

# Somers Faculty Association Constitution And By-Laws

(Revision – August 28, 2019)

# Constitution

## Article I Name

This organization shall be known as the Somers Faculty Association (SFA).

## Article II Objectives

The purpose of this organization shall be:

- A. To act as the official voice of Somers faculty;
- B. To promote the best interest of children and education in the Somers Central School District;
- C. To promote the welfare of its members;
- D. To provide and promote amicable communication between and among other organizations with which it is associated.

## Article III Affiliation

The organization shall be affiliated with the New York State United Teachers, and its national affiliates.

## Article IV Membership

- A. There shall be the following membership categories: Active and Special (Retiree).
  1. Active. Any salaried teacher who is part of the faculty of the Somers Central School District shall be eligible for membership in the organization. This includes guidance and other related personnel, as well as leave replacement hires who receive salary from the SFA pay scale instead of the standard per diem rate.
  2. Special (Retiree). Retiree membership in this organization shall be open to active association members who retire from the Somers Central School District. Retiree members will be non-voting members.
- B. Membership is not open to central administrators, building principals, assistant principals, or department chairpersons.
- C. A person shall be considered a member in good standing when he or she has authorized dues deduction or paid one-half of the dues for the organization and its affiliates by the thirtieth of November. Should dues be paid by means other than deduction, the second half must be paid on or before the thirtieth of January.
- D. The rights of discussion, meetings, receiving association communications, holding office, serving on committees, voting in elections, ratifying contractual bargaining agreements, and all other association business shall be reserved to members in good standing.

- E. Any district employee that works under the collective bargaining agreement and is not an association member in good standing is a ‘non-member.’ This language does not apply to new-hires who become association members, regardless of hiring dates.
  - a. No services will be provided to non-members in support of advocacy work beyond the negotiation or enforcement of the terms of the collective bargaining agreement.
  - b. Non-members who wish to join the association will be eligible to become members in good standing during an annual open-enrollment period that extends from June 1 through September 1. Non-members will not be required to pay a re-entry fee.
  - c. However, no association services will be provided in support of advocacy work beyond the negotiation or enforcement of the terms of the collective bargaining agreement for actions that occurred when the person was not an association member.
  - d. Additionally, the re-entering member will be barred from voting on any matters for one year and will be ineligible for holding local office for two years.
  - e. The association will establish a review/appeals committee to receive and consider appeals from the above limitations if such an appeal occurs.

#### **Article V Officers**

- A. The officers of the Association shall be: President, Vice President, Secretary, and Treasurer. These elected officers will serve two-year terms effective June 1st.
- B. The following positions will be appointed by the President, with the approval of the Executive Board: Chief Negotiator and Grievance Chairperson. Members serving in these positions will be considered officers of the Association, but are non-voting members of the Executive Board. These officers will serve one-year terms effective their appointment.
- C. Duties of the President. The President shall:
  - a. Preside over all general and executive meetings.
  - b. With the approval of the Executive Committee, appoint the Chairperson of all standing and ad hoc committees. These chairpersons shall serve at the pleasure of the President.
  - c. Appoint all committee members with the approval of the Executive Committee. These members shall serve at the pleasure of the Executive Committee.
  - d. Serve as an ex officio member of all committees.
  - e. Appoint any ad hoc committees which may prove necessary. The membership of all ad hoc committees shall consist of an equal number of representatives from each of the schools in the district. Any unequal representation on an ad hoc committee must be approved by a majority vote of the Executive Committee.
  - f. Be one of the NYSUT delegates and one of the AFT delegates.
  - g. Represent the Association at all functions requiring his/her presence, or appoint a designee.
  - h. Call special Association or committee meetings when necessary.

- i. When possible, when he/ she becomes immediate past-president, attend all Executive Committee meetings as an advisor during the time he/she is immediate past- president.
- j. Appoint a head building representative from each building, from the elected building representatives, to serve as the liaison between their building and the President or his designee.
- k. Appoint trustees of the SFA Trust Fund as vacancies occur. Such appointments are subject to the approval of the Executive committee.
- l. Be one of the responsible financial officers of the organization and shall be authorized to co-sign financial instruments and make regular and usual disbursements of funds.
- m. Certify to the Secretary Treasurer of the American Federation of Teachers that the annual audit/internal financial review was presented to the Executive Board, as the organization's governing body, and to the general membership.

D. Duties of the Vice President. The Vice-President shall:

- a. Take over for the President in his/her absence or incapacity.
- b. Act as liaison between Executive Board and all standing committees, not including negotiations and grievance.

