

**ESP Region**  
**[Select One] Division**  
**(County)**

**Local # - - -8**

**CONSTITUTION AND BYLAWS**

**Education Support Professionals**

**Comment [DCG1]:** Enter local name

**CONSTITUTION**

**ARTICLE I: NAME**

**Section 1.** The name of this organization shall be the [ ] Education Support Professionals Association/ PSEA/NEA (hereinafter referred to as "Association").

**Comment [DCG2]:** Enter local name

**Section 2.** This organization is a local of the Education Support Professional Region of and shall be affiliated with the Pennsylvania State Education Association (PSEA) and the National Education Association (NEA).

**ARTICLE II: PURPOSE**

The purpose of this organization shall be to promote the general welfare of its members, protect and advance the interests of its members, promote and protect human and civil rights, advance the employment status and circumstances of its members, and establish and maintain helpful, friendly relations among all persons connected with this local.

**ARTICLE III: MEMBERSHIP**

Membership in the Association shall consist of persons employed by or in the [ ] in the bargaining unit represented by the Association and who are active members of PSEA and NEA.

**Comment [U3]:** Enter School Entity

**ARTICLE IV: OFFICERS**

The officers of this Association shall be (choose one of the following options):

Option I -  - the president, the vice-president, and the secretary/treasurer

Option II -  - the president, the vice president, the secretary and the treasurer.

Only active members of the Association may hold these offices or vote in the election of officers.

**Comment [U4]:** Required Amendment

## ARTICLE V: EXECUTIVE COMMITTEE

The Executive Committee shall consist of the elected officers of the Association. The Executive Committee may be expanded, as determined by the officers, to include additional members. These members must be elected by the membership. The Executive Committee shall be the executive authority of the Association.

## ARTICLE VI: MEETINGS

**Section 1.** Executive Committee – The Executive Committee shall meet when special meetings may be called by the president or at the request of a majority of the members on the Committee.

**Section 2.** Special Meetings – Business to come before special Executive Committee Meetings must be stated in the call, which shall be sent in writing to each representative. Only business stated in the call shall be included on the agenda.

**Section 3.** General Membership Meetings – The Executive Committee shall arrange for at least [ ] ([ ]) meetings of the members each year for the discussion of issues. The Executive Committee shall notify the General Membership of the time and place of the meetings at least ten (10) days in advance. Additional meetings of the General Membership may be held at the call of the president or upon written petition of [ ] members of the Association.

**Comment [DCG5]:** Insert number of meetings, in written form, i.e. one, two, three, four; no less than two but recommend four.

**Comment [DCG6]:** Insert number, i.e. 1, 2, 3, 4

**Comment [DCG7]:** Enter a percentage or number

**Section 4.** Contract Ratification - A special meeting of those members of the local who are members of the bargaining unit shall be called by the president for the purpose of approving any contract negotiated under the provisions of Act 195/Act 88, the Pennsylvania Employe Relations Act. A majority vote of those members present shall be required to ratify or approve any such contract.

**Comment [RB8]:** See Appendix C for recommended procedures for ratification.

## ARTICLE VII: QUORUM

**Section 1.** A majority of their members shall constitute a quorum for all Executive Committee meetings.

**Section 2.** A quorum for General Membership meetings shall consist of the members present at any such general meeting.

## ARTICLE VIII: GOVERNANCE

**Section 1.** This local shall be governed by its Constitution, Bylaws, and other such actions as the governing body may take, which are consistent with PSEA's governing documents.

**Section 2.** The Association's Constitution and Bylaws shall conform to the ESP Region, PSEA, and NEA Constitution and Bylaws.

**Section 3.** [The Association adopts the Code of Member Responsibility for Education Support Professionals.](#)

**Comment [U9]:** Required Amendment

**Section 4.** The Association's delegates to the Division Annual Spring Meeting, Region and State Houses of Delegates, and the NEA Representative Assembly shall be elected through open nominations, secret ballot, by majority vote, and in conformity with the one-person, one-vote principle, in accordance with the numbers prescribed by the applicable Constitution and Bylaws.

