

**LINCOLN UNIFIED TEACHERS ASSOCIATION  
CONSTITUTION**

**ARTICLE I**

**Name**

The name of the association shall be the LINCOLN UNIFIED TEACHERS ASSOCIATION.

**ARTICLE II**

**Purpose**

The purpose of this association shall be: (1) to provide an opportunity for continuous study of the problems of the profession, (2) to foster good fellowship; (3) to promote professional attitudes and ethical conduct among its members; (4) to raise the standards of the teaching profession; (5) to advance the general welfare of the schools; (6) to encourage cooperation between the teachers and the community; (7) to form a representative body capable of developing group opinion on professional matters to speak with authority for teachers and; (8) to represent its members in their relations with the school district or other public agency employing them.

**ARTICLE III**

**Affiliation**

Section 1. The Lincoln Unified Teachers Association shall be an affiliated association of the CALIFORNIA TEACHERS ASSOCIATION.

Section 2. The Lincoln Unified Teachers Association shall be an affiliated local association of the NATIONAL EDUCATION ASSOCIATION.

**ARTICLE IV**

**Membership**

Section 1. All certificated personnel of Lincoln Unified School District may become members of the association upon payment of annual dues except those persons who represent the district's negotiators.

**ARTICLE V**

**Dues**

Section 1. The amount of dues shall be recommended annually by the Representative Council and determined by all the membership.

Section 2. Provisions for balloting on dues shall be provided for in the by-lays.

**ARTICLE VI**  
**Officers**

Section 1. The officers shall be a president, a vice-president, a secretary, and a treasurer, who shall be and remain currently paid up members of L.U.T.A., C.T.A., and N.E.A.

Section 2. These officers shall be elected by ballot of the general membership as provided for in the by-laws.

**ARTICLE VII**  
**Representative Council**

Section 1. The Representative Council shall be composed of the elected officers, the president, vice-president, secretary, and treasurer, and representatives elected by members within each school.

Section 2. The number of school representatives and their selection shall be provided for in the by-laws.

Section 3. The school representatives shall be and remain currently paid up members of L.U.T.A. and C.T.A.

**ARTICLE VIII**  
**Meetings**

Section 1. Regular meetings of the association and Representative Council shall be held as provided for in the by-laws.

Section 2. Special meetings of the association and the Representative Council may be called as herein provided.

**ARTICLE IX**  
**Quorum**

A quorum for all meetings of the association shall consist of 20% of the current membership and a quorum for the Representative Council meetings and committee meetings shall consist of a majority of the Council or committee.

**ARTICLE X**  
**Amendments**

This constitution may be amended by a two-thirds (2/3) majority vote of the current membership. Notice, in writing, must be filed with the Secretary and in each school. A general meeting for the presentation of the proposed amendment must be held within two school weeks after the filing. The vote shall be by secret ballot cast at each of the schools represented by the association within two school weeks of the general meeting.

**LINCOLN UNIFIED TEACHERS ASSOCIATION  
BY-LAWS**

**I  
NAME**

The name of the Association shall be The Lincoln Unified Teachers' Association/CTA/NEA in San Joaquin County.

**II  
PURPOSES**

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 of school employees in all matters relating to employment conditions and employer-employee relations including, but not limited to, wages, hours, and other terms and conditions of employment;
2. To advocate the professional needs of the bargaining unit;
3. To form a representative body capable of developing group opinion on professional matters to speak with authority for teachers;
4. To provide an opportunity for continuous study and action on problems of the profession;
5. To provide a means of representation for its ethnic-minority members;
6. To promote professional attitudes and ethical conduct among members;
7. To encourage cooperation and communication between the profession and the community; and
8. To foster good fellowship among members.

**III  
AFFILIATION WITH  
THE UNITED TEACHING PROFESSION  
(U.T.P.)**

1. The Lincoln Unified Teachers' Association shall be a chartered chapter of the California Teachers' Association (CTA).
2. The Lincoln Unified Teachers' Association shall be an affiliated local association of

the National Education Association (NEA).

#### **IV MEMBERSHIP**

1. Active membership shall be open to any certificated person engaged in, or who is on a limited leave of absence from, non-administrative, non-supervisory, professional education work in the Association bargaining unit.
2. The Associate membership class shall be open to any certificated persons not within the bargaining unit who are certificated employees of the district and not designated as management employees.
3. Membership may be granted upon payment of annual United Teaching Profession (UTP) dues appropriate to the class membership.
4. The right to vote and to hold elective office or appointive position shall be limited to Active members.
5. All Active members shall be eligible to vote in all elections, hold elective office or appointive position, receive special services, to obtain assistance in the protection of professional and civil right, and to receive reports and publications of the Association.
6. All members shall adhere to the Code of Ethics of the Education Professions.
7. The rights to and privileges of membership shall not be abridged in any way because of sex, race, or ethnic group, marital status, creed, color, or national origin or sexual orientation.
8. The membership year shall be that period of time from September 1 of any given calendar year through August 31st of the following calendar year, inclusive.
9. No member of the Association may be disciplined without a due process hearing, which shall include the established appellate procedure.