E. Duties of the Treasurer. The Treasurer shall:

- a. Be custodian of all Association funds and financial records.
- b. Prepare and submit all required State and Federal financial reports.
- c. Prepare a budget and submit it to the Executive Committee for approval at the meeting preceding the Annual Meeting.
- d. Present a budget update at each Executive Board meeting, if needed.
- e. Liaise with building-level hospitality committees to provide financial support that aids the sending of cards, letters, flowers, or other gifts as appropriate.
- f. Have the right to appoint a Secretary-Treasurer as his/her assistant.
- g. Be one of the responsible financial officers of the organization and shall be authorized to co-sign financial instruments and make regular and usual disbursements of funds.
- h. Arrange for an independent audit/internal financial review of the finances of the organization annually and make same available to the Executive Board and membership.

F. Duties of the Secretary. The Secretary shall:

- a. Take minutes at all general and special meetings of the Association and all of the meetings of the Executive Committee. These minutes shall be retained in a permanent file.
- b. Present to the membership copies of the minutes of the previous meeting at least one week prior to the next general meeting.

G. Duties of the Grievance Chairperson. The Grievance Chairperson shall:

- a. To protect the good name of the Association and its members; to conduct grievance procedures according to methods devised by the Negotiations and Grievance Committees.

- H. Duties of the Chief Negotiator. The Chief Negotiator shall:
- a. Lead the Negotiations Committee to bargain collectively both long-term contracts and individual MOAs.
  - b. Manage contractual issues and questions, liaising with NYSUT Labor Relations Specialists, district administration, union leadership, and the general membership.
  - c. Keep records of implemented past practice and maintain a list of future negotiation priorities.

## **Article VI Executive Committee**

- A. The Executive Committee shall consist of the President, Vice-President, Secretary, Treasurer, Delegates to NYSUT and AFT, and the Building Representatives. Each member shall have one vote.
- B. Non-voting members of the Executive Board include: The Chief Negotiator, the Grievance Chairperson, and the Retiree Liaison.
- C. Each school shall have one building representative for every twenty members, or fraction thereof. One of the elected building representatives from each building will be appointed by the President, with Executive Board approval, to the role of Lead Representative.
- D. The role of the Lead Building Representative. The Lead Building Representative shall:
- a. Plan and facilitate monthly SFA building meetings that report the results of union/administration meetings, explain union-wide issues and policies to the membership, and identify areas of concern.
  - b. Prioritize building-level issues and present these concerns at the monthly meeting with building administration.
  - c. Present building level concerns to the SFA Executive Board.
  - d. Hold additional meetings with building administration to resolve immediate and ongoing issues. These range from informal talks with supervisors to formal discussions and meetings with admins.
  - e. Provide (or delegate) union representation at discipline and other high-stakes conversations.
  - f. In addition to the aforementioned leadership roles, serve as a building representative in the building.
- E. The role of the Building Representative. The Building Representatives shall:
- a. Support and assist the lead building representative in any way possible.
  - b. Learn the contract, past practices, labor laws, and best union strategies. Be prepared to research, learn, and ask questions of those who know.
  - c. Be available to members to address member needs and to keep lines of communication open between the building administration and SFA leadership.
  - d. Join committees and ensure that the SFA has a voice in as many building-level conversations as possible.
- F. The role of the Retiree Liaison. The Retiree Liaison shall:
- a. Serve as a representative for retiree members of the Association.

- G. Delegates and alternates to NYSUT and its national affiliates will be elected each year along with the officers of the Association. Delegates shall:
  - a. Represent the SFA at conferences of NYSUT and its national affiliates when approved by the Executive Committee.
  - b. Keep the Executive Committee and the Association informed about issues being discussed in local, State, and National meetings.
  
- H. The Executive Committee shall act as the decision making body of the Association unless otherwise specified in the Constitution and By-laws. The duties of the Executive Committee:
  - a. Establish the salary, benefits, and expense guidelines of any general officer who is employed by the organization.
  - b. Be empowered to make contracts and incur liabilities including the purchase of services, equipment and rental property, borrow money, to secure such obligations by mortgage or other instrument, and to otherwise engage in financial transactions to the extent permitted by applicable law or statute. The Executive Board shall have the power to sue, complain and defend on behalf of the membership.
  - c. Ensure that an annual financial report and an audit/internal financial review is presented to the membership.
  - d. Ensure that an audit/review by an independent accounting firm or an internal financial review conducted by a committee of 3-5 members who do not sit on the Executive Board is presented to the membership annually.
  - e. Ensure that an annual budget is adopted, in collaboration with the Treasurer, by the Executive Board/Membership annually.
  - f. Adopt an expense reimbursement policy and update as necessary.
  - g. Interpret the constitution and by-laws.
  - h. Act on policy matters for the organization between the meetings of the general membership.
  - i. Make policy recommendations to the membership for their consideration.
  - j. Approve committee appointments.