**Section 5.** The Association's officers shall be elected through open nominations, secret ballot, by majority vote, and in conformity with the one-person, one-vote principle.

## **ARTICLE IX: NON PROFIT STATUS**

The Association is not organized for profit and no part of the earnings of the local Association shall inure to the benefit of any private member or individual. In the event of the disaffiliation with PSEA, liquidation or dissolution of the Association, whether voluntary or involuntary, no member shall be entitled to any distribution or division of the remaining assets of the Association, including funds and property or its proceeds; and the balance of all such assets held by the Association at the time of the disaffiliation, liquidation or dissolution, after payment of all debts and obligations of the Association, shall become the property of PSEA, subject to the laws of the Commonwealth of Pennsylvania.

**Comment [U10]:** Required Article/ New Language

## **ARTICLE X: PROPORTIONAL REPRESENTATION**

The Association shall take all reasonable and legally permissible steps to achieve on its elective and appointive bodies ethnic-minority representation that is at least proportionate to its ethnic-minority membership.

**Comment [U11]:** Required Article (formerly Ethnic Minority Guarantee)

## **ARTICLE XI: AMENDMENTS**

**Section 1.** This Constitution may be amended by a two-thirds vote at any regular meeting of the General Membership, or a special meeting of the General Membership called for this purpose, provided that each member receives a notice of the meeting and proposed amendment(s) at least two (2) weeks prior to the meeting.

**Section 2.** No amendment(s) to this constitution shall be enacted which contradicts either PSEA's or NEA's constitution and bylaws.

## **ARTICLE XII: BYLAWS**

Bylaws not inconsistent with this Constitution may be adopted or amended by a three-fifths vote at any regular meeting of the General Membership, or a special meeting of the General Membership called for that purpose provided that notice of the meeting and proposed amendment(s) have been posted in each building at least two (2) weeks prior to the meeting. The provisions of any section of the Bylaws may be suspended for a single meeting by a two-thirds vote of the members present.

**Comment [U12]:** Required Article/ new language

## **BYLAWS**

### **ARTICLE I: OBJECTIVES**

The objectives of the local shall be as follows:

**Section 1.** To protect and advance the organizational security and other legitimate interests of local associations.

**Section 2.** To improve the structure of the local in order to insure the full and effective participation of all members.

**Section 3.** To promote and to protect the rights and welfare of its members.

**Section 4.** To develop and provide leadership for its members.

### **ARTICLE II: MEMBERSHIP**

**Section 1.** Any person who is employed by or in the \_\_\_\_\_ and in the bargaining unit represented by the Association may become a member of the Association by agreement to pay the unified dues, and by maintaining appropriate unified membership in PSEA and NEA.

**Comment [U13]:** Enter School Entity

**Section 2.** All membership categories shall be in accordance with Appendix A and B of the ESP Region Constitution and Bylaws attached hereto as Appendix A and B.

### **ARTICLE III: DUES**

Local dues of this Association shall be set by the Executive Committee with the approval of the membership.

### **ARTICLE IV: RIGHT TO HOLD OFFICE**

**Section 1.** Any active member of this local Association will have a right to vote or hold office in the local, region, state or national Association, according to the constitutions and bylaws of the local, region, state or national Associations.

**Section 2. (optional)** No active member shall be elected as an officer of the Association unless he/she has been a member of the Association for a period of two years immediately preceding such election, except if such member would not have been eligible for membership.

**INCLUDE SECTION 2:**  YES  NO

### **ARTICLE V: ELECTION OF OFFICERS**

**Section 1. Nominations** – A committee on elections shall be appointed by the president, with the approval of the Executive Committee. No officer of the Association or candidate for Association office shall serve on the Elections Committee. A slate of officers shall be prepared by the Committee and presented to the Executive Committee and General Membership one month before the election. Suggestions for nominations of candidates shall be taken from each building under procedures outlined by the Elections Committee. Nominations from the floor will be accepted with the consent of the person nominated.