#### **V DUES**

1. The basic annual dues level for active associate members, and representation fee for non-members represented in the bargaining unit, shall be sufficient to cover the operating expenses of the Association, the dues of CTA, and the NEA.
2. The Association's portion of the basic annual dues , and the representation fee for non-members, shall be recommended by the Representative Council and determined by a vote of the membership of the Association at the May meeting.
3. The chapter (local) shall apportion any negotiated representation fee or organizational

security fee on the same percentage basis as the full Chapter/CTA/NEA dues.

4. Membership in a given class or category shall be continuous after initial enrollment until delinquent, or until a change in professional status shall make the member ineligible for that class or category. If by October 31st of any calendar year, a member has not either paid the established annual membership dues for the current membership year, or made satisfactory arrangements for payment, then that person's membership shall be considered delinquent and dropped from the rolls.

## **VI POLICY-MAKING BODY**

1. The policy-making body of the Association shall be a Representative Council. The Representative Council, comprising Active members of the Association, derives its powers from, and shall be responsible to the membership.
2. The Representative Council shall be composed of the following Active members:
  - a. Executive Board;
  - b. Faculty Representatives elected on the basis of one-person—one vote;
  - c. Ethnic-minority Representative(s);
  - d. Coordinating Council Representatives;
  - e. Bargaining Team Chairperson;
  - f. CTA State Council Representative, if any;
  - g. Any member of the Association who hold CTA/NEA offices;
  - h. Other selected Committee Chairpersons.
  - i. Itinerate faculty groups which may include but are not limited to : Music, PE, Pupil Personnel Service, Counselors, Speech Therapists, and Alternate Education Services.
3. The Representative Council shall:
  - a. Establish Association policies and objectives;
  - b. Adopt the Annual Budget of the Association for the coming year on, or before, the last meeting of the school year;
  - c. Approve the establishment or discontinuance of committees, and membership thereof, as recommended by the Executive Board;
  - d. Establish the dues of the Association; and
4. The Representative Council shall meet at least once during each school month; the number, place and time of meetings to be decided by the Executive Board.
5. Special meetings of the Council may be called by the President, the Executive Board or by the petition of twenty percent of the membership.
6. Special meetings of the Representative Council shall be called for a specific purpose and no business other than that for which the meeting was called may be transacted.
7. Notices and agendas for all meetings of the Rep. Council shall be sent to all members of the Representative Council at least two days prior to the date of the meeting.

8. For emergency meetings of the Representative Council during crisis situations, the Executive Board shall adopt procedures to notify Representatives of meeting dates, places and times.
9. A quorum for all meetings of the Council shall consist of a majority of all voting members of that body.
10. Members of the Council shall serve a term of one (1) year (except for the CTA State Council Representative, whose term is set by CTA).

## **VII OFFICERS**

1. The Officers of the Association shall be a President, Vice-President, Secretary, and Treasurer.
2. The officer shall be and remain currently paid-up members of the UTP as a condition for nomination to and service in their respective positions during their term of office.
3. Candidates for the office of President, and Vice-President shall have served as members of the Representative Council.
4. These officers shall be elected with open nominations and by secret ballot by and from the Active membership of the Association.
5. Officers shall be elected for a term of one (1) year, with the exception of the President, who shall serve a term of two (2) years. All Officers shall assume their duties on the August 1 of the calendar year.
6. 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 of a vacancy occurring in the office of the President, the Vice-President shall assume the office. In the event a vacancy occurs in one of the other offices, a special meeting of the Association called to elect a successor.
7. The PRESIDENT shall be the chief executive officer of the Association and its policy leader. The President shall:
  - a. Be responsible for the progress and work of the Association.
  - b. Preside at all meetings of the Association, the Representative Council and the Executive Board;
  - c. Prepare the agenda for the meetings of the Association, the Representative Council, and the Executive Board;
  - d. Be the official spokesman for the Association;

