

LAPEER EDUCATION ASSOCIATION

CONSTITUTION

Adopted by LEA Membership

December, 1977

(Amended November 2017)

PREAMBLE

We, the Lapeer Education Association, M.E.A./N.E.A. of the Lapeer Community School District, Lapeer County, believing that the professional staff must institute its own self-government, secure proper recognition and responsibility for the professional well-being of its members, adopt this Constitution.

Article I. NAME

The name of this organization shall be the "Lapeer Education Association, M.E.A./N.E.A.", a local affiliated unit of the Michigan and National Education Associations. The Association shall be a nonprofit corporation organized in accordance with the laws of Michigan.

Article II. PURPOSE

Section A. To work for the welfare of students, the advancement of education, and the improvement of instructional opportunities for all.

Section B. To develop and promote the adoption of such ethical practices, personnel policies, and standards of preparation and participation as mark a profession.

Section C. To unify and strengthen the teaching profession and to secure and maintain the salaries, retirement, tenure, professional and sick leave, and other working conditions necessary to support the education process.

Section D. To enable members to speak with a common voice in matters of school policy pertaining to the educational process and to present their common interests before the Board of Education and other legal authorities as provided by law.

Section E. To cooperate with parent-teacher associations and other civic bodies having educational objectives, and to aid in interpreting to the public the problems, functions and progress of the public school.

Section F. To encourage members to exercise their rights and privileges as citizens, and to encourage willing leadership in civic affairs.

Article III. MEMBERSHIP

Section A. All professional persons employed and engaged in instruction and related instructional services who meet the active membership requirements of the Michigan Education Association shall, upon payment of dues as herein provided, become active members of this Association.

Section B. Active members of this organization shall also be members of the Michigan Education Association and the National Education Association.

Section C. Compliance with the requirements established by the MEA for the payment of dues is required to be considered an active member in good standing and receive benefits of membership.

Section D. Affiliate Members - Persons employed in the schools of Lapeer who are not eligible to become active members may, upon payment of dues, enroll as affiliate members with all rights and responsibilities of active members except to vote, to hold office, or to represent the Association.

Section E. Affiliate groups may be chartered by the governing bodies.

Section F. Membership and Fiscal Years - The membership and fiscal years shall be September 1st through August 31st.

Section G. Due Process-No member shall be censured suspended or expelled without a due process hearing. The hearing shall be conducted by the local trial body or by the local governing body if no trial body exists. An appeal may be made to the regional board of reference or MEA Board of Reference if no regional board exists.

Article IV. OFFICERS AND BOARDS

Section A. Officers - The officers of the organization shall consist of a President, a Vice- President, a Secretary and a Treasurer. Terms of officers shall be for two (2) years. They shall be elected on the second Tuesday of May on a staggered basis at the L.E.A. general elections.

Section B. Good Standing – No person shall be a candidate for office or position or hold office or position, whether elected or appointed, in the association unless he or she is an active member in good standing. Any office or position holder, whether elected or appointed, of the association that does not maintain active membership in good standing shall be removed from office after notice and opportunity to return to good standing within thirty (30) days.

Section C. Representatives from the L.E.A. - M.E.A./Region and N.E.A. delegates will be elected for two (2) year terms on a staggered basis at the L.E.A. general elections. The alternate for each delegate position shall be the candidate with the next largest number of votes.

Section D. Election of MEA/NEA delegates shall be held prior to April 1. When there are three (3) or more representative assembly delegates elected, representatives of Minority Persons 3-1G shall be elected as required by the MEA Constitution and Bylaws.

Section E. Governing Bodies -

1. Executive Board - There shall be a governing body known as the Executive Board. It shall consist of the officers and two (2) representatives elected from and by the active membership at each of the two (2) levels: elementary (E-6), secondary (7-12), and delegates to the MEA Representative Assembly.

