardless of whether or not they fill multiple voting positions.
6. If a member of the Portage Education Association, Inc. is elected or appointed to a position at the state or national level, then that person shall hold and ex-officio position with voting power on the Representative Council and Executive Board of the Portage Education Association, Inc.

ARTICLE VI

Direct Legislation

- A. *Initiative.* The rights of popular initiative shall rest with the active membership of the association. Upon receipt of a petition signed by fifteen percent (15%) of the active membership of the association, the secretary shall announce a general meeting or ballot as indicated on the petition within fifteen (15) calendar days for the purposes presented in the petition. A majority of the total active membership shall be required for its adoption, which shall take effect thirty (30) days later.
- B. *Referendum.* The rights of referendum shall rest with the active membership of the association. Upon receipt of a petition signed by fifteen percent (15%) of the active membership of the association, the secretary shall announce a general meeting or ballot as indicated on the petition within fifteen (15) calendar days for the purposes presented in the petition. A majority of the total active membership shall be required for its adoption, which shall take effect thirty (30) days later.
- C. *Recall.* The right of recall shall rest with the electing body. Upon receipt of a petition signed by fifteen percent (15%) of the membership of the electing body, the secretary shall announce a general meeting or ballot by the electing body as indicated on the petition within fifteen (15) calendar days for the purposes presented in the petition. A majority of the total active membership shall be required for its adoption, which shall take effect no sooner than thirty (30) days later. Delegates to the MEA and NEA Representative Assembly may only be recalled for just cause.
- D. Petitions shall be filed with the secretary. However if the secretary is the subject of the petition, the petition shall be filed with the most senior member of the governing body not subject to the petition.

ARTICLE VII

Membership and Fiscal Year

The membership and fiscal years shall be September 1 through August 31.

ARTICLE VIII

Authority

Any part of this Constitution and/or Bylaws that is in conflict with the MEA and/or NEA constitutions and/or bylaws will be declared null and void.

ARTICLE IX

Amendments

Amendments to this Constitution may be introduced by the membership by petition signed by fifteen percent (15%) of the total active membership and submitted to the secretary. Amendments to the Constitution may also be introduced by the governing body. These proposed amendments shall be acted upon at a subsequent meeting of the membership or by ballot within at least thirty (30) days of submission. A copy of the proposed amendment, together with the recommendations of the governing body, shall be sent to each member of the association at least fifteen (15) days prior to voting. A two-thirds (2/3) affirmative vote of the active membership voting is required to adopt the proposed amendment, which shall become effective immediately upon adoption unless otherwise provided.

Date Ratified: June 11, 2008

Date Amended: June 11, 2008

PORTAGE EDUCATION ASSOCIATION, INC.
BYLAWS

ARTICLE I

Rules

Robert's Rules of Order, latest edition, shall be the authority on all questions of procedure not specifically stated in the Constitution and Bylaws.

ARTICLE II

Meetings

- A. General membership meetings shall be called by the president, the Executive Board as needed or by petition of ten percent (10%) of the general membership. At least twenty-four (24) hours notice is required, specifying date, time, place and purpose of such meetings.
- B. The Executive Board shall meet twice monthly provided school is in session or in accordance with the calendar adopted by the governing body. After establishment of a calendar, the membership shall be notified of dates, times and place of meetings. Additional meetings shall occur at the call of the President or at the request of three (3) members of the Board.
- C. The Representative Council shall meet on the third Monday of each school month or in accordance with the present contract terms.

Special meetings of the Representative Council shall be held at the call of the President or upon written request to the Executive Board from five (5) Building Representatives. Business to come before special meetings must be sent in writing when practicable to each Building Representative. In any case, each Building Representative shall be contracted as to the times and purpose of such meeting.

- D. Meetings shall be open to all members and members shall be permitted to address meetings.

ARTICLE III

Quorum

- A. The quorum for the general membership shall be ten percent (10) of the total active membership.
- B. A quorum for all Executive Board meetings shall consist of six (6) members.

