

D_{iman}

PO Box 9106 Fall River, MA 02720-0002

T_{eachers}

A_{ssociation, Inc.}

DIMAN TEACHERS ASSOCIATION INC.

CONSTITUTION AND BY-LAWS

REVISED: May, 2017

**DIMAN TEACHERS ASSOCIATION INC.
CONSTITUTION AND BY-LAWS**

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Article I

Name

The name of the association shall be Diman Teachers Association Inc., hereafter referred to as the Association.

The Association is affiliated with the Massachusetts Teachers Association (MTA) and the National Education Association (NEA).

Article II

Purpose

Section 1

To work for the welfare of vocational students, the advancement of vocational education and the improvement of instructional opportunities.

Section 2

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

Section 3

To unify and strengthen the teaching profession and to secure, maintain and improve the salaries, insurance and retirement benefits, professional development opportunities, sick leave, and other benefits and working conditions 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 individual and common issues to the Greater Fall River Vocational District Administration and School Committee (hereafter referred to as the Committee) and other legal authorities, as determined by the Professional Rights and Responsibilities Committee of the Constitution.

Section 5

To hold property and funds. To employ a staff for the attainment of these purposes, when necessary.

Article III

Membership

Membership in the Association shall be classified as Active, Retired or Honorary.

Section 1 Active Members

Active membership shall be available to all professional employees who are included in Article I, Recognition, of the Collective Bargaining Agreement between the Diman Teachers Association and the Greater Fall River Vocational School District Committee.

Subsection A

Active membership shall be continuous until the member leaves the school system, resigns from the Association, or fails to pay membership dues.

Subsection B

All members shall keep themselves in good standing in accordance with the Constitution and By-Laws of the Association.

Subsection C

The membership year for the Association shall be from July 1 to June 30. Membership shall then be continued from year to year until death, retirement, or the member cancels the election with a 60-day notice in writing. Current membership lists will be updated by December 31 of each year by the Membership Chairperson/Treasurer.

Subsection D Agency Fee

Non-Association members will be responsible for paying the Agency Service Fee.

Subsection E

The Association shall continue active membership to those members laid off due to a reduction in force with the reduction in dues in accordance with published MTA guidelines. Such eligibility shall continue as long as such persons are eligible to be recalled under the terms of the Collective Bargaining Agreement.

Section 2 Retired Members

Upon retiring, retirees can maintain membership with the MTA, NEA, or both, by contacting those organizations directly and will no longer be part of the DTA.

Section 3 Honorary Membership

Honorary membership in the Association may be conferred by a two-thirds vote of the Executive Board of the Association. Honorary members do not pay dues, may not hold office or vote on Association matters.

Section 4 Confidentiality

All business of this Association must be strictly private.

Article IV

Officers and Duties

Section 1 Officers

The officers of the Association shall consist of a President, Vice President of Negotiations, Vice President of Grievances, Secretary and Treasurer. Officers shall perform the following duties prescribed by the Constitution and By-Laws adopted by the Association.

Subsection A The President

The President shall preside at all meetings of the Association and of the Executive Board and shall supervise the affairs of the Association.

DUTIES:

- Shall be the Chairperson of the Executive Board
- Shall be a member of the Negotiating Committee
- Shall appoint chairperson for each committee
- Shall nominate members to fill vacancies on the Executive Board and/or Committees
- Shall act as liaison with the administration in conjunction with another DTA member

- Shall serve as *Ex-Officio* of all committees
- Shall attend all school committee meetings or designate an attendee

STIPEND:

The President of the Association shall receive a stipend of \$2,000 plus the current annual dues rate. This is to be earned 1/12 at a time for each month served.

Subsection B The Vice President of Negotiations

The Vice President of Negotiations shall be responsible for the Association's Negotiation Committee.

DUTIES:

- Shall perform the duties of the President during the latter's absence or at his or her request
- Shall render assistance as may be required
- Shall preside as president in case of vacancy of the Office of President until the association elects a President to fill the vacancy

STIPEND:

The Vice President of Negotiations shall receive a stipend of \$750 plus the current annual dues rate. This is to be earned 1/12 at a time for each month served.

Subsection C The Vice President of Grievances

The Vice President of Grievances shall be responsible for the Association's Grievance Process.