2. Representative Council - Each school shall elect for a one-year term, one (1) representative per fifteen (15) members, or 4/5 of the fraction thereof, to the Representative Council during the first week of school. This representative should be a tenured teacher. Each building is entitled to a minimum of one (1) representative and/or alternate. Delegates to the M.E.A. Representative Assembly shall be members of this body. Itinerant staff shall be considered a building when electing their own representative using the above ratios.

3. Internal Review Board - Shall consist of Four (4) members, two (2) members elected from and by the active membership at each of the two levels: elementary, secondary

Section F. Replacement - Vacancies in office shall be filled according to procedures provided in the By-Laws.

Section G. Ex-Officio - Those who are members by virtue of office held are entitled to all privileges of membership, except the right to vote.

Article V. DIRECT LEGISLATION

Section A. Initiative, Referendum and Recall - The rights of popular initiative, referendum and recall shall rest with the active membership of the Association. Upon receipt, by the President, of a petition signed by 20% of the active membership of the Association, the Secretary shall announce a general election or ballot, as indicated on the petition, within fifteen (15) calendar days for the purposes presented in the petition. A majority of the total active membership shall be required for its adoption, which shall take effect thirty (30) days after the vote, unless otherwise stated on the petition. If the president is the subject of the petition, the petition shall be filed with the most senior member of the executive board not subject to the petition.

Article VI. INFORMATIONAL MEETING

Section A. There shall be an informational meeting preceding any vote of the general membership. Five (5) calendar days notification shall precede such meetings.

Article VII. AMENDMENTS

Section A. Amendments to this Constitution signed by 20% of the active membership may be submitted to the president and introduced at any regular meeting of the Representative Council. Such amendments shall be acted upon within forty-five (45) days of introduction at a subsequent meeting of the membership or by ballot. A copy of the proposed amendment, together with the recommendation of the Representative Council shall be sent to each member of the Association at least (15) days prior to an election. A two-thirds (2/3) affirmative vote of the entire active membership is required to adopt the proposed amendment, which shall become effective immediately upon adoption, unless otherwise provided.

Article VIII. APPOINTMENTS

Section A. When there are no applicants for an elected position, appointments shall be made by the Executive Board, with ratification by the Representative Council.

Article IX. Dissolution

Section A. In the event of dissolution of the association, any assets remaining after the payment of all expenses shall be distributed to its successor so long as the successor is affiliated with the Michigan Education Association or to the Michigan Education

Association, a Michigan nonprofit corporation exempt from tax under Section 501(C)(5) of the Internal Revenue Code of 1986.

Article X. Authority

Section A. Any part of this Local Constitution and/or By-Laws which is in conflict with the State (MEA) and National (NEA) Constitution and/or By-Laws will be declared null and void.

LAPEER EDUCATION ASSOCIATION BY- LAWS

**Adopted by LEA Membership
December, 1977
(Amended November 2012)**

Article I. Rules

Section A. Roberts' Rules of Order (Latest edition) shall be the authority on all questions of procedure not specifically stated in the Constitution and/or By-Laws.

Article II. (MEMBERSHIP) Meetings

Section A General Membership Meeting – There shall be an annual fall meeting, the place and time to be specified by the President. The President should have the option to change dates and times of meeting with (18) hour prior notice.

Section B Special Meetings – The President, Executive Board, Representative Council, or active membership by referendum shall have the power to call special meetings. General membership meetings shall be called by the president or governing body as needed. At least (18) hours notice is required, specifying date, time, place and purpose of such meetings.

Section C. Meetings shall be open to all members and members in good standing shall be permitted to address meetings.

Article III. Governing Bodies

Section A. The Executive Board and Representative Council shall meet once a month. The Executive Board will meet prior to all representative council meetings during the regular school year. The President with board approval shall set the date, times and

places for such meetings. The President or executive board members, when necessary may call special meetings.

2. Upon the Executive Board shall rest the duties, responsibilities, and the final authority for conduct of the Association in all matters, except as provided in the Constitution and By-Laws.

3. The Executive Board shall be the sole representative of the Association in the implementation and/or interpretation of the Master Agreement.

