

NEW BRUNSWICK EDUCATION ASSOCIATION CONSTITUTION

Date: March 25, 2009
REVISED DEC. 14, 2010

ARTICLE I - Name and Incorporation

- Section 1: The name of this organization shall be The New Brunswick Education Association, hereafter referred to as the NBEA.
- Section 2: It is incorporated as a nonprofit corporation under Title **15A: 2-8, New Jersey Domestic Nonprofit Corporation Act. (or any applicable law)(ADD)**
- Section 3: NBEA shall apply for tax exempt status under Internal Revenue Code 501c (5) and govern itself in a manner that will not jeopardize its tax exempt status. NBEA may apply to NJEA to be included in a group exemption letter.(ADD)**

ARTICLE II - Affiliation

The NBEA shall be an affiliate of the Middlesex County Education Association and the New Jersey Education Association and the National Education Association. **NBEA shall abide by the New Jersey Education Association's standards or local association affiliation and shall forward a copy of its constitution to NJEA. Affiliation shall not legally carry any liability for any damages the NBEA or NJEA due to actions taken independently by either.(ADD)**

ARTICLE III - Purposes

The purposes of the NBEA are:

- Section 1: To work for the welfare of students, the advancement of education, and the improvement of instructional opportunities for all.
- Section 2: To further the high standards of public education in the City of New Brunswick.
- Section 3: To develop and promote **continuing programs to secure and maintain better employment benefits, uniform personnel practices, professional preparation standards, improvements in terms and conditions of employment, and sound retirement systems.(ADD)**

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Section 4: To advance professional rights, status and responsibilities of its members as educators.

Section 5: To represent its members and other employees in negotiations and grievances with the School Board on all matters of compensation and all other terms and conditions of employment. **(The NBEA shall be the recognized bargaining agent for all appropriate school district employees to the full extent of the provisions of Chapter 123, Public Laws of 1974, unless another organization has been officially designated as the bargaining agent.)(ADD)**

Section 6: To form a representative body to speak with authority for its members.

Section 7: To establish cooperation between the educator and the community. (REMOVE)

Section 8: To unify all employees eligible for membership so as to enable members to speak with a common voice on all matters of mutual concern and to represent individual and common interests of members before the Board of Education and other legal authorities.(ADD)

Section 9: To promote the general welfare of members, to advance educational standards and to establish and maintain good community relations. (ADD)

ARTICLE IV - Membership

Section 1: Active Members

- a) Active membership in the NBEA shall be open to all eligible employees in the New Brunswick Public School District, except employees whose positions require the holding of an administrative or supervisory certificate issued by the New Jersey State Board of Examiners.
- b) Active members, where eligible, of the NBEA shall also be members of the Middlesex County Education Association, the New Jersey Education Association and the National Education Association.

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Section 2: Membership shall be continuous until the member leaves employment, resigns from the NBEA, or fails to pay membership dues.

Section 3: **Retired Members (Delete: No longer applicable).**
a) Active members upon retirement may continue to enjoy all rights and privileges of active members except the right to vote and the right to be elected to office, by payment of the annual MCEA/R dues as a retired member.
b) Active members upon retirement will have their first year's dues to MCEA/R paid by the NBEA as a courtesy (Delete: No longer applicable).

Section 4: Rights of Membership

a) Every active member shall have equal rights and privileges within the organization to nominate candidates for office; to vote in elections or on referenda of the NBEA; to attend membership meetings; to participate in the deliberations and voting upon the business of such meetings, except that, in voting on contract ratification the appropriate unit of representations shall have the right to vote.

b) Every member shall have the right to meet and assemble fully with other members; to express any views, arguments or opinions; to express views at meetings upon candidates in an election of the NBEA or upon any business properly brought before the meeting.

c) No member shall be fined, suspended, expelled or otherwise disciplined, except for non-payment of dues, without being served with specific written charges and given a reasonable time in which to prepare a defense which may be asserted at a full and fair hearing of the Representative Council.