DUTIES:

- Shall act as the Chairperson of the Rights and Responsibility (PR&R) Committee
- Shall maintain the archives of all closed grievances according to the Document Retention Policy
- Shall back up all grievances on the flash drive provided by the DTA according to the schedule prescribed in the Document Retention Policy
- Shall be responsible for the timely filling of all grievances at all levels (1-4)
- Shall serve as the DTA representative for potential grievable situations

STIPEND:

The Vice President of Grievances shall receive a stipend of \$750 plus the current annual dues rate. This is to be earned 1/12 at a time for each month served.

Subsection D The Secretary

The Secretary shall keep a full and accurate record of all business transacted by the Association and by the Executive Board.

DUTIES:

- Shall conduct all the correspondence of the Association and preserve its documents according to the Document Retention Policy
- Shall back up all correspondence on the flash drive provided by the DTA according to the schedule prescribed in the Document Retention Policy
- Shall make records available to members upon request
- Shall notify Executive Board members of meeting dates and times at the President's request
- Shall be responsible to call the roll of Officers at all Executive Board meetings
- Shall be responsible for taking the minutes of Executive Board and at the annual meetings

- Shall be responsible for posting minutes in both faculty rooms within 24 hours after they are approved
- Shall submit an oral report at the annual meeting
- Shall submit annually to the Massachusetts Teachers Association, prior to July 1, a list of its officers and addresses, as well as a copy of the bylaws with any changes or amendments made to the by-laws in the preceding year
- Shall be responsible for creating ballots after verifying members' willingness to seek office and post the results in both faculty rooms within twenty-four hours
- Shall maintain the Seniority List and verify it's correctness annually
- Shall maintain a file of all current grievances. Upon disposition of the grievance shall turn the complete records to the Vice President of Grievances for archiving

STIPEND:

The Secretary of the Association shall receive a stipend of \$1,500 plus the current annual dues rate. This is to be earned 1/12 at a time for each month served.

Subsection E The Treasurer

The Treasurer has the fiduciary responsibility over Association funds and should be familiar with sound financial procedures and the legal obligations pertinent to the local association.

DUTIES:

- Will have custody of all funds belonging to the Association and deposit them in the name of the Diman Teachers Association Inc. in any appropriate financial institution legally authorized to do banking and/or investment business in Massachusetts
- Shall serve as the Membership Chairperson, responsible for enrolling all new members and removing inactive members from the roster and transmitting the information to the MTA
- Shall collect membership dues
- Shall keep an accurate record of all receipts and disbursements according to the Document Retention Policy
- Shall scan and back up files according to the prescribed schedule in the Document Retention Policy
- Shall keep the flash drive, checkbook and financial records in a safe location when not in use
- Shall pay the bills in a timely manner prior to their respective due dates
- Shall transmit the amounts due the Massachusetts Teachers Association and the National Education Association in accordance with a mutually agreed upon schedule between the Massachusetts Teachers Association and the Diman Teachers Association
- Shall present a complete financial report at the monthly Executive Board meetings
- Shall provide documents as needed to the Financial Oversight Committee
- Coordinate and assist with any financial audits or reviews of the Association's funds
- Shall comply with all federal, state and local reporting requirements including tax filings and political expenditures
- Shall submit at the annual meeting a written report consisting of receipts, disbursements and the general financial condition of the Association
- Shall keep the Associations official membership roll

STIPEND:

The Treasurer of the Association shall receive a stipend of \$1,500 plus the current annual dues rate. This is to be earned 1/12 at a time for each month served.

Section 2 Terms of Office

The Officers of the Association shall be elected by secret ballot to serve for a term of one (1) year. Their term of office shall begin upon election. All elections shall be governed by the Association By-Laws (said election is to be held annually on or before May 31st).

Section 3 Elections

Elections for officers and representatives shall be held in May after the annual meeting. The annual meeting and elections shall occur no later than May 31st.

Article V

Executive Board

Section 1

There shall be an Executive Board consisting of the Association Officers and a delegate from each designated group.