4. Presidential appointments are subject to Executive Board approval.

5. The Executive Board may at any time refer matters to the Representative Council and/or the general membership for consideration.

6. Whenever a majority of the Executive Board shall agree that a member of the Executive Board has been negligent in his duties, as defined, or is incapacitated, they shall recommend to the Representative Council that said member be removed and if the Representative Council so votes by a 2/3 majority of the entire body, the position shall be declared vacant.

Section B. DUTIES OF OFFICERS

1. President – The President shall preside over meetings, make appointments or remove appointees subject to Executive Board approval, be an ex-officio member of all committees, represent the Association before the public, be the executive officer of the Association, and perform all other functions attributed to this office.

2. Vice President – The Vice-President shall serve in the President's absence and shall work with one or more standing committees, as delegated by the President. The Vice President will chair the election committee.

3. Secretary – The Secretary shall keep and make available for inspection accurate minutes of all meetings of the Association and governing bodies, maintain official files, write and distribute the and assist the President with Association correspondence.

4. Treasurer – The Treasurer shall hold funds of the Association and disburse them according to decisions of the governing bodies, keep accurate accounts of

receipts and expenditures, report to each meeting of the Association and its governing bodies, prepare an annual financial statement for the membership, keep the President and governing bodies informed of the financial condition of the Association, and assist in drafting an annual budget. The Treasurer shall be bonded and the Association shall provide for an annual audit of the books.

Section C. Representative Council - The Representative Council shall be the legislative body of the L.E.A. All business appropriations, appointments and grievances requiring L.E.A. action shall be reported to it. Building representatives who are absent or not represented by an alternate for three (3) consecutive regular Council meetings; or vacancies; shall be replaced by an election at the next building meeting. Representative Council members shall attend regular meetings of the Council, call meetings of building membership to discuss Association business, supervise enrollment of members in their buildings, and provide communication between members and the Executive Board.

Section D. Internal Review Board – Shall meet when necessary and rule upon internal ethics and render constitutional interpretations. All internal problems that cannot be decided by other governing bodies, or do not fall under their jurisdiction, shall be referred to the Internal Review Board.

ARTICLE IV. QUORUM

Section A. A quorum for business meetings of the general membership, Executive Board, Representative Council, Internal Review Board and committees shall consist of a majority of said body.

Section B. The quorum for internal informational meetings shall be all members present.

ARTICLE V. M.E.A. AND N.E.A.

REPRESENTATIVE ASSEMBLY DELEGATES

Section A. Delegates shall keep the Association alert to significant actions by the state and national associations and issues to be presented to the Representative Assemblies. Delegates will attend MEA/NEA Representative Assemblies and other appropriate meetings and report back to the Association.

ARTICLE VI. NEGOTIATING TEAM

Section A. The negotiating team shall consist of two elected members: One member from grades K-6 and one member from 7-12th grade level and a chief negotiator appointed by the President. Terms shall be for two (2) years, January 1st through December 31st. The President shall appoint a chief negotiator with Executive Board approval. The two (2) remaining members shall be elected for two (2) year terms; one elected from and by each level.

Section B. The negotiating team shall negotiate a Master Agreement with the representative of the Board of Education, in accordance with Public Act 379.

Section C. The negotiating team shall have the right to select assistants to aid in gathering information.

Section D. Elections will be in the April prior to the end of the current contract. The term will be two years.

Section E. Ratification Meeting –Only a proposed contract tentatively agreed to by an officially impaneled bargaining team may be submitted to the membership for a ratification vote. When the Association is considering entering into a legal, binding agreement with the employing Board of Education, the President and the Chief negotiator of the professional negotiating committee are authorized to sign such agreement on behalf of the membership upon completion of the following procedures:

1. A report and recommendation by the Professional Negotiating Committee;
2. Report and recommendation of the Executive Board;
3. The proposed contract and written digest of proposed changes;
4. Discussion by the membership;
5. And hold a ratification vote by members in good standing.