ARTICLE V - Dues

Section 1: The annual dues of active members of the NBEA shall be declared by a majority vote of the Representative Council at the May meeting. Annual dues of active support staff will be at the same ratio that exists between NJEA active members dues and NJEA active supportive members

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dues. Upon payment of dues for the current year, a qualified individual shall be installed and be eligible for all benefits of the NBEA provided the member is not in conflict with the membership standards of the NBEA.

ARTICLE VI – Officers & Members-at-Large

- Section 1: The officers of the NBEA shall consist of a president, a 1st vice president, a 2nd vice president, a corresponding secretary, a recording secretary and a treasurer. Furthermore, the Executive Committee shall also have 3 Members-at-Large.
- Section 2: Only active members whose dues have been paid for at least 90 days prior to Feb. 15 may run for office. Officers must have had experience as a Representative on the Representative Council or as a member of a major committee. **Candidates for the office of the President must have Executive Committee experience.(ADD)**
- Section 3: The officers and Members-at-Large shall be elected at the March Election and be installed in April for a term of **delete 2 years replace with 3 years**, beginning August 1st. The outgoing President and the President elect will both receive the NBEA stipend for President for the month of August. The outgoing President and the President elect will work together during the month of August to ensure a smooth transition. Upon installation the President elect shall immediately become a member of the Negotiations Team when negotiations are in process. The President elect will begin receiving the Board of Education salary beginning on September 1st.
- Section 4: Officers and Members-at-Large of the NBEA shall serve their terms so long as they satisfactorily perform the duties of their office. Where an officer or Member-at-Large is guilty of misconduct, such officer or Member-at-Large may be removed for cause (shown after notice and a hearing) and by a majority vote of the members of the Representative Council.
- a) Recommendation for recall can be made by the submission of a petition containing the signatures of a majority of the membership to the Executive Committee.

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- b) The Executive Committee shall notify in writing any officer or Member-at-Large who has been recommended for recall.
- c) Any officer or Member-at-Large may appeal in writing to the Executive Committee.
- d) The Executive Committee shall schedule hearings, whenever necessary, to review the recommendation of recall.
- e) The report of those hearings shall be made available to the membership.

Section 5: Nothing in this Article shall be construed as precluding officers or Members-at-Large from succeeding themselves in office, if duly elected.

Section 6: In the event of vacancy in the office of the President, the 1st Vice President shall become President and serve until the next election.

Section 7: In the event of vacancy in the office of the 1st Vice President, the 2nd Vice President shall become 1st Vice President and serve until the next election.

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ARTICLE VII - Executive Committee

The Executive Committee shall consist of:

- a) the officers of the Association
- b) the immediate past president for the duration of a year.
- c) three Executive Members-at-Large.

ARTICLE VIII - Representative Council

- Section 1: The policy forming body of the NBEA shall be the Representative Council.
- Section 2: The Representative Council shall consist of the Executive Committee and one or more other elected faculty representatives from each school or work site.
- Section 3: The officers of the Executive Committee shall be the officers of the Representative Council. Members of the Executive Committee have the right to vote at Representative Council, except the President. In the case of a tie vote, the President shall cast the deciding vote. Members of the Executive Committee also form part of the numbers to be counted towards a quorum.
- Section 4:
- a) In each school building or work site in the New Brunswick Public School District, those persons who are members of the NBEA shall elect for a term of 2 years one representative to the Representative Council for every 25 members or major fraction thereof.
 - b) The NBEA shall guarantee ethnic majority representation on its Representative Council at least proportionate to its active ethnic minority membership.
 - c) The NBEA shall guarantee non-classroom teacher representation on its Representative Council at least proportionate to its active non-classroom teacher membership.
 - d) The NBEA shall guarantee Educational Support Personnel members representation on its Representative Council at least proportionate to its Educational Support Personnel membership.
 - e) If the guaranteed ethnic-minority, non class-room teacher and Education Support Personnel

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representatives are not selected in the normal election process, an at-large election by the Representative Council shall be held to fill the seats guaranteed to the respective ethnic minorities, non-classroom teachers and Education Support Personnel members.

