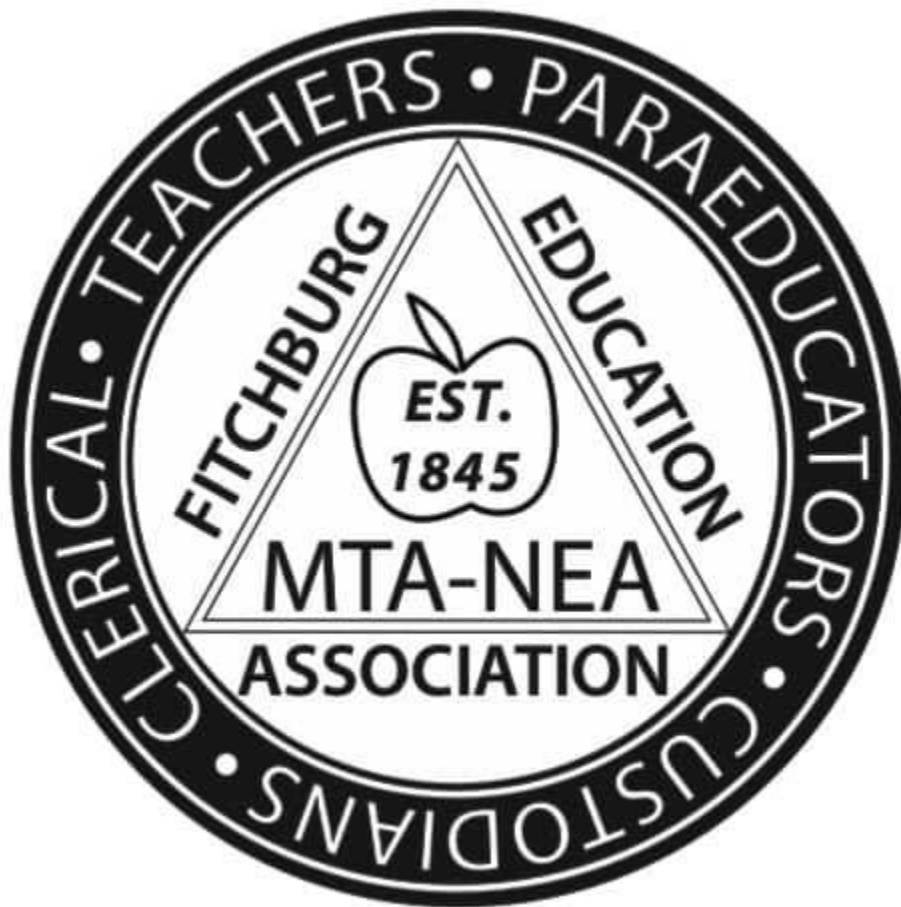


Fitchburg Education Association

BY-LAWS

As of 4/6/22



Voted on by Rep Council on 4/6/22 - changes went into effect immediately

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ARTICLE I - ASSOCIATION NAMES

The name of the Association shall be the Fitchburg Education Association, hereinafter referred to as “The Association” or the FEA, which shall be composed of four units:

- A. Unit A shall be designated the Fitchburg Teachers (per contract language -Article 1, Section 1).
- B. Unit B shall be designated the Fitchburg Educational Support Professionals - ParaEducators (Paras) (per contract language Article 2, Section 5).
- C. Unit C shall be designated the Fitchburg Educational Support Professionals - Custodians.
- D. Unit D shall be designated for the Fitchburg Educational Support Professionals - Clerical

ARTICLE II - OBJECTIVES

We, the members of the Association, in order to fulfill our responsibilities to our profession and to our community, do hereby adopt the following:

- A. To maintain and improve the quality of education for all.
- B. To uphold high professional standards and to advance the socio-economic well-being of the membership.
- C. To work for the welfare of school children, the advancement of education, and the improvement of instructional opportunities for all.
- D. To develop and promote the adoption of such ethical practices, personnel policies, and standards of participation as a mark of a professional.
- E. To unify and strengthen the Association and to secure and maintain the salaries, professional status, bereavement, sabbatical, military, delegates, maternity, sick leave, and other working conditions necessary to support teachers, education support professionals (ESP) and clerical staff throughout the district.
- F. To enable Association members to speak with a common voice on matters pertaining to the teaching profession, and those matters pertaining to the education support professionals (ESP) and clerical staff, and to present their individual and common interests before the School Committee and other legal authorities.
- G. To hold property and funds to employ help for the attainment of these purposes.
- H. To represent the membership and agency fee payers of the Fitchburg Education Association in negotiations with the Fitchburg School Committee as provided under Chapter 150E of the Massachusetts General Laws.