**Section 2. Balloting** – At the General Membership meeting prior to the beginning of the school year, members shall vote for officers by secret ballot in accordance with procedures developed by the committee on elections and approved by the Executive Committee. The committee on elections shall report results to the president, who shall cause them to be published.

**Section 3.** Officers shall take office September 1, following their election. Terms of office shall be two (2) years with the right of succession.

**Section 4.** The names of all officers and their addresses shall be filed by the Association's Secretary (Secretary/Treasurer) with headquarters in Harrisburg and with the UniServ Representative immediately upon their election.

### **ARTICLE VI: DUTIES AND POWERS OF OFFICERS**

**Section 1. PRESIDENT** – The president shall preside over meetings of the Executive Committee and the General Membership. He/she shall appoint, with approval of the Executive Committee, the chairperson and members of standing committees, special committees, be an ex-officio member of all committees, and shall be the executive officer of the Association. The president shall represent the

Association before the public either personally or through delegates and shall perform all other functions usually attributed to this office.

**(Optional)** The president shall be a delegate to all conventions.  
**INCLUDE THIS OPTION:**  YES  NO

**Comment [U14]:** Change from previous language – cannot designate a replacement if president does not attend.

**Section 2. VICE PRESIDENT** - The vice president shall perform the function usually attributed to this office. He/she shall work closely with one or more of the standing committees as the president may suggest. In the absence of the president, he/she shall assume the duties of that office.

**Section 3. SELECT ONE of the following two options:**

**OPTION I: SECRETARY/TREASURER** – The secretary/treasurer shall keep accurate minutes of all meetings of the Executive Committee and General Membership meetings; shall prepare such minutes for reproduction and distribution; shall maintain official files; shall assist the president with Association correspondence; shall perform any other duties as prescribed in the Constitution; shall hold the funds of the Association and disburse them accordingly upon authorization by the Executive Committee. He/she shall keep accurate accounts of receipts and disbursements, shall report at each meeting of the Executive Committee and General Membership, and shall prepare an annual financial statement for publication to members as directed by the Executive Committee. He/she shall keep the president and the Executive Committee informed of the financial condition of the Association. **Dual signatures of the secretary/treasurer and one other officer shall appear on all checks.**  
**SELECT OPTION 1:**  YES  NO

**OPTION II: SECRETARY** – the secretary shall keep accurate minutes of all meetings of the Executive Committee and General Membership meetings; shall prepare such minutes for reproduction and distribution; shall maintain official files; shall assist the president with Association correspondence; shall perform any other duties as prescribed in the Constitution.  
**SELECT OPTION II:**  YES  NO

**Section 4. TREASURER (Only if Section 3, Option II, is selected)** – The treasurer shall hold the funds of the Association and disburse them accordingly upon authorization by the Executive Committee. He/she shall keep accurate accounts of receipts and disbursements, shall report at each meeting of the Executive Committee and General Membership, and shall prepare an annual financial statement for publication to members as directed by the Executive Committee. He/she shall keep the president and the Executive Committee informed of the financial condition of the Association. **Dual signatures of the treasurer and one other officer shall appear on all checks.**

**ARTICLE VII: POWER OF THE EXECUTIVE COMMITTEE**

The Executive Committee shall be responsible for the management of the Association, carry out policies established by the appropriate committees, and suggest policies for consideration by the General Membership.

## **ARTICLE VIII: STANDING AND AD HOC COMMITTEES & DUTIES**

### **1. Standing Committees**

#### **A. Negotiations Committee**

The president, with the approval of the executive committee, shall appoint the Negotiations Committee. The Negotiations Committee shall review all existing economic and non-economic policies and prepare a survey to be distributed to the membership to determine their requirements and develop a proposed package to be negotiated with the employer by the Association's Negotiating Team. The Association's Negotiating Team shall be selected from the Committee. The Chairperson of the Negotiations Committee shall be the Association's chief negotiator, unless the Negotiations Committee chooses to have a representative of the State Association act in the capacity of chief negotiator.