Section 2

The delegates to the Executive Board shall be apportioned from the following groups within the school as well as being members in good standing in the Association:

- President (1 Delegate)
- Vice President Negotiations (1 Delegate)
- Vice President Grievances (1 Delegate)
- Secretary (1 Delegate)
- Treasurer (1 Delegate)
- Academic Subject Areas (6 Delegates)
- Vocational Shop Areas (6 Delegates)
- LPN Program (1 Delegate)
- At Large (1 Delegate){nurse, guidance, library or permanent substitute }

Section 3

If a particular group within the school does not choose to nominate a delegate, the President shall have the authority to fill the vacancy with the approval of the Executive Board.

Section 4

Candidates for an office to the Executive board shall be paid up members of the Association.

Subsection A

If three or more candidates have been nominated for one office, a special run-off election shall be held prior to the annual election of officers to determine the top two candidates for that office.

Section 5

The Officers and Executive Board of the Association shall direct and handle the affairs of the Association, subject to the By-Laws and Constitution of the Association and in conformity with the instructions of the Association. It shall be the duties of the Officers and Executive Board to insure

that the funds and property of the Association are preserved, managed, invested, and expended in accordance with the policies and Constitution / By-Laws of the Association.

Section 6

The Officers and Executive Board shall investigate all disputes and / or controversies between the members and administration. Should a written grievance be required, the matter will be dealt with by the Professional Rights and Responsibilities Committee Chairperson (Vice President of Grievances).

Section 7

The Executive Board shall be empowered to call special meetings of the Association to consider any matter(s) that in the judgment of the Board warrant the calling of a special meeting.

Subsection A

Special meetings of the Executive Board shall be called by the Secretary at the request of the President or five members of the Executive Board.

Section 8

The Executive Board will establish the next regularly scheduled Executive Board meeting at the closing of the preceding meeting. Under certain circumstances, the date, time and place shall be subject to change by the Executive Board, (i.e. holidays). The President shall be the chairperson of the Executive Board. An Executive Board quorum shall consist of seven (7) members of the Executive Board.

Section 9

Executive Board members shall attend all Executive Board and regular meetings (with the exception of vacation time, sickness or an emergency).

Subsection A

After three consecutive absences by an Executive Board member, a discussion will be held by the Executive Board to consider removal of that member from the Executive Board.

Section 10

Whenever a majority of the Executive Board shall agree that an officer is incapacitated or has been grossly negligent in his / her duties as defined in these Bylaws, it shall recommend immediately to the general membership that the office be declared vacant. If the general membership so votes by two-third (2/3) majority to uphold the recommendation of the Executive Board, it shall immediately elect a replacement to fill the unexpired term.

Article VI

Nominations and Elections

Section 1

Any member in good standing may place in nomination any qualified member for any office of the Association. Nominations shall be made in writing to the President or Secretary at least one week in advance of the election.

Section 2

The Executive Board shall be empowered to hold a meeting at which nominations for officers shall be received. The Secretary shall prepare a sample ballot and place the candidates' names for the

respective office in alphabetical order. The ballot will then be posted on the Association Bulletin Boards in both faculty rooms within forty-eight (48) hours after meeting.

Section 3

Elections are to be held before May 31st.

Section 4

Elections shall be by secret paper ballot. All elections and counting of ballots shall be under the supervision of a committee consisting of five Association members. As soon as the polls are closed and the ballots are counted, the result shall be announced. The candidates receiving a majority of votes for their respective offices are elected. Any DTA member is welcome to be present as votes are tallied.

Section 5

Election results shall be posted on the Association bulletin boards and diman.massteacher.org the following day, listing only the winning candidates.

Article VII
Resignations and Vacancies

Section 1

Any Officer or Executive Board Member wishing to resign shall submit his / her resignation in writing to the Executive Board.

Section 2

Vacancies of Association Officers arising during the year shall be filled by the President on an interim basis subject to the approval of the Executive Board.

Section 3

Vacancies on the Executive Board will be filled by the next highest vote-getter of the most recent elections. In the event of a tie, a secret-ballot of current Executive Board members will determine the replacement.

Article VIII

Meetings

Section 1

The annual meeting of the Association shall take place no later than May 31st.

Section 2

The Association may have monthly meetings. The meetings will be held on a date and time chosen by the Executive Board in the school auditorium or any other location available.

