

CONSTITUTION

OF THE

NEWARK TEACHERS

UNION, LOCAL 481,

AFT / AFL-CIO



**CHARTERED
1936**

CONSTITUTION
of the
NEWARK TEACHERS UNION
LOCAL #481 — AFT/ AFL-CIO
Effective January 1, 1979

ARTICLE I
Name

The name of the organization shall be the NEWARK TEACHERS UNION, Local 481 of the American Federation of Teachers, AFL-CIO.

ARTICLE II
Objectives

The objectives of the Newark Teachers Union are:

1. To increase the efficiency of the schools in democratic education by:
 - a. promoting good teaching
 - b. improving conditions of work
 - c. providing systematic study of school problems by teachers
 - d. promoting the democratic participation of the teachers in school administration
 - e. protecting schools against unsound economies
 - f. co-operating with community and educational forces;
2. To protect teachers against oppressive supervision;
3. To provide for the protection of teacher's interests by legal action and other proper means;
4. To prevent discrimination in education on account of sex, color, marital status, residence, religion, or political beliefs;
5. To protect the schools against efforts at domination by political, ethnic, economic, religious or military groups.

ARTICLE III
Membership

Section 1. Full membership shall be open to all educational employees regularly employed by the Newark Board of Education, except superintendents, principals, vice-principals, or administrators who hire or fire. The Executive

Board shall have the right to broaden membership policy in keeping with current bargaining unit practices. Each new member shall be permitted full voting rights at the next regular meeting immediately after his/her admission to the organization.

Section 2. Student membership shall be open to student teachers who shall be granted all privileges of full membership except the right to vote, to hold office, or to represent the NTU as a delegate.

Section 3. Membership may be granted to a previous member of the Newark Teachers Union who is employed by the American Federation of Teachers, the New Jersey State Federation of Teachers or the Newark Teachers Union. The Executive Board shall have the right to determine the scope of membership.

Section 4. Applicants are subject to the conditions specified in the Constitution of the AFT.

Section 5. Members may be expelled or disciplined only after charges in writing have been presented to the Executive Board. The President shall then appoint a grievance committee of five to hear the charge against and the defense of the accused member, and shall bring recommendations not later than the second subsequent meeting of the Executive Board. Notice of the fact that the report of the grievance committee is to be on the order of business shall be sent out with notice of the meeting, and a copy of the recommendations of the grievance committee shall be sent to the accused member one week before this meeting. After the grievance committee's report, the accused member shall be given fifteen minutes to defend himself/herself. Sustainable and valid charges shall be those of deliberate and willful failure to follow Union policy, actions detrimental to the best interests of the Union, or other just causes. A 2/3 majority vote of the Executive Board shall be necessary for expulsion, suspension, fine or other such penalty imposed.

ARTICLE IV

Officers

Section 1. The Executive Board of the Newark Teachers Union shall be President; Secretary-Treasurer; and twenty-nine Vice Presidents. *April 1989

Section 2. Nominations shall be made at a membership meeting in the month of April in odd-numbered years. ~~Nominations shall be made by the Nominations Committee and/or by nominating petition. Petitions shall clearly indicate the specific office for which the named petitioner aspires to fill.~~

~~Each petition shall contain the signatures of a minimum of 100 members in good standing from five different work sites (a minimum of 20 member signatures per work site). Candidates by petition must file individual petitions. Nominations made by the Nominating Committee and/or by nominating petition shall be reviewed by the Elections Committee.~~
(Deleted based on AFT decision circa 1970-1980) * See Nomination Rules below. The Elections Committee shall review each nominee to determine eligibility for holding office under the provisions of the NTU Constitution, By-Laws, and election rules as adopted by the Executive Board. Notice of certification of eligibility shall be presented to the Executive Board and communicated to each nominee within 10 days after the nominating meeting.

Nomination Rules:

1. Nomination & Election of Officers- The nomination and election of officers of the Newark Teachers Union, Local 481, will be conducted in accordance with the NTU Constitution and Nomination Rules of the Newark Teachers Union.
2. Terms of Office- The terms of office for all candidates shall be two (2) years commencing on the date of the first duly called Annual Meeting in June 2011 at NTU whereat newly elected officers and executive board members shall be sworn in and installed.
3. Nominations shall be from the floor at the Friday, April 1, 2011 meeting for the Offices of President, Secretary-Treasurer and twenty-nine (29) Vice Presidents all of whom shall also serve as Delegates to the American Federation of Teachers National Convention and the New Jersey State Federation of Teachers Convention and Affiliates.
4. Eligible Candidate- Any member who has paid dues for two (2) consecutive years immediately prior to and including Tuesday, March 15, 2011 shall be deemed to be in good standing and eligible to be a candidate providing they have followed the 2011 Nomination Rules of the Newark Teachers Union Nomination Committee.
5. Member in Good Standing- Only Newark Teacher Union members in good standing have the right to vote. A member is in good standing when his/her dues are paid up to date, not suspended or under any other penalty condition. A member in good standing shall be permitted to vote & shall receive a secret mail ballot from the American Arbitration Association who will be overseeing, auditing and certifying the Newark Teachers Union 2011 Election of Officers. Any member whose dues are in

arrearage on Tuesday, March 15, 2011 shall be entitled to vote provided the arrearage is paid in full by Thursday, April 14, 2011. Suspended employees are permitted to vote in the election provided they are in good standing in accord with Sec. 4 of the 2011 Secret Ballot Election Rules.

6.Nominations- A Candidate nominated shall be nominated and seconded by a member who is determined to be in good standing as of Tuesday, March 15, 2011. An eligible nominator may nominate more than one eligible candidate or nominate eligible candidates to a slate.

Nominees in attendance at the Nomination of Officers Meeting shall acknowledge acceptance of their nomination by completing and signing the Nomination of Acceptance form provided by the Nomination Committee or by providing a completed & signed Nomination form as outlined in the next paragraph.

Eligible members seeking nomination need not be present at the Nomination of Officers Meeting in order to be nominated but shall submit a completed and signed Acceptance of Nomination form to the Nomination Committee at the Newark Teachers Union, 1019 Broad Street, Newark, New Jersey by 5 P.M., Monday, April 4, 2011. Failure to provide a completed and signed Acceptance of Nomination form shall disallow the nominated candidate from having his/her name placed on the ballot.

All nominees shall indicate on the Acceptance of Nomination form provided by the Nomination Committee, whether they elect to run individually or on a slate and shall designate the slate's name if applicable.

In order that the Nomination/Election Committee can communicate in a timely manner, all completed Acceptance of Nomination forms must have included a working cell phone number and a valid email address for the nominated person if available.

7. Determination of Eligible Candidates- The Election Committee will review the Newark Teachers Union dues and membership lists to determine the eligibility of all nominees to be considered for office. Eligible nominees will be notified of their eligibility in writing. An ineligible nominee will be notified either by email or by letter of the reason for ineligibility and may, upon the presentation of facts seek a review of the Elections Committee ruling of

ineligibility. The request for a review must be either by email or by letter with the reasons and must be received by the Elections Committee at 1019 Broad Street, Newark, New Jersey 07102, Attention: Election Chairperson, prior to Wednesday, April 6, 2011 on which date the Election Committee shall certify the eligibility of all nominees at the Executive Board Meeting held at the Newark Teachers Union, 1019 Broad Street, Newark, New Jersey 07102 at 3:30 P.M.

8.Nomination Complaints- Election complaints or challenges by members or candidates shall be addressed either by email or by letter to Newark Teachers Union, Local 481, 1019 Broad Street, Newark, New Jersey 07102, Attention: Election Chairperson. After review by the Election Chairperson, a reply either by email or by letter to any complaint will be made within 48 hours of receipt of complaint. If a candidate or voter seeks a review of the decision of the Election Chairperson by the entire Election Committee a request must be made either by email or by letter within 24 hours after the receipt of the Election Chairperson's decision.

Section 3. The notice announcing the April membership meeting shall include a prominent announcement that nominations for Officers and Executive Board members will be on the agenda. The notice announcing a May meeting shall include a prominent announcement that elections for Officers and Executive Board members will be held. The notice shall also include the complete list of nominees for office.

Section 4. Elections shall be held in May and shall be conducted according to the election rules as outlined in the NTU Constitution, By-Laws, election rules, and Robert's Rules of Order.

Section 5. Officers shall serve a two year term.

Section 6. The officers shall perform the duties assigned to their respective offices by the President or by Robert's Rules of Order.

Section 7. Whenever vacancies of any elected office occurs, such vacancy shall be filled by the President with the approval of the Executive Board.

Section 8. The Executive Board shall institute recall proceedings upon receipt of a petition stating the reasons for the proposed recall and signed by 25% of the membership. Officers shall be subject to recall by a 3/4 membership vote.

Section 9. No member shall be eligible for office or to the Executive Board until he has been a member in good standing for two consecutive years.

