

CONSTITUTION
OF THE
NEWPORT-MESA FEDERATION OF TEACHERS, LOCAL 1794

Article I
Name

This organization shall be known as the Newport-Mesa Federation of Teachers (N-MFT), Local 1794.

Article II
Affiliations

This local organization shall maintain affiliation with the following organizations:

- a. The American Federation of Teachers, AFL-CIO.
- b. The California Federation of Teachers, AFL-CIO.
- c. The California Federation of Labor, AFL-CIO.
- d. The Orange County Central Labor Council, AFL-CIO.

Article III
Purpose

The purpose of this Local shall be:

- Section 1. To be recognized as the exclusive bargaining agent for the members of the Newport-Mesa Federation of Teachers
- Section 2. To promote the welfare of employees by obtaining full and just compensation, benefits and rights for services rendered.
- Section 3. To secure conditions essential to the best professional service and to raise the standards of the teaching profession.
- Section 4. To encourage mutual understanding and cooperation among the bargaining unit members.
- Section 5. To obtain for employees their rightful voice in shaping of educational policy and conditions.
- Section 6. To promote the welfare of students and the advancement of public education.
- Section 7. To promote democracy and equality in the society at large.

Article IV
Membership

- Section 1. Membership in this organization shall be open to all non-administrative certificated employees of the Newport-Mesa Unified School District. No qualifications for membership that limits membership to anyone on the basis of race, gender or sexual orientation, creed, political belief or affiliation shall be established.
- Section 2. Those who pay agency fees are not members and do not have the right to vote on any union issue, ratify contracts, run for office, act as building representatives, access liability insurance, serve on union appointed committees, and do not have access to other American Federation of Teachers or California Federation of Teacher benefits.
- Section 3. A member shall be dropped from the rolls of the N-MFT upon being two (2) months or more in arrears in the payment of their dues.
- Section 4. Members who go on an approved leave of absence without pay have the option to pay dues to maintain active membership.

Article V
Election of Officers

- Section 1. During the month of May the organization shall elect the following officers for a two-year term of office:
- a. President
 - b. First Vice President
 - c. Secretary
 - d. Treasurer
 - e. Vice President for Elementary Schools
 - f. Vice President for Intermediate Schools
 - g. Vice President for High Schools
- Section 2. The President, Secretary, and Vice President for Intermediate School shall be elected in even numbered years. The First Vice President, Treasurer, Vice President for Elementary School and Vice President for High School shall be elected in odd-numbered years.
- Section 3. To be eligible for office a person must be a member in good standing of the organization for a continuous period of one year immediately prior to the date of the election.

Section 4. Election of Offices, referenda, contract ratification, etc., shall follow the prescribed guidelines outlined in the N-MFT Elections Manual.

Section 5. Elected officers shall serve from July 1 to June 30 of the years following the election.

Article VI Executive Board

Section 1. All officers elected by the general membership of the organization including the immediate Past President shall serve as members of the Executive Board.

Section 2. The Executive Board shall be responsible for adherence to and enforcement of the Constitution and By-laws of this organization, initiating and overseeing the programs of this organization, and to conduct other business of the organization that is within its authority.

Section 3. The Executive Board shall have the power to recommend appointments to standing and special committees subject to the majority vote of the Representative Assembly.

Section 4. With the exception of the President, any vacancies created by recall shall be filled for the remainder of the elected term by a majority vote of the Representative Assembly.

Section 5. A petition signed by twenty-five percent (25%) of the membership, and stating specific grounds shall be sufficient to require the recall election of any officer.

Article VII Representative Assembly

Section 1. The governing body of the organization shall be the Representative Assembly, elected by the membership of this organization as specified in the Bylaws.

Section 2. There shall be one elected Representative from each specific work location. Locations with more than twenty-five members may elect one additional representative for each additional fifty (50) members at the site or major fraction thereof.

Section 3. The Representative Assembly shall meet monthly for the purpose of establishing policies of the organization, receiving and reviewing reports of the President and Executive Board, taking appropriate actions as specified in

the Constitution and By-laws, or other such actions as the body deems necessary.