- e. Familiarize himself with the governance documents of the Association, the CTA, and the NEA;
  - f. Co-sign all checks, with the Treasurer, drawn upon the treasury;
  - g. Call meetings of the Association, the Executive Board, and the Representative Council;
  - h. Suggest policies, plans and activities, for the Association, and;
  - i. Attend service center meetings and attend meetings of the San Joaquin County Coordinating Council.
  - j. Attend other CTA/NEA meetings as directed by the Representative Council.
  - k. Appoint all chairpersons and members of committees, and of the Bargaining Team, with the approval of the Executive Board.
8. The VICE-PRESIDENT shall:
- a. Serve as assistant to the President in all duties of the President.
  - b. Assume the duties of the President in the absence of the President;
  - c. Be responsible for the formation and distribution of the Association's calendar of activities; and
  - d. Chair the membership committee and serve as coordinator of committee activities at the direction of the President.
9. The SECRETARY shall:
- a. Keep a careful and accurate record of the proceedings of each meeting, regular and special, of the Association, Council, and Executive Board;
  - b. Be responsible for distribution of all notices, agendas and minutes of meetings to members of the Council and Executive Board, and to the general membership when appropriate;
  - c. Keep an accurate roster of the membership of the Association and of all committees;
  - d. Carry on the correspondence pertaining to the affairs of the Association as directed by the President; and
  - e. Prepare ballots for all elections.
10. The TREASURER shall:

- a. Receive all funds belonging to the Association and be responsible for their safekeeping and accounting;
- b. Pay out such funds upon orders of the President and cosign, with the President, all checks drawn upon the treasury;
- c. Prepare a written financial report for each regular meeting of the Council and the Executive Board;
- d. Be responsible for an annual audit of the books by the Association, and distributing a summary of this audit to the membership;
- e. Direct the preparation of the annual budget to be approved by the Representative Council, and present the budget to the general membership at the May meeting; and
- f. Submit membership and financial reports to CTA, NEA, or other agencies as required by law.

## **ARTICLE VIII EXECUTIVE BOARD**

1. The Executive Board shall be composed of the elected officers elected at large from the Active membership as long as this complies with the “one-person – one-vote” rule” of the Association.
2. The Executive Board shall meet prior to each regular meeting of the Association and at such times as the President, or any two officers, may deem necessary to conduct the business of the Association between meetings of the general membership.
3. The duties of the Executive Board shall be to:
  - a. Coordinate activities of the Association;
  - b. Act for the Representative Council when school is not in session;
  - c. Direct the bargaining activities and grievance processing of the Association, subject to policies set by the Representative Council; Active membership;
  - d. Recommend the appointment and/or removal of bargaining team members, subject to ratification of the Representative Council by a 2/3 vote;
  - e. Recommend a Budget for the Association to the Representative Council;
  - f. Approve all appointments to committees, including chairpersons.
  - g. Exercise all of the business and organizational powers and duties for the

Association as prescribed by law, and these Bylaws, subject to any restrictions which may be imposed by the Active membership or by policies adopted by the Representative Council.

- h. Adopt grievance procedures; and
  - i. Direct the grievance activities of the Association.
4. A quorum for all meetings of the Executive Board shall consist of three (3) members of the Board.

### **ARTICLE IX BARGAIN TEAM**

1. The Bargaining Team, and such alternates as the Executive Board deems necessary, shall be appointed by the President and approved by the Executive Board.
2. The Chairperson(s) of the team shall be elected from, and by, its members.
3. Vacancies created by resignation, or inability to serve, shall be filled by the Executive Board. from the list of alternates.
4. The Executive Board, by two-thirds (2/3) majority, may remove a member of the Bargaining Team.
5. The duties of the Bargaining Team are to represent, and to bargain for the bargaining unit.
6. Responsibility and authority for directing the bargaining process in behalf of the Association is vested in the Executive Board, subject to policies established by the membership.
7. Employees in each appropriate bargaining unit shall be surveyed to determine contents of the proposed contract demands, and the contract proposal for each appropriate unit shall be approved by the Association members in that unit.
8. The Bargaining Team shall report its activities to the Executive Board, in such form and with such frequency, as the Executive Board may require.
9. The Executive Board shall provide for the dissemination of information regarding bargaining, and the activities of the Bargaining Team, to the general membership.
10. Agreements reached between the bargaining team, and the school board or its representatives, shall be considered tentative and not binding upon the Association, until such agreements have been ratified by the membership in the appropriate units, unless such ratification shall have been specifically waived or otherwise delegated by

that membership.

**ARTICLE X**  
**CTA STATE COUNCIL REPRESENTATIVE AND NEA DELEGATES**

1. All representatives to CTA State Council and the NEA Assembly to which the Association is entitled, shall be elected with open nominations, and by secret ballot.
2. CTA State Council Representative(s) shall be elected for a term specified by CTA.
3. NEA delegates shall be elected for a term as specified by NEA.
4. An election for NEA Delegates may be waived and the candidates(s) declared elected if, following a period of open nominations, the number of candidates is equal to or less than the number of delegate positions to be filled. An affiliate utilizing these provision must have adopted a governing provision or election policy allowing such a practice. This election practice will not generate successor delegates unless the nomination process requires candidates for both regular and successor delegate positions.