- C. A quorum of Representative Council shall consist of a simple majority of voting members.
- D. No business shall be transacted without a quorum present.
- E. Without a quorum, business may be discussed but no vote taken. If there is an objection to or concerning the discussion, one may make a motion and with a support, a vote shall be taken to adjourn.

ARTICLE IV

Duties of Officers and Delegates

- A. *President*: Preside over meetings, appoint members of committees subject to approval of the Executive Board, serve as ex officio member of all committees, represent the association before the public, be executive officer of the association, submit annual budget for consideration and perform all other functions attributed to this office.
- B. *Vice President*: Preside in president's absence and perform duties as assigned by the president.
- C. *Secretary*: Keep accurate minutes of all meetings of association governing body, make minutes available for membership inspection, maintain official files and assist president with association correspondence.
- D. *Treasurer*: Deposit funds of the association and disburse them according to decisions of the governing body, maintain roll of members, keep accurate accounts of receipts and expenditures, report to each meeting of association and board of directors, prepare annual financial statement for the membership, assist in drafting the annual budget. The MEA will bond the treasurer and the association shall provide for an annual audit of the books.
- E. *MEA Representative Assembly Delegates*: Keep association informed of actions by the MEA and issues to be presented to the Representative Assembly, attend the MEA Representative Assembly and other appropriate meetings and report back to the association.
- F. *NEA Representative Assembly Delegates*: Keep association informed of actions by the NEA and issues to be presented to the Representative Assembly attend the NEA Representative Assembly and other appropriate meetings and report back to the association.
- G. *Region Council Delegates*: Keep association informed of actions by the region council and issues to be presented to the region council, attend the region council and other appropriate meetings and report back to the association.

- H. *Attendance:* Since all delegates are required to attend the Representative Council meetings as well as the meeting for their elected positions, two unexcused absences during one school year will be cause for the President to declare their position vacant and call for an election to fill the position. A delegate who has an unexcused absence will be notified in writing that a second unexcused absence will be cause for declaring the position vacant.

ARTICLE V

Powers of Governing Body

- A. Upon the governing body, also known as the Executive Board, shall rest the duties, responsibilities and authority for conduct of the association in all matters except as provided in the Constitution and Bylaws; the governing body may at any time refer matters to the general membership for consideration.
- B. The governing body also decides which grievances may be carried to MEA for Arbitration consideration.
- C. Any member in good standing may present to the Executive Board a petition on any issue signed by at least ten percent (10%) of the general membership in good standing, for the reason of bringing that issue to a vote by said general membership. Provided the petition is in order, the Executive Board must then place it on the agenda of the Representative Council meeting and then has the responsibility of seeing that the issue in question is voted on by the general membership through use of a paper ballot. Only a simple majority of all votes cast will be needed to decide the issue providing that at least fifty percent (50%) of the general membership has cast their ballots.

ARTICLE VI

Building Representatives

- A. Will be elected within 5 business days of the start of the new school year. Building representatives(BR) are elected on the basis of one (1) BR for every fifteen (15) full-time members or major fraction (8+) thereof, allowing each building/worksites at least one (1) association representative. Each building/worksites shall also elect an alternate.
- B. Duties shall be to attend regular meetings of the Representative Council, call monthly meetings of building membership following Representative Council to discuss association business, conduct enrollment of members and provide communication between members and governing body.

Absences without notification will be unexcused. After one (1) unexcused absence of a Representative, a letter of notification will be sent to the BR stating that a second unexcused absence shall cause the President to declare the seat vacant.

- C. Term of office shall be for one year and commence on immediately following the building's vote in the fall during the first five (5) business days.
- D. Vacancy in the position of building representative shall be filled by special election in the building/worksite.