Section 4. The President or designee shall be the presiding officer of the Representative Assembly, but may vote only in the event of a tie.

Article VIII Dues

Section 1. The organization reserves the right to collect dues which represent/reflect the unified/total dues of all Affiliations and related insurance costs.

Section 2. The Executive Board shall notify each site by either e-mail, internal flyer or verbal communication of any proposed change in dues structure sixty days (60) before such a change. The proposal shall be up for discussion at the next scheduled general membership meeting.

Section 3. The Representative Assembly will then vote on any proposed change at its next regular meeting. Two-thirds (2/3) approval by voting Representative Assembly members shall be required for passage of the increase.

Article IX Amendment

Section 1. Any member of the organization may present a proposed amendment to any regular meeting of the Representative Assembly, which shall notify the membership of the proposed amendment no later than fifteen (15) working days prior to the next election.

Section 2. Two-thirds (2/3) approval by voting members shall be required for passage of the amendment.

Article X Bylaws

Section 1. All matters not covered in this constitution shall be referred to the Bylaws. Bylaws can be proposed, changed and amended by a two-thirds vote of the Representative Assembly providing notice of that meeting has been sent at least one week in advance to all members of the Representative Assembly.

Article XI
Rules of Order

Section 1. Robert's Rules of Order, Revised shall govern all meetings of this organization, unless otherwise specified in the Bylaws.

Bylaws
Of the
Newport-Mesa Federation of Teachers, Local 1794

Article I
Duties of Officers

- Section I. The President shall:
- a. be the presiding officer at all meetings of membership, the Executive Board, and the Representative Assembly,
 - b. be an ex-officio member of all standing committees except the Elections Committee,
 - c. appoint, with the approval of the Executive Board, the chairs of all committees; exception is the Elections Committee Chair.
 - d. be responsible for the ongoing administration of the organization,
 - e. receive, report and respond to correspondence of the organization,
 - f. supervise all employees of the organization,
 - g. be one of the responsible financial officers of the organization, be authorized to cosign financial instruments, and make regular and usual disbursements of funds,
 - h. represents the organization before bodies of the employer, executive and legislative officials,
 - i. represents the organization before the public, community organizations, and the news media,
 - j. be, by office, a delegate to the Central Labor Council,
 - k. be, by office, a delegate to the convention of the American Federation of Teachers and meetings or conventions of its subordinate bodies,
 - l. make an annual report to the membership of the organization,
 - m. delegate the responsibilities of the office except where otherwise specified by this constitution.

- Section 2. The First Vice President shall:
- a. assume the duties of the President in the event of absence or illness of the President,
 - b. assume the office of the President in the event a vacancy occurs,
 - c. oversees and assists the Representatives in their duties,
 - d. perform other duties as delegated by the President or assigned by the Executive Board.
- Section 3. The Secretary shall:
- a. maintain the non-financial files and records of the organization,
 - b. record and keep accurate minutes of meetings of the membership, the Executive Board, and the Representative Assembly,
 - c. assists the President in handling the correspondence of the organization,
 - d. perform other duties as delegated by the President or the Executive Board.
- Section 4. The Treasurer shall:
- a. maintain accurate membership records and issue membership cards,
 - b. be one of the responsible financial officers of the organization and be authorized to cosign financial instruments and make regular and usual disbursements of funds,
 - c. arrange for an independent audit of the finances of the organization annually and make available same to the Executive Board, Representative Assembly, and the membership,
 - d. perform other duties as delegated by the President or assigned by the Executive Board,
 - e. perform duties of the office as required by the Labor-Management Reporting and Disclosure Act.
- Section 5. The Vice President for Elementary Schools shall:
- a. represent the interests of the elementary school members to the Executive Board,
 - b. perform other duties as delegated by the President or assigned by the Executive Board.
- Section 6. The Vice President for Intermediate Schools shall:
- a. represent the interests of the intermediate school members to the Executive Board,
 - b. perform other duties as delegated by the President or assigned by the Executive Board.