**ARTICLE XI**  
**FACULTY REPRESENTATIVES**

1. Faculty Representatives shall be elected by, and from, the active membership for each faculty group. Such election shall be by open nominations and secret ballot.
2. Each faculty shall be entitled to at least one (1) representative for each thirty (30) members on the faculty.
3. Active members who are not represented through an individual school faculty group shall be counted as a special faculty group entitled to the same representation on the Council as Individual school faculty groups.
4. Vacancies may be filled by properly elected or appointed replacements.
5. A Faculty Representative may not conduct an election in which he/she is a candidate.
6. Faculty Representatives shall:
  - a. Conduct constant and on-going liaison between the Representative Council and the Active members of the faculty unit;
  - b. Serve as the official channel through which written communications and

publications can be easily and quickly transmitted between the Association and the Active members;

- c. 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
- d. Perform such additional duties as prescribed by the Executive Board.

## **ARTICLE XII ETHNIC-MINORITY REPRESENTATIVES**

1. The Representative Council and Executive Board shall each have a proportionate number of ethnic-minority representatives, according to the Association's ethnic-minority membership
2. If there is not a 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.
3. Ethnic-minority shall mean those persons designated as ethnic-minority by statistics published by the U.S. Bureau of Census.

## **ARTICLE XII GRIEVANCE PROCESSING**

1. The Executive Board shall adopt, with the approval of the Representative Council, the procedures for grievance processing.
2. These procedures shall include, but not be limited to, the following:
  - a. Provide for representation to assist all members of the bargaining unit(s) in processing grievances;
  - b. Training for handling grievances; and
  - c. Evaluation of the Association's grievance policies and procedures.
3. For Chapter disciplinary procedures, please refer to CTA Standing Rule 4.1, Section 8A.

## **ARTICLE XIV NOMINATIONS AND ELECTIONS**

1. Nominations for office shall be made as follows:
  - a. Any Active member, at his request, shall have his name placed upon the ballot for an office of the Association;
  - b. The name of any Active member may be placed in nomination by any other member, with the consent of the nominee.
2. Elections of officer, Faculty Representatives, State Council Representatives, NEA Delegates shall be conducted in accordance with NEA/CTA guidelines by secret ballot.
3. The President shall appoint an election committee and chairperson, subject to the approval of the Executive Board to conduct all elections of the Association.
4. The Representative Council shall adopt standing rules setting forth the procedures for conducting elections.
5. The chapter president must provide Active members an opportunity to vote in all elections. Chapter presidents do not have the option of deciding that such elections shall not be held.
  - a. There shall be an appointed Elections Committee.
  - b. Elections shall be conducted with:
    1. Open nominations procedure;
    2. Secret ballot;
    3. All Active member vote;
    4. Record of voters receiving or casting ballots;
    5. Majority vote, unless otherwise specified.
  - c. State Council Representative elections shall be conducted in accordance with CTA guidelines after the chapter or service center council has been notified to do so by the CTA Elections Committee.
  - d. NEA State Delegate elections shall be conducted in accordance with CTA guidelines.
  - e. NEA Local Delegate elections shall be conducted in accordance with NEA/CTA guidelines.
  - f. The duties of the Elections Committee shall be to:
    1. Ensure that all Chapter/CTA/NEA election codes and timelines are followed;

2. Establish election timelines;
3. Develop and carry out timelines and procedures;
4. Prepare ballots for election of officers and such other elections as may be necessary;
5. Count the ballots and certify the results;
6. Handle initial challenges.

## **ARTICLE XV COMMITTEES**

1. The Standing Committees of the Association shall be as follows:
  - a. Membership Committee
  - b. Grievance Committee
  - c. Political Action Committee
  - d. Human Rights Committee
  - e. Public Relations Committee
2. Committees, except as otherwise provided in these Bylaws, may be established and discontinued by the Executive Board, subject to approval by the Representative Council.
3. Each committee shall submit periodic reports to the Executive Board and Representative Council.

## **ARTICLE XVI MEETINGS OF THE ASSOCIATION**

1. Meetings of the Association may be called by the President, the Executive Board or by written petition of twenty percent (20%) of the Active membership.
2. Notices of the Association meetings including date, place, time, and purpose of meeting shall be made available to all members of the Association at least two (2) days prior to the meeting, except during crisis situations.
3. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify the Association membership of meeting dates, places, and times.
4. A quorum for meetings of the general membership shall be twenty percent (20%) of

the Active membership.

**ARTICLE XVII  
PARLIAMENTARY PROCEDURES**

Robert's Rules of Order, latest revised edition, shall be followed at all meetings of the Association, the Representative Council, and the Executive Board.

**ARTICLE XVIII  
AMENDMENTS**

These Bylaws may be amended by a two-thirds (2/3) vote at any regular or special meeting of the Representative Council provided notice in writing of a proposed Bylaw amendment shall have been submitted to the Secretary and made available to all members of the Representative Council at the meeting proceeding the one at which it is to be voted upon.