ARTICLE III - MEMBERSHIP

Section 1 - Eligibility

Membership in the Association shall be open to all professional teachers/educators, education support professionals - Paras, custodial/maintenance workers and clerical staff employed by the schools of Fitchburg excluding members of the administration.

Section 2 - Active Membership

A. An active member is entitled to vote, to hold office, and to receive all services and benefits of the F.E.A.

B. Active membership shall become effective upon full payment of dues or by enrollment by authorization of payroll deduction of dues to FEA, MTA, and NEA.

C. Active membership shall be continuous until the member leaves the school system, resigns from the Association or fails to make arrangements or pay dues by November 1, of each school year.

D. For the purposes of interpretation or application of these by-laws, members assigned to multiple buildings shall be construed as being assigned to the building where they spend the majority of time.

E. In order to receive any services, consultations, or legal representation, members on leave must maintain membership in FEA, MTA, and NEA and pay appropriate dues.

Section 3 - Affiliations

A. Active members of the Association shall also be members of the Massachusetts Teachers Association (MTA) and the National Education Association (NEA).

B. No person shall be admitted to or be continued as an active member in the Association who is not a member of the MTA and the NEA.

C. The Association shall affiliate with the NEA under its rules and the MTA under its rules.

Section 4 - Retired Members

Any member upon retirement shall become an honorary FEA life member. Honorary life members are not required to pay local dues.

Section 5 - Ethics

Adherence to the Code of Ethics of the Education Profession and MTA Procedures for Compliance shall be a condition of continuing membership.

Section 6 - Revocation of Membership

According to procedures adopted by the membership (MTA), the Executive Council may suspend or expel any member who has been found in violation of the Code of Ethics of the Education Profession.

Section 7 - Sustaining Membership for Members on Unpaid Leave of Absence

Any member on an unpaid leave of absence may continue to sustain membership in the Association by paying 15% of the Local Association Dues, 15% of the MTA Dues and 50% of the NEA dues. These percentages are subject to change in accordance with MTA and NEA by-laws and the FEA will adopt any changes made by MTA or NEA.

ARTICLE IV - RULES, DEFINITIONS AND PROCEDURES

Section 1 - Parliamentary Procedure

Robert's Rule of Order Newly Revised shall be the authority of the Association on all matters not covered in the Constitution and By-Laws.

Section 2 - Majority

- A. For the purpose of elections, majority/plurality means 51% of votes.
- B. For the purposes of contract voting and amendments to these by-laws, majority means 2/3 of votes.

Section 3 - Quorum

A quorum is the number of members of a body that when duly assembled is legally competent to transact business. Quorum at contract voting (Article VIII Section 3) shall be 51%.

Section 4 - Year

- A. The membership year shall be from September 1 – August 31.
- B. The business year shall be from July 1 – June 30.

ARTICLE V - OFFICERS

Section 1 - Officer Positions

The officers of the Association shall be:

A. President

1. The President may work as a half-time release President-with 50% of the time in his/her appointed position and spending 50% of the time on Association business.
2. In the event that the position is a half-time release president, one half of the member's contracted salary will be paid by the District and the cost of the salary of his/her replacement will be paid by the Association.

B. Vice-Presidents

1. There will be four Vice-Presidents: (1) representing the teachers, (1) representing the paraprofessionals, (1) representing the custodians, and (1) representing the clerical.