#### **B. Grievance Committee**

The president, with the approval of the executive committee, shall appoint the Grievance Committee. The Grievance Committee shall explore and prepare action programs for securing satisfactory policies and procedures for the redress of grievances. This Committee shall concern itself with the personnel policies of the employer. It shall discuss, review, and recommend personnel policies for consideration by the Negotiations Committee. It shall promote sound written personnel policies with the employer and cause those policies to be distributed to each member. It shall process all grievances filed in accordance with the Agreement and policies adopted by the Association.

#### **C. Membership Committee**

The president, with the approval of the executive committee, shall appoint the Membership Committee. The Membership Committee shall organize and conduct a membership campaign. The Committee shall work with the Executive Committee in conducting the membership campaign.

#### **D. Legislative Committee**

The president, with the approval of the executive committee, shall appoint the Legislative Committee. The Legislative Committee shall have broad concern for local, state, and national legislation affecting the interests of the Association and for exercise of civic responsibilities by members. It keeps informed on current legislative proposals and objectives; interprets legislative programs to the membership; and makes legislative contacts as advised by the State Association. It encourages the registration and voting of all members, arranges Association or public meetings on legislation, and in general promotes activities leading to the passage of favorable legislation for schools.

### **2. AD HOC Committees**

#### **A. Budget Committee**

Each year, the president shall appoint a Budget Committee and such other special committees as may be necessary, and shall disband them upon completion of their duties. These committees shall operate according to the rules approved by the Executive Committee.

**B. Audit Committee**

**Comment [U15]:** Required Committee

The Audit Committee shall be appointed by the president. No officer of the local shall serve on the committee. The Audit Committee will be responsible to audit the books at the end of the fiscal year. The audit must be completed within sixty (60) days. A written report of the findings of the Audit Committee must be distributed to all members of the local. Verification that an audit has been completed shall be submitted to PSEA in compliance with the Fiscal Policies and Procedures of PSEA. The local president shall disband the Audit Committee upon completion of its duties.

**ARTICLE IX: VACANCIES AND REMOVAL**

**Comment [U16]:** Amended Title

**A. Vacancies**

**Section 1. PRESIDENT** – When a vacancy occurs in the office of president before the term of office has expired, the vice president shall assume the responsibilities of the president for the remainder of the term.

**Section 2. ALL OTHER OFFICERS** – When a vacancy occurs in any other office, the Executive Committee shall appoint a replacement until the term expires.

**B. Removal**

**Comment [U17]:** Required change to previous Recall - B. Section 1 and 2. Language change in Section 1.

**Section 1.** Whenever a majority of the executive committee shall agree after notice and an opportunity to respond that an elected or appointed officer of the Association should be removed for cause as defined in Section 2 or is incapacitated, they shall recommend to the general membership that the office be declared vacant. If the general membership concurs by a two-thirds majority vote, it shall immediately notify the officer of its decision in written form and authorize an election or the appointment of a replacement to fill the unexpired term.

**Section 2.** Cause for removal from elective office shall be gross neglect of the responsibilities set forth in the local Constitution and the Bylaws, and/or detrimental abuse of the authority and powers granted by the local Constitution and Bylaws.

**ARTICLE X: TRUSTEESHIP AND DISCIPLINE**

**Section 1. Trusteeship** - The PSEA Board of Directors shall have the power to place a local association in trusteeship in accordance with the PSEA Bylaws.