Section 10. Officers and Executive Board members shall be delegates to all affiliated bodies.

ARTICLE V

Executive Board

Section 1. Deleted *April 1989

Section 2. All members of the bargaining unit (unless specifically stated elsewhere in this Constitution) shall be full members of the Union and entitled to equal opportunity for serving as members of the Executive Board.

Section 3. The President of the NTU or his/her designee shall chair all meetings of the Executive Board.

Section 4. Nominations and elections for members of the Executive Board shall be held at the same time and in the same manner, and shall be governed by the same rules and regulations as nominations for officers. The number of candidates receiving the highest number of votes corresponding to the number of positions to be filled shall be declared elected.

Section 5. The members of the Executive Board, other than the elected officers, shall serve for two years.

Section 6. The Editor of the NTU Bulletin shall be appointed by the President and he/she shall automatically become a member of the Executive Board.

Section 7. The Executive Board shall administer the affairs of the Union, subject to the will of the members as expressed at regular or special meetings. The acts of the Executive Board may be amended or annulled by a two-thirds vote of the membership.

Section 8. The Executive Board shall direct the financial affairs of the Union, determining the expenditures and appropriations of all committees, except as herein provided for.

Section 9. Recall of Executive Board members shall follow procedure as set forth in Article IV, Section 8.

Section 10. The Executive Board shall, at the request of a majority of its members, or 500 members of the Union, submit any matter to a referendum vote. This referendum shall consist of a mailing to all members in good standing, a copy of the motion to be voted upon along with statements of the proponents and opponents of the motion. A ballot stating the motion with the wording "yes" and "no" and a check box opposite each word will be included. Each motion to be voted on shall be numbered separately. After sufficient time the President or his/her representative, accompanied by a representative of each side of the issue on the ballot, shall remove the ballots and cause them to be

counted. Counting must be done in the presence of the designated representatives and the Executive Board, or the membership. The President shall notify the members of the results of the referendum as soon as possible. The time by which all ballots must be mailed in order to be valid will be indicated on the ballots. The following direction sheet shall accompany each ballot:

NEWARK TEACHERS UNION

The enclosed ballot is for your personal use in a referendum on the question of (statement of motion).

INSTRUCTIONS FOR VOTING:

1. Mark your ballot with an X in the box of your choice.
2. Fold and place your ballot in small white envelope marked SECRET BALLOT and seal your envelope.
3. Place Secret Ballot envelope with the enclosed ballot in the large envelope and print your name and address in the upper left corner in the space provided. Also be sure your signature is placed below the name and address. TO MAINTAIN THE SECRECY OF THE BALLOT the small envelope will be removed from the return envelope prior to counting.
4. Seal this envelope and mail as soon as possible.
5. No ballot will be valid if postmarked after the deadline date stated on the ballot.
6. All return envelopes will be picked up by the Newark Teachers Union President or his/her representative.

Section 10A. The Executive Board shall at the request of a majority of its members or 500 members of the Union, initiate a preferential referendum on any controversial matters that are deemed of significance to the members. The ballot with clearly outlined positions of preference shall be prepared by a special committee of the Executive Board and shall be submitted to the Executive Board as a whole for approval before mailing to the membership. Tabulation of preferences shall be recorded and tabulated as provided in Article V, Section 10A (e).

- a. All voting in the referendum is to be by individual members and cast on official ballots. Each member is entitled to cast one secret ballot.
- b. The official ballot is to be placed in the ballot envelope. In the counting process it will first be

determined from your name in the left hand corner of the return envelope if you are eligible to vote. Once this has been done your ballot envelope will be removed and placed with the other ballot envelopes in such a manner as to prevent any knowledge of how the individual cast his vote.

- c. No officer or member of a local is entitled to cast more than one ballot.
- d. Ballots shall be sent only to members that are in good standing. Ballots received from members not in good standing shall not be counted.
- e. The vote shall be counted in accordance with the system of preferential voting; that is if any proposal receives a majority of first choices, that proposal shall be the policy of the NTU. In the event that none of the proposals receives such a majority, the proposal receiving the smallest number of first choices shall be declared lost and the second choices of such ballots shall be counted along with the first choices for the remaining proposals. This procedure of eliminating the proposal with the lowest number of votes and redistributing those votes to the next indicated preference shall continue until one of the proposals receives an absolute majority.

Section 14. The Executive Board shall have the power to dissolve any special or standing committee with the approval of the President.