- f) There shall be at least one Representative from each work site. Elections shall be held in May and faculty representatives shall assume office at the September meeting of the Representative Council.
- g) There shall be one Alternate Representative for each Representative. An Alternate Representative will take the place of a Representative if said Representative is unable to attend Representative Council & will fulfill all the duties of a Representative at that meeting. The Alternate Representatives self-nominate at the same time as the Representatives. They will be elected in the May building election and shall assume office at the September meeting of the Representative Council. In the event that there are not enough candidates for Alternate Representatives, then anyone who ran for the position of Representative but was not elected, shall then assume any unfilled Alternate Representative position.

Section 5: The Representative(s) shall call meetings of the NBEA members within their buildings to discuss NBEA business, appoint a liaison committee and other such building committees as the NBEA may require, and organize and oversee the subsequent elections of representatives, the enrollment of members and two-way NBEA communication within the building.

Section 6: In case of absence, a member of the Representative Council may send an alternate to meetings who shall have all the powers of a regular Representative to the Representative Council.

Section 7: The retiring NBEA president shall be a member ex-officio of the Representative Council, for the duration of a year.

Section 8: At the May meeting the Representative Council, by majority vote shall empower the Executive Committee to conduct business during July and August.

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- Section 9: At the request of one-half of the NBEA members present and voting, or, ten members of the Representative Council present and voting, all powers and duties may be referred to the various units of the school system for a membership vote before final action is taken. The Representative Council may also, by majority vote, refer an action to the NBEA membership for a vote.
- Section 10: In case of death, disability, or resignation of any Council member, an election by the school or active supportive groups represented shall be held within 30 days to fill the vacancy.
- Section 11: Association Representatives shall be expected to attend all Representative Council meetings. In the event a representative misses three consecutive meetings without alternate representation, the Representative Council shall require that cause be shown as to why the representative shall not be removed and a replacement requested.
- Section 12: Any member of the NBEA who is not a member of the Representative Council may attend the meetings, shall sit apart from the voting body, but may receive permission to speak, at the appropriate time on the agenda.
- Section 13: Any person who is not a member of the NBEA, but who may have interest in common with the NBEA, may ask the Executive Committee prior to a meeting of the Representative Council, for permission to speak.

ARTICLE IX - Amendments

This Constitution may be amended by the NBEA after recommendation by a majority of the members of the NBEA Council and after 15 days notice of proposed changes have been made to the membership of the NBEA. To become effective the amendments must be passed by a majority of the votes cast.

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NBEA Bylaws

ARTICLE I- Meetings

- Section 1 Executive Committee
- a) The Executive Committee shall meet monthly during a week when the NBEA Council does not meet, at 4PM. The President may cancel this meeting but in no case should this committee fail to meet for three months in succession.
 - b) Special meetings may be scheduled at the call of the President, or at the request of any 3 members of the Executive Committee.
 - c) Business for the NBEA and Representative Council shall be conducted by the Executive Committee during July and August by a majority vote of the Representative Council at its May meeting.
- Section 2 Representative Council
- a) As often as possible the Representative Council shall meet on the third Wednesday of each school month at 3:45 PM. **The location will rotate among schools and work sites. (Delete)**
The President shall prepare the agenda for each meeting and it shall circulate to all members of the Council so that the Representatives have time to discuss it with their faculty/staff in advance of the Council meetings.
 - b) Special meetings of the Representative Council may be called by the President or upon the written request of the Representatives of three units of the Representative Council.
Business to come before special meetings shall be limited to items stated in the call, which shall be sent in writing to each Representative if time permits.
- Section 3 General Membership
- a) The Executive Committee shall arrange at least 1 meeting of the general membership each year.
 - b) Special meetings of the membership may be called by the President or upon the request of one-quarter of the members for a specific purpose; but no business other than that for which the meeting is called may be transacted.

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- c) At least one week prior to each General Membership meeting, the Recording Secretary shall notify all members of the time and place of said meeting.

- Section 4 The order of business at any Representative Council or regular General Membership meeting shall be as follows:
- a) Call to Order
 - b) Approval of minutes
 - c) Correspondence
 - d) Report of Treasurer
 - e) Committee reports
 - f) President's report
 - g) Building concerns
 - h) Vice Presidents' reports
 - i) Other
 - j) Adjournment.