Section F. Ratification Vote - A majority vote of the total active LEA membership in good standing.

ARTICLE VII SICK BANK

Section A. The Association will operate a Sick Leave Bank; participation is mandatory for all teachers. All new teachers must donate one sick day upon joining the L.E.A. Officers of the Association and Membership Chairman will administer Sick Leave Bank. The Committee shall establish its own policies, subject to approval of the Representative Council.

Section B. At the beginning of the year, when the Sick Leave Bank falls below the number of L.E.A. members, the Board shall assess each teacher one (1) day of his sick leave. New teachers will have a one-time deduction of two (2) sick days.

Personal Business days may be, upon request, converted to Sick Days.

Should a teacher not start the school year due to disability, the number of Sick/Personal Business Days will be prorated on first return to work day.

Section C. To participate in the Sick Leave Bank, a teacher must:

1. Secure the application forms from the L.E.A. Office.
2. Complete both the personal application form and the L.E.A. Physician's Statement.
3. Return the application forms to the L.E.A. Office.
4. Complete the above as quickly as possible, as the L.E.A. Sick Bank Committee must be convened to act on the application and the Personnel and Payroll offices need time to process the application and make payment to the applicant.
5. A new personal application and L.E.A. Physician's Statement may be required after thirty (30) calendar days.

Section D. There will be a minimum five (5) day waiting period per injury or illness before entering the Sick Bank. Accumulated Personal sick days must be used according the following schedule:

1 thru 10 Accumulated Personal Sick Days – There is a waiting period of ten (10) school days prior to use of the Sick Bank.

11 thru 21 Accumulated Personal Sick Days – You must use all accumulated sick days prior to use of the Sick Bank.

22 thru 45 Accumulated Personal Sick Days – You must use all but five (5) of your accumulated sick days prior to use of the Sick Bank.

46 plus Accumulated Personal Sick Days – You must use all but ten (10) of your accumulated sick days prior to use of the Sick Bank.

Section E. Should any request for Sick Leave days be denied by the Sick Leave Bank Committee, the decision of the Committee may be appealed to the Representative Council. The decision of the Representative Council shall be final and in no way subject to the grievance procedure.

Section F. The Sick Bank will cover those conditions also covered by the Long Term Disability policy. The maximum number allowable shall be the minimum number of days necessary to obtain Long Term Disability.

Section G. The Sick Bank will cover only 90 calendar days in any calendar or academic year. The Executive Board can make exceptions.

Section H. The Sick Bank Committee with a simple majority vote reserves the right to request a second opinion validating a teacher's disability status. Once the L.E.A. contracts an appropriate professional, the teacher will be informed in writing and given sufficient time to complete the evaluation. The teacher may, at his or her own discretion, release information from the initial evaluation.

The Sick Bank Committee reserves the right to suspend any or all Sick Bank benefits, if and when it deems necessary.

The Sick Bank Committee will determine confirmation of the second opinion. Upon confirmation, all benefits will be restored.

Should the Sick Bank Committee determine a significant difference between the initial and second opinion, all benefits will cease. The teacher can, in writing, petition the Sick Bank Committee for a third opinion. This evaluator will be selected by mutual consent with costs shared equally by the teacher and the L.E.A. The third decision is final and binding on both parties.

ARTICLE VIII. COMMITTEES

Section A. Standing committee appointments shall be made by the President and confirmed no later than the second regular meeting of the Executive Board.

Committee appointments shall be for two (2) year terms, which shall be consistent with the term of the President. Committee members are subject to removal by the President, with the approval of the Executive Board. All committees shall keep on file records of all business conducted.

1. Membership – Shall be composed of a Chairperson and one member from each level. Each level shall gather and disseminate membership information from

and to their building representatives. Requested information shall be sent to the membership chairperson who shall present it to the President prior to each Executive Board meeting.

2. Public Relations/ Service -Shall be composed of a Chairperson and two or more members who shall be responsible for organizing and promoting social and welfare functions for the Association. Under the direction of the President, Executive Board, or Representative Council, the committee shall disseminate information to the public.

