# ESP Region

**\_\_\_\_\_\_\_\_\_\_ Division Local # \_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_ County**

## CONSTITUTION AND BYLAWS

**(Local’s Name)**

**CONSTITUTION**

**ARTICLE I: NAME**

Section 1. The name of this organization shall be the (Local’s Name) Education Support Professional Association/PSEA/NEA (hereinafter referred to as “Association”).

Section 2. This organization is a local of the Education Support Professional Region 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 (Enter School Entity) in the bargaining unit represented by the Association and who are active members of PSEA and NEA.

ARTICLE IV: OFFICERS

The officers of this Association shall be (select one of the following options and delete the other):

Option 1 - the president, the vice-president, and the secretary/treasurer

Option 2 - 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.

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 (insert number of meetings, in written form - no less than two recommended) (insert number, i.e. 2, 3) 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 (Enter a percentage or number) members of the Association.

Section 4. (optional – please delete section if not applicable) Meetings authorized by this Article may be conducted by videoconference or other technology that permits members to participate remotely so long as all participants may engage in discussion, deliberation, and voting.

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 PSEA Member Code of Ethics.

**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. MEMBERSHIP AND FISCAL YEAR**

**Section 1**. This Association shall have the same membership year as PSEA and NEA.

**Section 2**. This Association shall have the same fiscal year as PSEA and NEA.

**Note: This fiscal year language is optional, expect where a private sector local collects agency fees, In that case, the local’s fiscal year must be the same as PSEA's fiscal year, which begins September 1.**

ARTICLE X: 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.

ARTICLE XI: 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.

ARTICLE XII: 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 XIII: 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.

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 (Enter School Entity) 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.

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 - please delete this section if not applicable) 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.

ARTICLE V: ELECTION OF OFFICERS AND DELEGATES

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 committee on elections. The committee on elections shall determine the timeline and procedure for accepting nominations for all officer ~~and delegate~~ positions, subject to the approval of the Executive Committee.

Section 2. *Balloting* – At the General Membership meeting prior to the beginning of the school year, members shall vote for officers ~~and delegates~~ 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. *Remote Elections* - Elections may instead be conducted through mail ballot or a secure electronic platform, subject to the Executive Committee’s approval and adoption of appropriate procedures.

NOTE: Language authorizing mail ballots or electronic voting is optional and can be deleted if local does not wish to use these methods.

Section 4. Officers ~~and delegates~~ shall take office September 1, following their election. Terms of office shall be two (2) years with the right of succession.

Section 5. The names of all officers ~~and delegates~~ and their addresses shall be filed by the Association’s Secretary (or Secretary/Treasurer) with headquarters in Harrisburg and with the UniServ Representative immediately upon their election.

Section 6. The committee on elections shall determine the timeline and procedure for accepting nominations for all delegate positions, subject to the approval of the Executive Committee. Members shall vote for delegates by secret ballot in accordance with procedures developed by the committee on elections and approved by the Executive Committee. Elections may instead be conducted through mail ballot or a secure electronic platform, subject to the Executive Committee’s approval and adoption of appropriate procedures. Delegates shall take office September 1 following their election for a term of two (2) years. Alternate delegates to fill possible vacancies in delegate positions must be elected at the same time delegates are elected or by special election. The names of delegates and alternate delegates shall be filed by the Association’s Secretary (or Secretary/Treasurer) with headquarters in Harrisburg 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 - Please delete this statement if not applicable) The president shall be a delegate to all conventions.

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 EITHER OPTION 1 OR OPTION 2* and delete the one not selected):

OPTION 1: 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.

OPTION 2: 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.

Section 4. TREASURER *(ONLY SELECT this section if OPTION 2: SECRETARY, is selected - if not, please delete)* – 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

1. 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.

1. 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.

1. 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.

1. 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

1. 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.

1. Audit 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, RECALL AND REMOVAL

1. 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.

Section 3. - The names and addresses of any replacements to vacancies shall be filed by the Association’s Secretary (or Secretary/Treasurer) with headquarters in Harrisburg and with the UniServ Representative immediately upon appointment.

B. Recall

An officer of the Association may be recalled from office by two-thirds vote of the entire membership of the Association. Recall should be initiated by a recall petition signed by twenty-five percent of the membership.