**Section 2. Member Discipline**

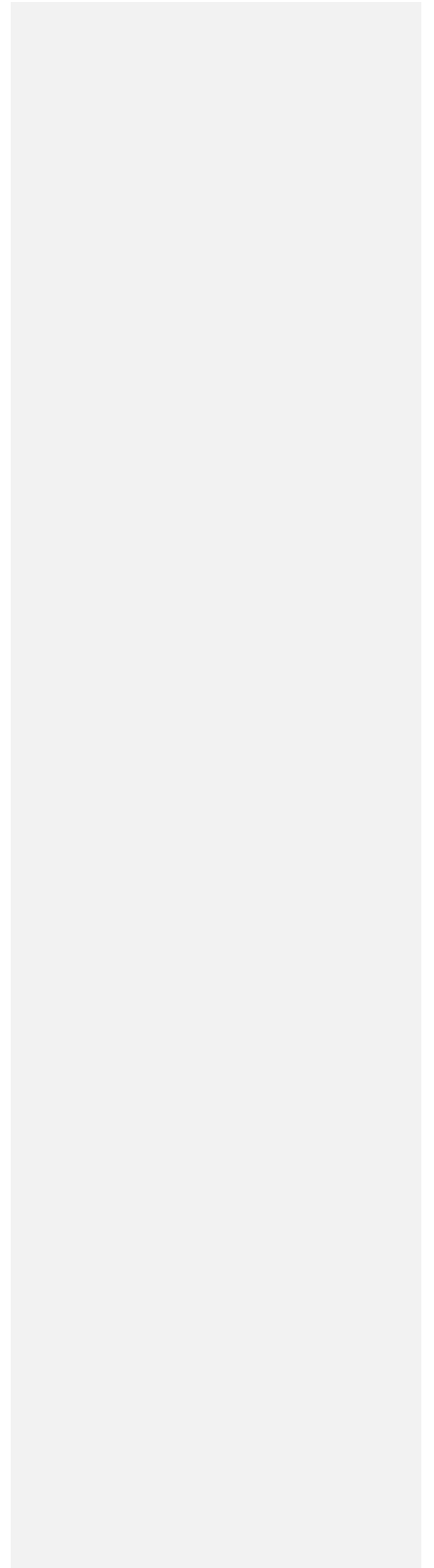
- A. A member may be censured, suspended, or expelled for the reasons and in the manner set forth in the PSEA's Constitution and Bylaws. Only the PSEA Board of Directors shall have authority to censure, suspend or expel members.
- B. Any member who is not current with his or her financial obligation to the Association, PSEA or NEA shall not be entitled to represent the Association in any elected, appointed, or official capacity.
- C. A charged member shall be provided with due process guarantees.

**ARTICLE XI: AUTHORITY**

The most recent edition of Robert's Rules of Order Newly Revised shall be the parliamentary authority for the Association on all questions not covered by the Constitution and Bylaws and such standing rules as the local may adopt.

LPR/CJ/NM  
July 2002  
REVISED JANUARY 2004  
REVISED JUNE 2004  
APPENDIX C ADDED DECEMBER 2007  
REVISED NOVEMBER 2010

LOCAL REVISED:



## **APPENDIX A**

Article II of the PSEA Bylaws provides as follows:

### **Article II - Membership**

#### **I. Education Support Professionals Membership**

1. Any person actively engaged in educational support work in Pennsylvania shall be entitled to education support professionals membership in the Association. An education support professionals member must satisfy the following requirements:

- a. Membership in the National Education Association, where eligible, and in a local association, where available;
- b. Eligibility under applicable laws and regulations to serve in the educational support position in which employed; and
- c. Payment of the membership dues and assessments of education support professionals members.

2. Education Support Professionals members shall have all of the rights and privileges of active members in the Association unless specifically provided otherwise in these bylaws.

3. Membership dues and assessments of education support professionals members shall be as follows:

- a. Twelve and eleven month employees shall pay one-half the dues of active members of the Association.
- b. Ten and nine month employees shall pay one-quarter the dues of active members of the Association.
- c. Those working four hours per day or less shall pay one-eighth the dues of active members of the Association.

## **APPENDIX B**

Article II of the PSEA Bylaws provides in part as follows:

**Article II - Membership**  
**B. Reserve Membership**

1. Reserve membership shall be available to any active member who is on unpaid leave (including a leave for recall or temporary disability but not including military leave); or who is challenging his or her involuntary termination from employment. A person on unpaid leave as described above shall be obligated to pay three-quarters' annual dues if receiving three-quarters' annual salary or less, one-half annual dues if receiving one-half annual salary or less, and one-quarter annual dues if receiving one-quarter annual salary or less. Reserve membership shall also be available to any student who has never been eligible for active membership and who is enrolled in a full-time program of graduate study.