ARTICLE II - Quorum

- Section 1: A majority of the Executive Committee members shall constitute a quorum for the Executive Committee meetings.
- Section 2: A majority of the Representative Council members shall constitute a quorum for the Representative Council meetings.
- Section 3: The members present shall constitute a quorum for the General Membership meetings.
- Section 4: Business may be conducted by the Representative Council without a quorum, unless motions are to be voted on, and quorum shall be required if it is called for by a member in good standing.

ARTICLE III - Powers and Duties of the Officers

- Section 1: President -
The President shall:
- a) preside over all meetings of the Executive Committee, Representative Council and General Membership
 - b) appoint the chairperson and members of all standing committees and special committees with the approval

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of the Executive Committee not other-wise provided for in the Constitution and Bylaws.

- c) be an ex-officio member of all committees
- d) with the Treasurer, sign all orders drawn upon the treasury for which a voucher has been submitted
- e) represent the NBEA before the public either personally or through a designated representative
- f) perform all other functions usually attributed to the office.

Section 2: 1st Vice President -

The 1st Vice President shall:

- a) assume all duties of the President in his or her absence and work closely with one or more standing committees as the President may suggest
- b) become President whenever the presidency becomes vacant as provided for in Article VI, Section 6 of the Bylaws
- c) be an ex-officio member of the Negotiations Committee.
- d) in the absence of the President, co-sign with the treasurer, all orders drawn upon the treasury.

Section 3: 2nd Vice President -

The 2nd Vice President shall:

- a) assume all duties of the 1st Vice President in his or her absence and work closely with one or more standing committees as the President may suggest.
- b) be an ex-officio member of the **Change from Grievance to PR&R** Committee.
- c) become 1st Vice President whenever the 1st Vice Presidency becomes vacant as provided for in Article VI, Section 6 of the Bylaws.

Section 4: Corresponding Secretary -

The Corresponding Secretary shall:

- a) be responsible for handling all correspondence for the NBEA
- b) as directed by the President and Executive Committee carry on the affairs of the NBEA
- c) notify the appropriate members as to the time and place of the Executive Committee, Representative

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Council and General Membership meetings at least seven (7) calendar days prior to the meeting.

- d) take the minutes in the absence of the Recording Secretary.

Section 5: Recording Secretary -

The Recording Secretary shall:

- a) keep accurate minutes of all of the Executive Committee, Representative Council and General Membership meetings
- b) shall maintain the official files
- c) distribute minutes to all members of the Executive and Representative Council a week prior to the next scheduled meeting
- d) distribute copies of all proposed amendments to the Constitution as prescribed in Article X of the By-Laws.

Section 6: Treasurer -

The Treasurer shall:

- a) be responsible for collection of all dues
- b) deposit all monies in a bank, in the name of the NBEA
- c) notify NJEA of the name of the bank in which NBEA dues are deposited
- d) hold the funds of the NBEA and disburse them accordingly upon submission of vouchers (approved by the President) sign all checks along with the President, or the 1st Vice President in the President's absence
- f) report at each meeting of the Executive Committee, Representative Council, and General Membership
- g) prepare an annual financial statement which shall be distributed to all members
- h) file the appropriate Federal and State forms
- i) transmit appropriate NJEA-NEA dues money to NJEA no later than (10) days after its receipt by the NBEA from the Board of Education
- j) serve on the Budget Committee as chair
- k) be bonded for such amount as may be determined by the Executive Committee from time to time.
- l) obtain the services of a qualified auditor annually.