Section 15. The Executive Board shall elect delegates to the various meetings and conferences in which the Union is interested upon the recommendation of the President.

Section 16. The Executive Board will meet monthly at the call of the President. Meetings shall be open to all members of the Union. Any member of this Union may speak at such meetings but may not vote.

Section 17. A majority of the Executive Board shall constitute a quorum.

Section 18. Special meetings of the Executive Board shall be called by the President at the written request of five members of the Executive Board.

Section 19. Any officer or Executive Board member who is absent without reasonable cause from three consecutive meetings after being duly notified of the meeting shall be considered to have resigned and he/she shall be so notified. The vacancy so created shall be filled in accordance with Article IV, Section 7.

ARTICLE VI

Meetings

Section 1. There shall be at least three membership meetings during an election year.

Section 2. The meeting in June shall be known as the Annual Meeting. New Officers and Executive Board members shall be installed at this meeting.

Section 3. A special membership meeting may be called by the President or at the request of ten percent of the membership of this Union.

Section 4. The agenda for meeting shall be prepared by the President or his/her designated representative.

Section 5. Twenty-five percent of the membership of this Union shall constitute a quorum to conduct business of this Union.

Section 6. Only members in good standing shall have the right to vote, to make motions, or to second motions on any question or to serve on any committee. A member is in good standing if he/she is paid up to date, not suspended or under any other penalty condition as per Article III, Section 5.

ARTICLE VII

Committees

Section 1. Committees of this Union shall serve for one year or until dissolved by the President.

Section 2. No committee shall take final action on any matter not specifically mandated by this Constitution without the consent of the Executive Board and the President.

Section 3. A nominating committee of at least three members shall be appointed by the President and approved by the Executive Board not later than the end of February in election years.

Section 4. The President shall appoint all committees.

ARTICLE VIII

Dues

Section 1. Applications for membership shall be accompanied by a half year's dues, or by a dues deduction authorization card.

Section 2. Dues shall be payable annually or semiannually by November and/or February and shall be based on annual salary.

Section 3. Dues shall be (1 %) one percent of salary for all categories of members. Changes in the dues structure will require a recommendation from the Executive Board and approval by the membership in accordance with Article V, Section 10 or 10A.

Section 4. Dues for honorary members shall be waived.

Section 5. Dues for teachers on furlough without pay shall be one quarter of their normal dues per year.

Section 6. Dues for teachers on Sabbatical leaves shall be one half of their normal dues.

ARTICLE IX Amendments

Section 1. Proposed amendments to this constitution must be submitted in writing to the Executive Board and bear the signature of at least ten percent of the membership.

Section 2. The proposed amendments and signatures must be presented to the Constitutional Amendments Committee which will then present the amendments with recommendations to the Executive Board. Amendments must receive a two-thirds vote for further consideration.

Section 3. Proposed amendments receiving the necessary 2/3 vote of the Executive Board shall be read at the next membership meeting.

Section 4. The Executive Board may, at its discretion, present the question to the membership at large; if so, a referendum as per Article V will be held.

Section 5. A two-thirds majority of all votes cast shall be necessary for the adoption of an amendment.

ARTICLE X

Section 1. Robert's Rules of Order shall be considered the authority in all cases not covered by this constitution.

BY-LAWS FOR THE INDUCTION OF NEW MEMBERS

Section 1. A member remains in good standing so long as his/her dues are not in arrears and/or he/she is not suspended or under any penalty sanctions imposed under Article III, Section 5.

Section 2. Each applicant should receive a copy of the AFT Constitution, the NJSFT Constitution, and a copy of the NTU Constitution and By-Laws from the membership committee.

GENERAL BY-LAWS

Section 1. Full membership with a moratorium on dues is to be allowed members in the Armed Services.

Section 2. All Requests for official Union information shall be referred to the Executive Vice-President.

Section 3A. Union endorsement of candidates for political office may be voted upon at a membership meeting provided the NTU Committee on Political Education (COPE) with the concurrence of the Executive Board, presents such a recommendation.

Section 3B. Delegates and representatives from the NTU to all affiliated bodies will vote and speak on endorsements of political candidates and referenda on ballots within the limits determined by the membership at open meetings. If no decision on matters of this nature has been made by the membership, the majority vote of the Executive Board may be used to guide such delegates and representatives. In any matter of support for candidates or referenda not formally approved or disapproved by the membership or the Executive Board, delegates and representatives of the Union shall point out that no action has been taken by the Newark Teachers Union and that their personal action does not necessarily indicate the position of the Newark Teachers Union.