1. Removal

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. 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.**

**Section 1.** A special ratification meeting or ballot of the general membership shall be called by the President or designee for the purpose of ratifying any collective bargaining agreement. The ratification meeting or ballot will be held no sooner than two (2) days after notice of the ratification meeting or ballot, and no sooner than one (1) day after an informational meeting of the general membership for presentation of the proposed agreement. The Executive Committee may where exigent circumstances require provide for one (1) day notice of the ratification meeting or ballot and waive the informational meeting. The notice shall provide an explanation of the ratification process.

**Section 2.** Any employee in the bargaining unit represented by the Association who on the day prior to the date of the ratification meeting or ballot is an active or reserve member in good standing of the Association 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.**

**Section 3.**  **Informational Meeting**

1. Any person who is an employee in the bargaining unit represented by the Association, and such other persons approved by the President or Executive Committee, may attend the informational meeting. Each attendee shall be required to sign a record of attendance.

**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.**

1. Each member attending the informational meeting shall receive a copy of the actual language of proposed changes to the current agreement, or the proposed agreement with changes identified. Members may be required to return the document(s) at the conclusion of the meeting.
2. The President, Vice President, Chief Negotiator, or other person designated by the President will conduct the meeting.
3. The meeting shall have appropriate time for explanation and clarification of the ratification process, and for explanation, clarification, questions, and debate of the proposed agreement.
4. The meeting shall be confidential to the extent reasonable and possible. Only the President or designee shall speak to the public on behalf of the Association.

**Section 4. Ratification Meeting or Ballot**

1. Any member in good standing of the Association on the day prior to the date of the ratification meeting, and such other persons approved by the President or Executive Committee, may attend the ratification meeting. Each attendee shall be required to sign a record of attendance. Only employees in the bargaining unit represented by the Association who on the day prior to the date of the ratification meeting or ballot is an active or reserve member in good standing of the Association may vote on the ratification of a collective bargaining agreement.

**Note: The procedure should provide for the greatest participation by members possible. For example, where circumstances require, multiple meetings may be held in different locations and/or different times to allow for the greatest participation by members possible so long as each meeting is conducted in the same manner and with the same resources, and/or voting can be conducted at each or designated building(s), so long as all ballots remain secret until tabulated at the same time and location.**

1. The President, Vice President, Chief Negotiator, or other person designated by the President will conduct the meeting.
2. The chair may provide time for questions, clarification, and/or debate before voting is conducted, and where the informational meeting is waived shall provide appropriate time for explanation and clarification of the ratification process, and for explanation, clarification, questions, and debate of the proposed agreement.
3. The Executive Committee shall establish and provide notice of the process for voting, and appoint a committee to conduct and tabulate the vote. Ratification shall be by secret ballot. Each member eligible to vote shall be provided and sign for a ballot during the time(s) allocated for voting. There will be no proxy ballot or absentee ballot.

**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.**

**Note: Provisions for voting, if other than solely by ballot at a single ratification meeting, must provide that all ballots remain secret until tabulated at the same time and location.**

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

1. The ratification vote may be conducted through mail ballot or a secure electronic platform, subject to the Executive Committee’s approval and adoption of appropriate procedures.

**Note: Local associations should consult with their UniServ Representatives regarding ratification procedures and options for electronic voting platforms.**

1. Ratification requires a majority vote of those voting to adopt the proposed agreement.
2. Results of the ratification vote will be reported to members at a time and in the manner determined by the Executive Committee.
3. Only the President or designee shall issue any press release, public statements, or notification to the employer on behalf of the Association.

ARTICLE XII: 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

REVISED AUGUST 2018

REVISED AUGUST 2021

REVISED FEBRUARY 2023

REVISED SEPTEMBER 2023

REVISED FEBRUARY 2025

# 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 professional 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.

d. Those working up to two hours per day shall pay one-sixteenth 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, or who has held active membership in the Association but whose employment status no longer qualifies that individual for such membership.

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. Retired Membership**

1. Any person who has retired from active service as a school employee, has paid the appropriate PSEA-Retired 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-Retiredshall be entitled to such representation in the Association non-governance structure as may be approved by the board of directors.

**G. 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

REV May 2016

REV August 2018

REV September 2021

REV February 2025