Section 7: Executive Members-At-Large

The Executive Members-At-Large shall:

- a) as directed by the President and Executive Committee carry on the affairs of the NBEA

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- b) *form the Membership committee and select one of their number as chair. (Delete)*
- b) *Attend LAT meeting and report to Executive Committee (ADD)*

Article IV - Powers and Duties of the Executive Committee

- Section 1: The Executive Committee shall:
- a) be responsible for the management of the NBEA
 - b) authorize all expenditures within the limits of the budget
 - c) by a two-thirds vote authorize the spending of money for non-budgeted items not to exceed *Change from \$300 to \$500* in any one case. Disbursements in excess of *Change from \$300 to \$500* must have the approval of a majority of the Representative Council
 - d) propose policies for consideration by the Representative Council
 - e) execute policies established by the Representative Council
 - f) cause to be reported to the members its transactions and those of the Representative Council
 - g) establish such special committees as may be necessary
 - h) set the agenda for the Representative Council and all General Membership meetings.
- Section 2: In the event of vacancy in the office of the President, the 1st Vice President shall become President and serve until the next election. The 2nd Vice President shall become the 1st Vice President and serve until the next election.
- Section 3: Whenever the offices of both the President and 1st Vice President shall become vacant between elections, except as provided in Article VI, Section 6 of the Constitution, the remaining members of the Executive Committee shall choose one of their members to serve as President pro tempore until the Representative Council can fill the vacancies.
- Section 4: Any action taken by the Executive Committee will be referred to the Representative Council for its decision or

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vote, except when the committee has been empowered by the Representative Council to act in its stead.

ARTICLE V - Powers and Duties of the Representative Council

- Section 1: The Representative Council shall:
- a) approve the budget
 - b) set the dues for the NBEA
 - c) act on reports of committees
 - d) establish the policies of the NBEA
 - e) adopt rules for governing the conduct of meetings as are consistent with this Constitution and Bylaws
 - f) be the final judge of qualifications and elections of officers, executive committee members and Association Representatives.
- Section 2: In case of death, disability, or resignation of any officer of the executive committee, an election shall be held within 30 days in the Representative Council to fill the vacancy, unless otherwise stipulated.
- Section 3: Powers not delegated to the Executive Committee, the officers or other groups in the NBEA shall be vested in the Representative Council.

ARTICLE VI - Committees

- Section 1: Structure
There shall be standing committees carrying the specific functions listed below. They shall have at least 3 members, selected to be broadly representative of all members, appointed for overlapping terms of 2 years.
- Section 2: Appointment
The President, with the advice and consent of the Executive Committee, shall appoint members of the standing committees at the regular meeting in May and fill all unexpired terms as vacancies occur.
- Section 3: Meetings
Each standing committee shall meet according to a calendar developed by the committee.

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Section 4: Reports

Each committee shall select a secretary who shall keep a continuing record of activities. Chair-persons shall report as necessary to the Executive Committee, Representative Council and the General Membership and shall prepare an annual written report which shall become a part of the continuing committee record in the NBEA files.

Section 5: Committee Title and Duties

- a) The Negotiations Committee shall survey the members and prepare a proposed package to be negotiated with the Board of Education by the NBEA's negotiating team in all areas of member welfare and general working conditions.
- b) The Professional Rights and Responsibilities Committee shall explore and prepare programs for securing satisfactory policies and procedures for the redress of grievances. It shall process all grievances filed in accordance with the Agreement and policies adopted by the NBEA. It shall advise the Executive Committee in situations involving the defense of individual rights.
- c) The Budget Committee shall propose to the Representative Council for action a budget for the NBEA each year. The Treasurer will be chair and call for members in February and hold a meeting in March. Members of the Budget Committee shall have full and complete access to all financial records of the NBEA pertinent to the preparation of the annual budget.
- d) The Membership Committee shall organize and conduct membership enrollment. Its members shall attempt to enroll all new staff eligible for membership and former non-members enrolled for the current school year. It shall communicate with members on Automatic Payroll Deduction to return by direct mail any corrections in their status or address after receiving their annual membership cards in the mail.
- e) ADD: The Communication Committee shall be responsible to keep the general membership informed of the Association's Actions through flyers, newsletters, and social media.**

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All communications will be reviewed by the Association's President.

f) ADD: The Social Committee shall organize social activities as may serve the needs of members, and promote team building and member involvement within the association.

Section 6: Special Committees
The President shall appoint, with the Approval of the Executive Committee, other special committees as may be necessary, and shall disband them upon completion of their duties. These committees shall operate according to rules approved by the Executive Committee.