Section 3

These meetings shall be known as "regular meetings" and shall be for the purpose of receiving reports of officers and committees and for any other business that may arise. Any action initiated at the first meeting shall be reported at the next meeting under unfinished business. All matters must be approved by the required majority in the meetings to become binding upon the Association.

Section 4

Only active members of the Association may vote at Association meetings.

Section 5

Special meetings of the Association shall be either by a request from the President, or by five (5) or more Executive Board members. Additionally, a meeting may also be called by twenty (20) members of the Association who sign a petition. The purpose of the meeting shall be stated in the call. The special meeting must be adjourned by a two-thirds (2/3) vote of the members present, in order to call to order another meeting to transact other business. The only business transacted at a special meeting shall be that for which the meeting was called. Except in cases of an emergency, at least three (3) days' notice shall be given.

Section 6

In the event no regular meeting is held for lack of a quorum (as per Article IX Section 2), all actions of the Executive Board, which would have been reported to the membership, shall become final and binding upon the Association without further action by the membership.

Section 7

Members, Officers and Executive Board members of this Association shall conduct themselves in an orderly manner at all regular, special, and executive board meetings.

Section 8

Meetings of the Association shall be conducted in accordance with the "order of business" as set forth in Article XII Section 2.

Article IX

Quorum

Section 1

A quorum for any meeting of the Executive Board shall consist of seven (7) members

Section 2

A quorum for any meeting of the Association shall consist of forty (40) members.

Section 3

A continued presence of a quorum must be present at all regular Association meetings, for business to be legally transacted.

Section 4

If the chair notices the absence of a quorum, it is the chair's duty to declare the fact before taking any vote or stating the question on any motion. After a quorum is no longer present, any business transacted is null and void. If a quorum is not present, the chair calls the meeting to order, announces the absence of a quorum, and then entertains a motion to adjourn.

Article X
Approval Procedures

Section 1 Amending Constitution and By-Laws

In approving and amending the Constitution and By-Laws, a vote of two thirds of the membership present and voting shall be required.

Subsection A

An amendment can be proposed by either the Executive Board or by a petition signed by ten (10) members of the Association. Amendments shall be approved in accordance with subsection C below.

Subsection B

This Constitution shall go into effect immediately after it has been approved by the membership.

Subsection C

The following procedure shall be employed in approving and amending the constitution and By-Laws:

1. The specific proposal(s) shall be studied by the Executive Board.
2. Copies of the proposed changes shall be posted or distributed to the members of the Executive Board.
3. The Executive Board shall vote on which specific proposal(s) shall be brought to the members at the general body meeting. A majority vote is required for each proposal.
4. Notice of proposed action to amend the Constitution and Bylaws shall be given at a previous meeting or in writing prior to the meeting.
5. The specific proposal(s) shall then be voted upon by the membership at a general membership meeting by secret ballot.

Section 2

If an increase in local Association dues is deemed necessary by the Executive Board, a majority vote will be required at a general membership meeting by those members present and voting.

Section 3 Negotiation of Contract

Approval of the contract with the Committee shall require a majority vote of those members present and voting at a general body meeting. The following procedure is used:

1. The President shall request specific proposals from the membership. Such proposals must be in writing and signed by the person submitting it.
2. The specific proposal(s) shall be submitted to each member of the Executive Board. After approval by the Executive Board, the proposal(s) shall be given to the Negotiating Committee which shall consist of Executive Board Members or any other Association Member selected by the President and the Executive Board. The Negotiating Committee shall consist of five members, including the President and Vice President of Negotiations.
3. The Negotiating Committee shall then negotiate the proposal(s) with the Committee or its agents and subsequently submit the proposal(s) to the Executive Board.
4. After receiving approval from the majority of the Executive Board present and voting, the proposal(s) shall be submitted to the membership for their approval.

Section 4 Processing of Grievances

The Association acknowledges the rights of members of the bargaining unit, pursuant to Chapter 150E, Section 5, to present grievances to the employer without the intervention of the Association.

Subsection A

The Executive Board shall serve as the Professional Rights & Responsibilities (PR&R) Committee.

Subsection B

The PR&R Committee determines whether a grievance is meritorious enough to be advanced to arbitration by the Association pursuant to Article III of the Collective Bargaining Agreement.