C. Secretary

D. Treasurer/Executive Director

Section 2 - Powers and Duties of Officers

A. The President shall:

1. Preside over meetings of the officers, Executive Council, and the General Membership.
2. Appoint the chairpersons of the standing committees and the special committees, and be an ex- officio member of all standing committees.
3. Be the Executive Officer of the Association.
4. Represent the Association before the public either personally or through delegates.
5. Serve as the Chairperson of all Negotiating Teams, or otherwise appoint an Officer.
6. Perform all other functions attributed to that office.

B. The Vice- Presidents shall:

1. Serve as the Grievance Committee.
2. Train Building Representatives to be the first source of contact for F.E.A. members in their respective buildings.
3. Serve as Co-Chairs or Chairpersons of Standing Committees as assigned by the Executive Council.
4. Serve on the sick bank, representing their specific unit.

5. Assume all duties of the President in his/her absence.
6. Perform all duties that the President may deem to be in the best interest of the Association.

C. The Secretary shall:

1. Keep accurate minutes of all meetings of the officers, Executive Board, and of the General Membership meetings.
2. Be responsible for creating all notes, reminders, and agendas for all meetings.
3. Maintain official files.
4. Maintain copies of minutes and other Association records submitted by all Units.
5. Work closely with the Treasurer/Executive Director and Membership Chair to maintain address and email lists of all members in the Association.
6. Notify all active members of the Association of official business conducted by the Executive Council within five (5) school days of each meeting during the year.
7. Pass on information to and from the MTA (as needed).
8. Send out notes, reminders, agendas for all meetings (Executive Council, General meetings, etc.)
9. Be responsible for all thank you note correspondence.
10. Maintain the FEA Google Classroom, email system and any social media accounts.
10. Assist the President with all other Association correspondence.

D. The Treasurer/Executive Director shall:

1. Hold the funds of the Association and disperse them in accordance with budget authorization of the Finance Committee.
2. Bill the membership for the annual dues, collect dues with the assistance of the Finance Committee through the Representatives in each building, and transmit amounts due to the MTA and the NEA.
3. Keep accurate accounts of receipts and disbursements, and report these at each meeting of the Executive Council.
4. Submit an annual financial statement for publication to members as directed by the Executive Council.
5. Keep the President, the Executive Council, and the Finance Committee informed of the financial condition of the Association.
6. Serve as Chairperson of the Finance Committee.
7. Serve as the Membership Chair.
8. Serve as the Chair of the Nomination and Election Committee.
9. Be bonded by the Association.
10. Prepare and present, with input from the Finance Committee and Executive Council, a proposed budget for the FEA which includes annual dues amounts for members.
11. Have financial records reviewed annually.

12. Go to small claims court as needed to recover unpaid dues and agency fees.
13. Apply for local support from MTA by compiling spreadsheets of appropriate spending and submitting them to MTA.
14. File all necessary tax forms (including 1099 forms for stipend positions).

Section 3 - Terms and Succession

A. President, Vice-Presidents, and Secretary

1. Shall serve for two years and may be re-elected without an intervening term.
2. In the event that any office becomes vacant due to resignation, death, or removal from office, there will be an open election to fill the vacancy.

B. Treasurer/Executive Director

1. Will be appointed every two years by the President, with guidance from the Executive Council.
2. In the event that the office becomes vacant due to resignation, death, or removal from office, the President will appoint a new Treasurer/Executive Director within two weeks of the office becoming vacant.

Section 4 - Installation

New officers shall be installed at the beginning of the regularly scheduled June Council Meeting.

Section 5 - Removal of Officers

Whenever a majority of the Executive Council agrees that an officer is incapacitated or has been grossly negligent in his/her duties as defined in these By-Laws, the Executive Council shall recommend immediately that the office be declared vacant. If the Council so votes by a $\frac{2}{3}$ majority to uphold the recommendation, it shall immediately elect a replacement to fill the unexpired term.

Section 6 - President's Expense Account

The expense account for the President shall be fixed at \$750 for Association operations.

ARTICLE VI - EXECUTIVE COUNCIL

Section 1 - Members

The Executive Council shall consist of:

- A. The FEA officers
- B. Building Representatives
 1. Any teacher, para, clerical or custodian in good standing may serve as a Building Representative.
 2. In each building, the number of Building Representatives shall be: a minimum of 2 and a maximum of 1 per 15 FEA members in that building.