ARTICLE VII - Elections

Section 1: Nominations

- a) The President shall send out a letter to the General Membership in December, 30 days prior to the January Representative Council Meeting, calling for members to Serve on the Nominating/Election Committee
- b) No member or officer of the Executive Committee shall serve on the Nominating/Election Committee.
- c) Acceptance of a position on the Nominating/Election Committee shall preclude a member's candidacy for office.
- d) At the January Representative Council meeting, that body will vote to select the members of the Nominating/Election Committee, electing a minimum of five members, but no more than seven.
- e) The Nominating/Election Committee shall send out a letter to the General Membership, 30 days prior to the February Representative Council meeting, advising that nominations for officers and members-at-large of the Executive Committee are being accepted. Members may self-nominate.
- f) A list of names of all candidates shall be presented to the Representative Council by the Nominating/Election Committee at the February Representative Council meeting. Members of the Representative Council may nominate other candidates from the floor.

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- g) The Nominating/Election Committee shall present all nominations to the General Membership immediately following the February meeting of the Representative Council, at least 30 days prior to the election.
- h) In the event there is but one candidate for each office, the President shall declare the officers elected on March 31st and so inform the General Membership.

Section 2: Voting

- a) The election of officers and executive members-at-large of the NBEA shall be held by the casting of secret ballots in March, on the **delete dates, not to exceed three days, replace with, designated date** set by the Representative Council. In no case shall the election be held later than March 31st.
- b) The Representative Council shall appoint a special committee of **add: of at least** three **add: members** to certify the results of the election.
- c) The Nominating/Election Committee shall be responsible for the distribution and collection of all ballots **delete:by add:on** the dates set by the Representative Council.
- d) The Chair of Nominating/Election Committee shall report the results to the President immediately who shall cause them to be published. All candidates will also be notified of the results immediately by the Chair of the Nominating/Election Committee. New officers shall be installed by April 30th at a selected school or work site.
- e) Results of the elections of officers shall be reported immediately to NJEA, NEA, and the County Association by the Chair of the Nominating/Elections Committee.
- f) In the event of any irregularity or discrepancy in an election, an explanation of the same by the Chair of the Nominating/Election Committee will be made at an emergency Executive Committee meeting. All candidates will be asked to attend.

ARTICLE VIII - Fiscal Year

The fiscal year of the NBEA shall begin September 1st and end August 31st.

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ARTICLE IX - Parliamentary Authority

The authority shall be Robert's Rules of Order, Newly Revised, in all areas where it is not inconsistent with these Constitution and Bylaws nor such standing rules as the Executive Committee may adopt.

ARTICLE X - Amendments

These Bylaws may be amended by the NBEA after recommendation by a majority of the members of the NBEA Council and after 15 days notice of proposed changes have been made to the membership of the NBEA. To become effective the amendments must be passed by a majority of the votes cast.

ARTICLE XI - Non-compliance and Dissolution

(Add): The Association shall adhere to those NJEA policies wherein non-compliance would constitute a danger to the welfare of the members of the Association or to the NJEA. The NJEA Delegate Assembly shall determine what constitutes a danger to NJEA. NJEA may, at the request of the NJEA Executive Committee and 10 percent of the members of the Association, conduct an evaluation of the Association under guidelines established by the NJEA Delegate Assembly.

Should dissolution of the NBEA ever be considered, 30 days notice of the date of a meeting at which such a motion is to be presented and voted upon must be given to all members of the NBEA. Before such a motion can be presented, motions (to be enacted on or not according to the outcome of the dissolution vote) must be presented and passed by the membership as to the distribution **(Delete:) of the money in the treasury, pending bills, NJEA or NBEA Funds, scholarships, or to other non-profit organizations. (Replace with:) of all properties and assets. Assets of this corporation remaining, after paying or providing for all debts and obligations, shall be distributed and paid over to such fund or corporation organized and operated as a labor union as the Board of Trustees shall determine, and as shall, at the time qualify as a tax exempt organization under Section 501(c)(5) of the Internal Revenue Code, or as the same may be amended.**