ARTICLE VII

Nominations and Elections

- A. The president shall appoint an elections committee, which shall establish election procedures that guarantee that all elections shall provide for open nominations by active members, secret ballot, voting procedures and preservation of ballots for at least one (1) year. The preserved ballots shall be kept in the custody of the president. Methods less wasteful of resources, such as the use of electronic voting using the internet, have been adopted and used by the MEA and may also be used in local elections.
- B. The governing body shall certify the elections committee report and publish results of the election. Official reports of elections must be filed with MEA within thirty (30) days after the election. Official reports of elected representative assembly delegates shall be filed within ten (10) days after the election.
- C. A vacancy in any of the positions shall be filled by the governing body until the next general election, except a vacancy in the position of Representative Assembly delegate(s). A Representative Assembly delegate(s) shall be replaced by the duly elected alternate(s).
- D. Every member in good standing shall have the opportunity to vote. All elections, including MEA and NEA RA delegates, shall take place following the one member/one vote principle.
- E. All elections, including MEA and NEA RA delegates, will be held during the month of March each year.

ARTICLE VIII

Professional Negotiations Committee and Contract Ratification

- A. A Chief Negotiator, who is appointed by the elected President and approved by the Representative Council, shall head the Professional Negotiations Committee. The rest of the Professional Negotiations Committee shall consist of not less than four (4) nor more than six (6) members unless otherwise specified by the Representative Council. One (1) of the members shall be the Vice-President. Based upon the recommendations of the appointed Chief Negotiator, members shall be considered and appointed by the Representative Council. The Chief Negotiator must nominate to the Representative Council for approval those staff that he/she feel could act in the best interest of the Association while working cooperatively and collaboratively with the rest of the Negotiations Committee. In an election year, the President-Elect shall be an ex-officio member of the team. The Professional Negotiations Committee shall be responsible for the enforcement of the contract for the duration of the agreement.
- B. In an election year, the President-Elect shall be an ex-officio member of the team. The members of that committee at the first meeting shall elect the chairperson of the Professional Negotiations Committee. The Professional Negotiations Committee shall be responsible for enforcement of the contract for the duration of the agreement.
- C. Contract ratification procedures shall minimally incorporate the following:
 - 1. Only a proposed contract tentatively agreed to by an officially impaneled bargaining team may be submitted to a membership for ratification vote. Voting will be by secret ballot.
 - 2. A majority vote of those members voting shall be required for ratification.
 - 3. Only members in good standing may vote on ratification.
- D. If there is a Tentative Agreement (TA) during the school year, Tentative Agreement documents will be distributed at the first general membership meeting. There will be at least one general informational meeting, for questions, to be held at the time of TA distribution. A second general membership meeting will be held not less than 24 hours after the first general membership meeting and not more than one week (7 days) after first meeting. Following the second informational meeting, voting will take place in either individual buildings, or at a central location as set and approved by the Executive Board. The Executive Board, at its discretion, will set the ratification election date.
- E. If there is a Tentative Agreement (TA) during the summer, the fan-out will be used to get members to pick up their Tentative Agreements. At least one general

informational meeting will be held, for questions. The general membership meeting may be held at the time members are notified to pick up Tentative Agreements, but will not be held more than one week after date of Tentative Agreement dispersal. Following the informational meeting, voting may take place at either a separate general meeting or at the first general membership meeting. The Executive Board, at its discretion, will set the ratification election date.

ARTICLE IX

Dues

- A. Dues of the association shall consist of the total amount of local, state and national dues.
- B. Local dues shall be established by a vote of the membership and/or the elected Representative Council.
- C. Special assessments can only be voted by the membership.

ARTICLE X

Amendments

Amendments to these Bylaws may be introduced by the membership by petition signed by fifteen percent (15%) of the total active membership and submitted to the secretary. Amendments to the Bylaws may also be introduced by the governing body. These proposed amendments shall be acted upon at a subsequent meeting of the membership or by ballot within at least thirty (30) days of submission. A copy of the proposed amendment together with the recommendations of the governing body shall be sent, either via email or hard copy, to each member of the association at least fifteen (15) days prior to voting. A majority vote of the active membership voting is required to adopt the proposed amendment, which shall become effective immediately upon adoption unless otherwise provided.

Date Ratified: June 11, 2008

Date Amended: June 11, 2008