2. A person shall be eligible for reserve membership status if he or she satisfies the following two requirements:

a. Membership in the appropriate category of membership, if available, during the current school year and the school year immediately preceding his or her eligibility for reserve membership.

b. Payment of the annual reserve membership dues of the Association.

3. The annual reserve membership dues of the association shall be one-fourth the annual active membership dues of the Association.

4. Reserve members shall be entitled to such Association benefits and services as may be prescribed by the board of directors.

#### **F. Associate Membership**

1. Any person interested in education shall be eligible for associate membership in the Association. Annual dues shall be twenty-five dollars.

2. Associate members shall be entitled to such Association benefits and services as may be approved by the board of directors.

#### **G. Retired Membership**

1. Any person who has retired from active service as a school employee, has paid the appropriate PSEA-R dues, and is a retired member of NEA shall be entitled to retired membership; provided, however, that a person who became a retired member of PSEA in 1984-85 and has maintained continuous membership will not be required to become a retired member of NEA.

2. Retired members shall be entitled to such Association services and benefits as may be approved by the board of directors.

3. The board of directors shall establish the dues structure for retired members.

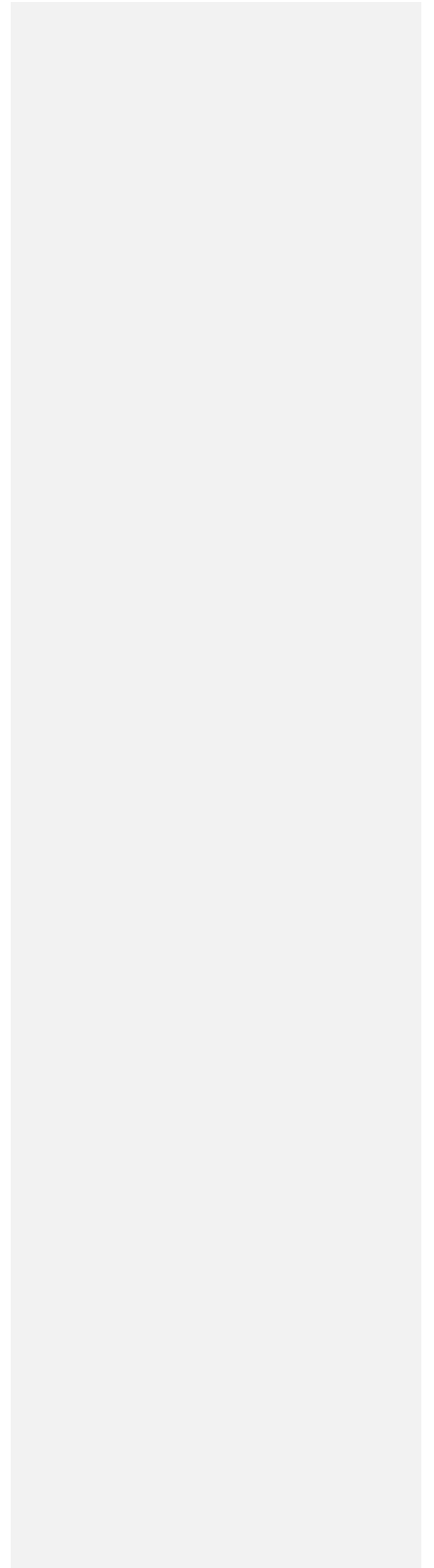
4. PSEA-R shall be entitled to such representation in the Association non-governance structure as may be approved by the board of directors.

#### **H. Substitute Membership**

1. Any person employed on a day-to-day basis in educational work in Pennsylvania shall be entitled to substitute membership in the association.

2. The board of directors shall establish the dues for substitute members and shall determine the Association services and benefits to which they shall be entitled.