- Section 7. The Vice President for High Schools shall:
- a. represent the interests of the high school members to the Executive Board,
 - b. perform other duties as delegated by the President or assigned by the Executive Board.

Article II Executive Board

- Section 1. The Executive Board shall meet monthly, or at the call of the President, or at the call of two (2) or more of its members, or at the call of the Representative Assembly for the purpose of the organization and to conduct other business of the organization that is within its authority.
- Section 2. The Executive Board shall prepare, and present for approval to the Representative Assembly, an annual budget each May.
- Section 3. The Executive Board shall employ all professional, technical, clerical and support staff of the organization.
- Section 4. The Executive Board shall establish the salary, benefits, and expense guidelines of any general officer who is employed by the organization; except that no such person shall suffer loss of economic status as a result of such action.
- Section 5. Consistent with the approved budget, the Executive Board shall be empowered to make contracts and incur liabilities including the purchase of services, equipment, and real property, to borrow money, to secure such obligations by mortgage or other instrument, and to otherwise engage in financial transactions to the extent permitted by applicable law or statute.
- Section 6. The Executive Board shall approve the chairperson of all committees of the organization, except the Elections Committee, and receive regular reports from such committees.
- Section 7. The Executive Board shall be responsible for adherence to and enforcement of the Constitution and Bylaws of the organization.
- Section 8. The Executive Board shall issue regular reports, including an annual report, to the Representative Assembly and the membership.

Article III
Representative Assembly

- Section 1. Subject to final authority of the membership, the general governing body of the organization shall be the Representative Assembly, consisting of members of the organization elected by members of the organization in specific constituencies as follows:
- a. there shall be elected one Representative for each school,
 - b. schools with more than twenty-five (25) members may elect an Assistant Representative, with full rights and duties, for each additional fifty (50) members or major fraction thereof.
 - c. for members of special interest groups or those not assigned to a specific work site, the Executive Board may designate Representatives (i.e. nurses, special education, etc.).
- Section 2. The Representative Assembly shall meet monthly for the purpose of establishing the policies of the organization; receiving and reviewing the reports of the President, Executive Board, and Committees; taking appropriate action as specified in the Constitution; and initiating and taking other such actions as the body deems necessary.
- Section 3. The President shall be the presiding officer of the Representative Assembly, but may vote only in the event of a tie.
- Section 4. A quorum of 30 % of the elected Representatives must be present to conduct business.

Article IV
Duties of Representatives

- Section 1. Representatives shall:
- a. attend all regular and special meetings of the Representative Assembly,
 - b. hold regular monthly meetings of the membership at the worksite for the purpose of making reports, discussing work place and organizational concerns, receiving instruction from the membership, and other activities as may be required. (Such meetings may be a part of the agenda of a regular faculty meeting when appropriate.)
 - c. recruit eligible persons for membership,
 - d. conduct elections and referenda at the site when so instructed following the prescribed guidelines outlined in the N-MFT Elections Manual
 - e. process grievances and resolve disputes at the worksite,

or other appropriate location, in accordance with established N-MFT grievance policy.

- f. consult regularly with the site manager regarding matters of interest to the union membership,
- g. distribute to site members, all communications from N-MFT which are sent to the work site.

- Section 2. Assistant Representative shall:
- a. attend all regular and special meetings of the Representative Assembly,
 - b. assist the Representative in the conduct of all duties,
 - c. serve in place of the Representative in the event of illness or absence.

Article V General Membership Meetings

- Section 1. The Executive Board shall determine the time and place and give Forty-five (45) days notice, of the (2) annual General Membership meeting.
- Section 2. Special meetings of the membership may be called by:
- a. the Executive Board,
 - b. the Representative Assembly,
 - c. the petition of ten percent (10%) of the members.
- Section 3. The membership meeting shall be the supreme policy making body of the organization.
- Section 4. The membership present at a General Membership meeting shall have the right to initiate referenda, which shall be conducted by the Elections Committee.
- Section 5. A quorum of no less than 10% of the membership must be present to conduct business.