**Article VII Somers Faculty Association Trust and Benefits Fund Committee**

- A. The Trust Fund Committee is an appointed body that shall manage benefits beyond health insurance.
- B. The committee shall be comprised of at least one SFA member from each building.
- C. The Trust Fund Committee shall maintain a separate constitution and bylaws.
- D. At each general association meeting, the committee will provide benefit forms for all teachers.
- E. The Trust Fund will report on benefit changes at the August/September general meeting.

### **Article VIII Ratification of Amendments to the Constitution & By-Laws**

- A. An amendment to this Constitution & By-Laws may be proposed by:
  - 1. A majority vote of the Executive Committee, or
  - 2. A petition of twenty percent of the membership submitted to the SFA Secretary.
- B. Proposed amendments to the Constitution and By-Laws shall be submitted to the membership in writing ten days before a general or special meeting in which it will be formally discussed.
- C. Proposed amendments will be voted upon by secret ballot in each building.
- D. Proposed amendments must be ratified by a two-thirds vote of the membership.

### **Article IX Ratification of Collective Bargaining Agreements**

Approval or disapproval of any Collective Bargaining Agreement with the employer shall be determined by a majority vote of the members in good standing of this organization. Ratification votes will be held at the school level within three school days of a meeting of the membership called to discuss an agreement.

# By-Laws

## Article I Meetings

- A. The general meeting of the Association will be held the third Monday of each month unless specifically called for another time by the Executive Committee. The Executive Committee may specify building meetings in place of the general meeting. The general meeting shall commence promptly ten minutes after the last school dismissal.
- B. The Annual Meeting of the Association will be held on the third Monday in May.
- C. The Executive Committee will meet the week prior to the general monthly meeting.
- D. The President of the Association may call general meetings or meetings of the Executive Committee at his/her discretion.
- E. A general meeting will be called by the President upon receipt of a petition signed by twenty-percent of the membership.
- F. The President may vote at general meetings or Executive Committee meetings only to break a tie vote.
- G. The members of the Association present at a meeting called in writing at least one week prior to, or at a special or regularly scheduled meeting, will constitute a quorum.
- H. A majority of the voting members of the Executive Committee shall constitute a quorum at meetings of that Committee.

## Article II Voting at Meetings

- A. Method of voting will be left to the discretion of the chair of any meeting.
- B. A secret ballot shall be the method of voting if requested by one member.
- C. A motion shall be considered carried when it has been approved by a simple majority of the members at a legally constituted meeting.

## Article III Parliamentary Authority

- A. Meetings of all duly constituted bodies of this organization shall be governed by Roberts' Rules of Order, Newly Revised, except as otherwise provided in this constitution.

## Article IV Dues

- A. The dues of this association shall be determined by the Executive Board, plus the prevailing per capita amounts for the AFT/NEA and NYSUT.

## Article V Payment of Bills

- A. All bills presented must be documented by receipts
- B. Funds will be advanced only for items budgeted unless approved by the Executive Committee
- C. The Treasurer is authorized to pay bills for items budgeted or as approved by the Executive Committee.



## **Article VI Standing Committees**

- A. Chairpersons and members of standing committees and ad hoc committees shall be appointed by the President with the approval of the Executive Board.
- B. The following shall be standing committees:
  - 1. Audit Committee: A three to five member committee appointed by the President to audit the Treasurer's books yearly.
  - 2. Grievance Committee: To protect the good name of the Association and its members; to conduct grievance procedures according to methods devised by the Grievance Committee.
  - 3. Negotiations Committee: To conduct negotiation procedures according to methods devised by the Negotiations Committee.
  - 4. Scholarship Committee: To serve as the selection committee in awarding scholarships, and arranging the Annual Scholarship function.
  - 5. Nominations Committee: To supervise the election of officers, delegates and specially elected personnel.
  - 6. Teacher Evaluation Committee: To represent the association in administrative discussions about APPR, assessment, and evaluation.

## **Article VII Negotiations Committee**

- A. The Negotiations Committee is an appointed body that shall be consulted and/or convened when necessary to discuss matters related to negotiations.
- B. The committee shall be comprised of two members from each building along with the Chief-Negotiator who will act as chairperson. Committee membership is determined by the Chief Negotiator, with consultation of the association President. The President and Vice-President shall be voting members of the Negotiations Committee.
- C. The Negotiations Committee is the decision making body throughout its term of negotiations until the bargaining unit ratifies the Contract.
- D. The Negotiations Committee shall present all initial negotiating positions and items to the Executive Committee for approval before they become part of negotiations.
- E. At each general association meeting, the committee will report the status of negotiations.
- F. Sub-Committees may make tentative decisions.
- G. The Chief Negotiations Officer and sub-committees cannot override decisions of the whole Committee. When the Committee assumes a position, all members of the Committee will adhere to that position.
- H. Half of the Committee members must present to constitute a quorum. All decisions will be determined by a majority vote of the Committee present at the time of the vote.