Revised April 2000  
Revised April 2002  
REV 11/18/02



## APPENDIX C

### RECOMMENDED PROCEDURE FOR RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT

**ALERT: IT IS CRITICAL THAT THE PSEA UNISERV REPRESENTATIVE BE CONTACTED PRIOR TO ADOPTING FORMAL LANGUAGE REGARDING RATIFICATION PROCEDURE.**

**Note: There is no standard ratification procedure, and each local association should, after consultation with the PSEA UniServ Representative, adopt a ratification procedure appropriate for its particular circumstances. However, outlining the steps of contract ratification in the local's governing documents will help prevent problems, criticism, and anger. PSEA recommends that all local associations follow a ratification process that includes the essential elements detailed below to assure that members receive the information they need to understand the entire proposal and are able to ask questions and debate the virtues of the proposal before voting on it.**

A. A requirement for a specified period of notice to members (for example, 48 hours) of the ratification meeting. A provision can be included that the time can be waived by the executive committee due to exigent circumstances with notice to members.

B. Identification of those who are eligible to cast a vote. For example: "All individuals who are active members of the local association on the day prior to the date of the ratification vote may vote on the ratification of a collective bargaining agreement."

**Note: Under Pennsylvania labor law, persons who are not employed in the bargaining unit may not vote in the ratification process. PSEA recommends that local associations limit voting to only Active members.**

C. Identification of persons other than members who may attend the meetings. For example, "Invited guests approved by the President, and persons employed in the bargaining unit represented by the local but who are not members, may attend the meeting but may not vote on the issue of ratification."

**Note: Consistent with the duty of fair representation, PSEA advises local associations to permit non-members who are employed in the bargaining unit to attend the informational meeting.**

D. A requirement of at least one informational meeting prior to the vote, to be held within a specified time frame (for example, 48 hours) before the ratification vote. A provision can be included that the time can be waived by the executive committee due to exigent circumstances with notice (for example, at least 24 hours) to members.

E. A requirement that each member attending the informational meeting receive a copy of the actual language of proposed changes to the current contract, or the proposed contract itself. Members can be required to return the copy at the conclusion of each meeting. A copy of the document (minus internal comments and explanatory information) should be given to the employer prior to each party's ratification.

F. Procedural requirements for conducting the informational meeting, which should include the following:

- Identification of who is to conduct the meeting;
- A sign-in process for attendees;
- A complete explanation of the procedures to be used for the ratification process, including how the meeting(s) will be conducted and how the vote will occur;
- An explanation of the proposal by bargaining team members;
- The opportunity to ask questions for the purposes of clarification;
- An explanation of the options available to members (for example, accept, reject, strike) and any recommendation of the bargaining team or negotiations committee;
- Discussion and debate by members of the merits of the proposal, or deferral of discussion and debate on the merits until the ratification vote meeting;
- Instruction to attendees that there are to be no press releases or outside public discussions of the proposed contract, and to maintain confidentiality of the proposal.

G. The procedural requirements for the ratification vote meeting, which should include the following:

**Note: The procedure should provide for the greatest participation by members possible. For example, where circumstances require, the Association can provide for voting at each or designated building(s).**

- An identification of who is to conduct the meeting;
- A sign-in process for attendees;
- A discussion and debate by members on the merits if not conducted at the informational meeting;
- An opportunity to ask final questions for clarification;
- A reminder of any recommendation of the bargaining team or negotiations committee;
- A ratification vote by secret ballot;

**Note: Proxy ballots may not be used. PSEA recommends that absentee ballots not be used. All ballots must be tabulated at the same time.**

- The procedure for collecting and tabulating the ballots, including identification of the persons responsible for doing so.

**Note: The committee responsible for collecting and tabulating the ballots should include members perceived as above reproach by the membership, and should not include executive officers or members of the bargaining team or negotiations committee.**

- A requirement of majority vote of those voting in order to adopt the proposed contract;
- The procedure for reporting the result of the ratification vote to members and others;
- Instruction to attendees that only the President or other identified individual is to make any press releases or public statements;
- A period afterward for discussion and adoption of a follow-up plan of action in the event the proposed contract is not ratified.

APPENDIX C ADDED DECEMBER 2007