3. Grievance – Shall be composed of a Chairperson and one member from each level. This committee shall consider and act upon all formal and informal Association or individual grievances in accordance with the Master Agreement.

4. Elections Committee – Shall be composed of a Chairperson and one member from each level. This committee shall conduct all L.E.A. elections in accordance with the election rules and procedures found in Appendix One (1) of this document.

5. P.A.C. – Shall be composed of a Chairperson and one member from each level. This committee shall be responsible for political action activities under the direction of the President.

6. Staffing Chair -

Section B. The president when deemed necessary shall appoint other committees.

ARTICLE IX. NOMINATIONS

Section A. Nominations for elected offices shall be by presentation of a petition bearing the signatures of at least fifteen (15) active L.E.A. members in good standing or nomination at the informational meeting. Said petitions must be presented to the elections Committee no later than two (2) weeks prior to the April election.

Section B. The president shall appoint an elections committee, which shall establish election procedures that guarantee that all elections shall provide for open nominations by active members in good standing, secret ballot, voting procedures and preservation of ballots for at least one (1) year.

Section C. The governing body shall certify the elections committee report and publish results of the election. Official reports of elections must be filed with MEA within thirty (30) days after the election. Results of the MEA/NEA delegate elections must be transmitted to the MEA within ten (10) days after the election.

Section D. A vacancy in any of the positions shall be filled by the governing body until the next general election, except a vacancy in the position of Representative Assembly delegate(s). The duly elected alternates shall replace a Representative Assembly delegates.

Section E. Delegates to the representative assembly may be recalled for just cause.

Section F. Every active member in good standing shall have the opportunity to vote. All elections shall take place following the one member/one vote principle.

Section G When there are three (3) or more representative assembly delegates elected, a representative of minority persons, 3-1G shall be elected as required by the MEA Constitution and Bylaws.

ARTICLE X. VACANCIES

Section A. Vacancies in office shall be filled by nomination of the Executive Board with the approval of the Representative Council for the remainder of the unexpired term, with the exception of a vacancy in the office of President. The President should always be elected by the membership. All elections must be by secret ballot.

ARTICLE XI. DUES

Section A. Dues of the Association shall consist of the total amount of local, state and national dues. The local portion of the Association dues shall be decided by the general membership. An increase or special assessment over 10% in any one year may be enacted only by a majority vote of the membership.

ARTICLE XII. AMENDMENTS

Section A. Amendments to these By-Laws signed by 20% of the active membership may be introduced at any regular meeting of the Representative Council. Such amendments shall be acted upon within forty-five (45) days of introduction at a subsequent meeting of the membership or by ballot. A copy of the proposed amendment, together with the recommendation of the Representative Council, shall be

sent to each member of the Association. A majority affirmative vote of the active membership is required to adopt the proposed amendment, which shall become effective immediately upon adoption, unless otherwise provided.

ARTICLE XIII. REPRESENTATION OF MINORITY PERSONS 3-1G

Section A. The Ethnic representation shall be in compliance with the constitutions and bylaws of the National Education Association and the Michigan Education Association.

ARTICLE XIV. EFFECTIVE DATES

Upon ratification, this Constitution and By-Laws will become effective November 2017 with the following special provisions:

A. The currently serving officers shall retain their positions until the end of their regular terms.

The name of this organization shall be the "Lapeer Education Association, M.E.A. / N.E.A.", a local affiliated unit of the Michigan and National Education Associations. The Association shall be a non-profit corporation organized in accordance with the laws of Michigan.