## **Article VIII Grievance Committee**

- A. The grievance committee is an appointed body with the sole responsibility of protecting the good name of the Association and its members.
- B. The committee shall be comprised of two members from each building along with the grievance chairperson. Committee membership is determined by the grievance chairperson, with consultation of the association President.
- C. The grievance committee shall review any grievance brought before it. The committee will evaluate the merit of each grievance by examining the validity of the claim and the long-term ramifications of both favorable and unfavorable outcomes if the committee were to advance the grievance.
- D. Depending on the committee decision, the grievance chairperson will move forward with the necessary grievance protocol or report to the President the committee determined the issue to not reach criteria for a grievance.

## **Article IX Nominations**

- A. Each member in good standing shall be given reasonable opportunity to nominate candidates for office and to run for office.
- B. Notice of the offices to be filled, the right to make nominations, and the time, place, and proper form for submission of nominations will be announced by email.
- C. Advanced notification of all qualifications for elected office shall be provided to the membership.
- D. Any member in good standing is eligible for nomination for office.
- E. A person may be nominated for office in any of the following ways:
  - 1. The Nominating Committee will present a full slate of officers and delegates at the May meeting.
  - 2. A petition bearing signatures of at least ten-percent of the membership may be submitted to the Nominating Committee no later than ten school days before the May meeting.
  - 3. Nomination will be received from the floor at the May meeting. In order to appear on the ballot, a nomination from the floor must receive a vote equal to ten-percent of the membership.
- F. The candidates for office, including delegates, shall be nominated by a Nominating Committee composed of two members from each school. The Executive Committee shall appoint the members of the Nominating Committee by the March Executive Committee meeting. No member of the Executive Committee may serve on the Nominating committee.

## **Article X Elections**

- A. Written notice announcing the time and place of elections shall be sent to each member in good standing at least fifteen (15) days prior to the election.
- B. Election shall be by secret ballot. The principle of one-person, one-vote shall apply to all elections.
- C. Recognizing the ability to nominate a candidate from the floor of a general meeting, the association will not recognize write-in votes for all offices.

- D. Proxy ballots from absent members or members on leave, submitted electronically, will be accepted in all association votes. Proxy votes must be sent to a member of the appropriate committee (negotiations on contract votes, or nominations on association elections). These votes must be received during the school day of the in-building votes.
- E. The results of the election shall be announced in a message from the President.
- F. The Secretary shall preserve all election records, including ballots, for a period of time equal to the term of office or the election cycle. Further, if the election is contested, the records shall be preserved for a period of one year after a final determination is made in the contested election.

### **Article XI Vacancies**

- A. If the office of the President becomes vacant, the Vice-President shall assume the office of the President.
- B. If any other office or elective position becomes vacant, it shall be filled by presidential appointment subject to Executive Board approval. These vacancies will be filled within twenty school days, and the appointee will serve until the next scheduled election is held.

### **Article XII Recall of Officers and other Elected Positions**

- A. A petition bearing the signatures of twenty percent of the membership urging the removal of an officer may be submitted to the Executive Committee at any time. The petition must state the exact charges against the officer.
- B. A two thirds vote of the Executive Committee is necessary to authorize a secret ballot vote of the general membership.
- C. A specific general meeting will be held to discuss the charges prior to the secret ballot. If the President is the subject of the recall, the Vice President will conduct this meeting.
- D. The designated officer shall be deemed to be recalled if three-fourths of the vote so indicate.
- E. When recall involves the Building Representative:
  - 1. The percentage in section A applies to the building membership.
  - 2. The “general membership” in section D shall be building membership.
  - 3. The “special meeting” in section D will be a building meeting chaired by the President.
  - 4. The three-fourths vote in section D applies to building membership.

### **Article XIII Protection Rights of Members**

- A. Every active member in good standing of this organization shall have equal rights and privileges to nominate candidates to hold office, to vote in elections or referendum, to attend membership meetings, and to participate in deliberations and voting upon the business of the organization.
- B. No member may be fined, suspended, expelled, or otherwise disciplined (except for nonpayment of dues) by this organization unless such member has been served with written specific charges and given a reasonable time to prepare a defense and afforded a full and fair hearing.

- C. No officer of the organization may be removed from office unless such officer has been served with written specific charges and given a reasonable time to prepare a defense and afforded a full and fair hearing before the Executive Board. Following the hearing, the Executive Board may recommend to the membership of the organization that the officer be removed from office by a two-thirds (2/3) vote of the Executive Board. Subsequently, the officer may be removed office by a two-thirds (2/3) vote of the membership at a general membership meeting called for that purpose and pursuant to the organization's by-laws.
- D. This organization shall show no discrimination toward any individual or group of individuals on the basis of sex, religion, color, race, marital status, sexual orientation, gender identity, national or ethnic origin, age, disability, or political activities and beliefs.