Subsection C

In the event that the PR&R Committee decides not to advance a grievance to arbitration, the grievant(s) will be notified in writing of the decision and advised that they have a right to appeal that decision to the Executive Board of the Association.

Subsection D

The decision of the Executive Board of the Association will be final.

Article XI

Finances

Section 1

The method of dues payment shall be payroll deduction.

Subsection A

Members indicating payroll deduction shall be considered as members in good standing as of the date they authorized payroll deduction.

Subsection B

Circumstances that prohibit a member from paying dues, as per paragraph A above, should be referred to the Executive Board.

Section 2

Any person who becomes a member of the Association beyond the first work day of a school year shall be assessed dues in accordance with the dues schedule published annually by the Massachusetts Teachers Association (MTA).

Section 3

Spending for Association business will be approved by the Executive Board upon the recommendation of the President.

Section 4

Negotiating Committee members, excluding officers, shall receive a stipend of \$500 for the year in which negotiations take place.

Section 5

An officer's term in office shall be based on a twelve (12) month period commencing with his / her election to office and terminating at the subsequent annual election.

Subsection A

Dues credit shall be based on a full months' service multiplied by the prevailing monthly rate.

Subsection B

No credit will be given for a partial month served.

Subsection C

No additional compensation will be paid to the President, Officers and Negotiating Committee Members except as provided for in the above paragraphs.

Article XII

Administrative Procedures

Section 1

The fiscal year for the Association shall be July 1st to June 30th.

Section 2

All meetings shall follow the standard order of business:

1. Roll Call
2. Reading and Approval of the Minutes of the Previous Meeting
3. Reports of Officers, Boards, and Standing Committees
4. Reports of Special (Select or Ad Hoc) Committees
5. Special Orders
6. Unfinished Business and General Orders
7. New Business
8. Adjournment

Section 3 The Sunshine Committee

The Diman Teachers Association will send a card to any member who experiences a major life event such as the birth of a child, death of an immediate family member, marries, etc.

Article XIII
Committees

Section 1

The President of the Association shall appoint standing or special committees. The President shall be an *ExOfficio* member of all committees except the Negotiating Committee and Professional Rights and Responsibilities Committee.

Section 2

The President shall appoint all committees.

Subsection A

If there is occasion to appoint a special committee during a meeting from which the President is absent, the presiding officer assumes such power. The order of precedence for Officers is President, Vice President of Negotiation, Vice President of Grievance, Secretary and Treasurer.

Section 3 Committees

The President will appoint members to the committees from Section 3

Ad Hoc Committees

Duties: Determined at time committee is formed

Appointed by the President

President is Ex-Officio member of all Ad Hoc Committees

Election Committee

Duties: Supervise election and count election ballots

Five (5) Executive Board members (Article VI, Section 4) two of which are President as chair and secretary

Financial Oversight Committee

Duties: Review monthly statements to verify accuracy and be responsible for an annual audit

Three (3) Executive Board members

Insurance Committee

Duties: Required by law to review insurance plans

Three (3) DTA members

MTA Delegates To Annual Conference

Duties: Represent the DTA at MTA Annual Meeting of Delegates

Four (4) DTA members

Negotiation Committee

Duties: Negotiate issues pertaining to collective bargaining

Five (5) DTA members (Article XIII, Section 4) three of which are VP of Negotiations as Chair, President, Secretary and two additional DTA members

Professional Rights and Responsibilities Committee

Duties: Responsible for any union disputes or conflicts; helps members file and follow through with grievances. The executive board will serve as the members, with VP of Grievances as Chair.

Sick Leave Bank Committee

Duties: Administration of sick bank.

Two (2) Executive Board members

Social Committee

Duties: Responsible for planning DTA social events such as retirement parties and new member receptions.

Three (3) DTA members

Sunshine Committee

Duties: Responsible for sending a card to any member who experiences a major life event such as the birth of a child, death of an immediate family member, marries, etc.

Two (2) DTA members

Section 4

Appointed positions shall not be considered Association Officers.

Article XIV

Authority

Section 1

Robert's Rules of order, when not inconsistent with this Constitution, shall govern the proceedings of the Association, the general management of which shall be left to the Executive Board.

Last Revision Date:	April 25, 2017
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