LAPEER EDUCATION ASSOCIATION APPENDIX I ELECTION RULES AND PROCEDURES

Adopted by LEA Representative Council

September 12, 1977

(Amended April 2012)

Building Representative Duties During An Election:

1. Post announcement of election five (5) days prior to balloting.
2. In buildings with more than one Building Rep., one Building Rep. should be designated the responsibility to see that the following is done:
 - a) Locate where itinerants who are assigned to your building will be on election day at the close of the school day. If they are not in your building, notify the election chairperson where the itinerant teacher will be.

b) When so notified, Building Reps. will add the names of such teachers to the official list of qualified voters which will be supplied to the Building Rep. prior to the election day.

c) Pick up ballot materials and election folders from the election chairperson prior to election day.

d) Return all ballot materials, unused ballots, building voter lists, and election folders to the election chairperson of MEA office by 5:00 p.m., on election day.

e) Post results of the election or email in your building when informed officially by the L.E.A. President.

3. Post notice of election and biographical sketches of candidates on L.E.A. bulletin board in each building's teachers' lounge or email information to your building members.

4. Questions arising during the balloting should be directed to the Elections Committee.

ELECTION RULES

1. Only members in good standing shall be allowed to vote.

2. Elections shall be held in each building and conducted by the Building Representative or his designee if the Building Rep. is a candidate for office.

3. Elections will be by secret ballot or secure online voting.

4. Voting shall take place only during a specifically called elections meeting.

5. Ballots shall be distributed personally at the specially called elections meeting and each member's name shall be initialed or checked as a ballot is issued by the election official.

6. All ballots shall be deposited in an official ballot container.

7. All ballot containers unused ballots and membership voting lists shall be returned to the MEA office or election chairperson by 5:00 p.m., on election day by the election official.

8. Counting will be done by the Elections Committee on election day.
9. No candidates for office shall be present during the counting of the votes.
10. The results of the election shall be tabulated and presented to the President for publication.
11. The results of the election shall be presented to the next meeting of the Representative Council for official acceptance.
12. Absentee voting may take place in each building on either of the two working days preceding the election.
13. Challenges to the election results must be received by the Elections Committee prior to the next scheduled Representative Council meeting.
14. Any deviation from the above election rules may lead to the invalidation by the Election Committee of the entire vote of the building or buildings involved.
15. Ballots shall be preserved for one year and kept in the custody of the L.E.A. President.

WITHDRAWAL OF A CANDIDATE

A candidate's name may be withdrawn prior to the election:

By himself:

For reasons of health, job transfer, or other reasons

The candidate will present a written statement of withdrawal to the Elections Committee.

By the Elections Committee:

For grossly inaccurate information given by the candidate to the Elections Committee.

If there is reasonable doubt the candidate will be welcomed with a contract for the following year.

The Elections Committee will remove the candidate's name from the ballot after notifying him in a written statement that his name is being withdrawn.

WHAT IS A SPOILED BALLOT?

A spoiled ballot shall be voided.

The Building Rep. is to write "VOID" on the face of the spoiled ballot.

Voided ballots shall be returned in the election folder to the Election Committee.

The Building Rep. shall be aware and make it clear to his building's voters that a ballot shall be totally voided on the following basis:

Erasure marks are evidenced

More candidates' names are checked than asked for

Rules pertaining to spoiled ballots shall be printed at the top of each ballot.

CONDITIONS WHICH INVALIDATE BUILDING ELECTIONS

Suggestions: Building Reps. should discuss correct voting procedures with all L.E.A. members in their buildings prior to an election.

Invalidations of elections may occur on the following basis:

- An election is not secret
- Ballots are not placed in the hands of each individual L.E.A. member and his name checked off on the voting list as he receives a ballot
- Ballots are placed in mailboxes instead of in the hands of the voters
- Ballot boxes, unused ballots, building voter lists, and election folders are not returned to the Elections Committee by 5:00 p.m., on election day.
- Voters discuss who to vote for or how to vote during the voting and in the election place.
- Ballots are taken outside the voting area and marked during an election.

CHALLENGES TO THE ELECTION

All challenges to the election must be in writing.

All challenges to the election must be received prior to the next Representative Council meeting following the election.

The L.E.A. President will allow time after an election day for at least one day for presentation of challenges and two days for the Elections Committee to meet and reply, in writing, to any challenges before the Representative Council meets and accepts the election results.