Article VI Committees

- Section 1. APPOINTED committees of the organization may be:
- a. Contract Development
 - b. Elections
 - c. Finance

- d. Grievance
- e. Membership
- f. Publications
- g. Social
- j.. Professional Education

- Section 2. The Executive Board on its own initiative, or at the direction of the Representative Assembly may establish special committees.
- Section 3. The chair and four members of the Elections Committee shall be elected every two years by the Representative Assembly. Members of the Elections Committee may not hold, or seek office in the organization. The Elections Committee shall conduct and supervise all elections and referenda of the organization.
- Section 4. Upon appointment by the President and approval by the Executive Board, the committee chairs select committee members (subject to the approval of the Executive Board).
- Section 5. Committees shall report to the Executive Board, as requested by the President. Duties of appointed committees may be as follows:
- Section 6. Contract Development Committee may conduct research, surveys, hearings and referenda of the organization in its collective bargaining programs.
- Section 7. Finance Committee may assist the Executive Board in the preparation of the annual budget, and shall identify, and with the approval of the Executive Board, pursue activities to generate revenues for the good and welfare of the organization.
- Section 8. Grievance Committee may work with the Representatives in the resolution of contractual and non-contractual disputes in the workplace; shall maintain records of grievances and their disposition; shall be responsible for the processing of grievances and disputes beyond the immediate work location; and, shall make recommendations to the Executive Board regarding disputes to be taken to arbitration or civil remedy. The Grievant may appeal unfavorable decisions as specified in Article VIII of these Bylaws.
- Section 9. Membership Committee may assist the Representative Assembly in developing programs and activities which shall cause increased numbers of eligible persons to join and participate in the organization.

- Section 10. The Publications Committee may design, produce and distribute a regular printed communication to the membership and other printed material for the organization as necessary.
- Section 11. The Social Committee may conduct activities which shall promote the social well being of the membership, are attractive to potential members, and promote community among labor and in the society at large.
- Section 12. The Professional Education Committee may work with the District to organize in-service, professional growth classes for teachers, and other professional education which will promote professionalism in the organization.

Article VII Convention Delegates

- Section 1. Official Local delegates to the AFT and CFT conventions will be elected by the membership.
- Section 2. Delegates shall prepare and present written and/or oral reports to the Representative Assembly and membership.

Article VIII Internal Review Panel

- Section 1. A procedure is hereby established for the selection of an arbitration panel for the settlement of an internal Federation dispute. Such a panel shall be made available to hear a complaint from a member or members concerning action by the Federation which the member(s) alleges to affect adversely his/her status or rights as a member(s) of the N-MFT/CFT/AFT, Local 1794 or the bargaining unit. Before bringing a case to the N-MFT Internal Disputes Panel, the remedies provided in the Constitution and Bylaws of the respective bodies of the N-MFT or in the case of a grievance, the N-MFT/N-MUSD Contract shall be utilized.
- Section 2. The N-MFT Internal Disputes Panel shall consist of three members: one chosen by each party, and a chairperson, chosen by the first two. No attorneys shall be selected by either party. The Chair of the panel shall be chosen from a list of recognized neutrals consisting of members of the California State Conciliation and Mediation Service, the Federal Mediation and Conciliation Service and local mediators who have agreed to serve under the established policy of the N-MFT Internal Review Panel.

The list shall contain no less than three names. The chairperson of the panel shall not be a member of the Newport-Mesa Federation of Teachers, nor shall have been a member during any of the five (5) previous years immediately prior to his/her appointment to the panel.

- Section 3. The N-MFT shall assume the administrative costs (if any) of the procedure and the fees and expenses of the chairperson of the panel. Expenses for witnesses or a panel member shall be paid by the party producing such witnesses or panel member.
- Section 4. The Panel shall have authority to decide the issue in conflict and order a correction of the situation in those instances in which it is judged that the complaint has merit; however, no monetary damages can be granted in the award.
- Section 5. No stenographic records of the hearing shall be kept and there shall be no post hearing briefs.
- Section 6. The decision of the panel shall be an oral award given at the close of the hearing, shall not be subject to appeal, shall be non-precedential, and shall be binding.