Section 2 - Powers and Duties of the Executive Council

- A. Be the legislative and policy-forming body of the Association.
- B. Be the Executive Authority of the Association and carry out policies of the Association;
- C. Advise and assist the President in the execution of his/her duties;
- D. Report its transactions to the general membership, and suggest policies for consideration by them;
- E. Represent the Association in negotiating personnel policies with the School Committee. The Executive Council may make decisions binding the Association in these matters, and may delegate its power to negotiate to another committee or representative;
- F. Recommend an annual budget for the operation of the Association. It shall have the accounts of the Association reviewed annually;
- G. Establish committees and create policies governing them.
- H. Assist the President to appoint members of the standing committees and to fill unexpired terms as vacancies occur. It shall review committee plans as necessary and shall decide any jurisdictional argument between committees. It shall confirm the appointment of standing committees.
- I. Oversee the enrollment of members, be responsible for distributing Association communications to the members in their building, and keep their members informed of Association business. They shall further act as liaison between the members in their building and the Executive Council.
- J. Conduct and share building meetings when necessary, and shall be the official spokesperson for members of his/her Unit in Association matters.
- K. Keep their members informed of Association business through Ten Minute building meetings.
- L. Approve the budget as recommended by the Finance Committee.
- M. Approve all expenditures over \$250.

- N. Act on reports of standing committees.
- O. Adopt procedures for implementing the Code of Ethics.
- P. Approve and set all policy necessary to carry out Association business.

Section 3 Terms and Succession

- A. The Building Representatives shall serve for one year and may be re-elected without an intervening term.
- B. In the event that any position becomes vacant due to resignation, death, or removal from office, there will be a building election to fill the vacancy.

Section 4 - Installation

New Building Representatives shall be installed at the beginning of the regularly scheduled September Executive Council Meeting.

Section 5 - Attendance

Members of the Executive Council who miss three consecutive meetings without being excused may be required to resign from the position.

Section 6 - Immediate Past-President

The Immediate Past-President of the Association may choose to serve as a non-voting member of the Executive Board, provided that s/he is still a member of the Association. The length of the term shall be one year.

Section 7 - Member Participation

Any member of the Association may attend the Executive Council meetings, shall sit apart from the voting body, and shall receive permission to speak from the chair.

ARTICLE VII - MEETINGS

Section 1 - Executive Council

- A. The Executive Council shall meet at least once each month of the school year.
- B. The President or two members of the Executive Board may request additional meetings with a 24-hour notice given to the Members of such meetings.
- C. Meetings may be held in person or virtually via Google Meet as needed.

Section 2 Emergency Meetings

The President may call in person or virtual emergency meetings as needed.

Section 3 - Annual Meeting

- A. Annual Meeting will take place during the May Executive Council Meeting.
- B. At this meeting:
 - 1. The President shall present an annual report of the state of the Association;
 - 2. The Treasurer/Executive Director shall make public account of the account of the Association finances;
 - 3. The VP's of each Unit shall present an annual report of the state of his/her respective Unit.
 - 4. The Chairpersons of the standing committees shall make reports;
 - 5. Other appointed committee chairpersons shall also submit reports.
- C. Other matters of importance may be brought before the membership.
- D. Candidates for FEA officer positions may make a speech or presentation after all business is completed.

Section 4 General Membership Meetings

- A. The Executive Council may arrange such general membership meetings as it deems necessary.
- B. Five (5) days notice shall be given prior to the meeting.
- C. Meetings may be held in person or virtually via Google Meet as needed.

ARTICLE VIII - ELECTIONS AND VOTING

Section 1 - Election of Officers

- A. The nomination committee shall present to the Executive Council by the first of May a list of nominees for the offices of the Association.
- B. Any member of the Association, upon presenting a petition signed by five (5) fellow members, shall have his/her name included in this list for the office he/she is seeking.
- C. The Executive Council shall provide a copy of this list to each member of the Association at least one week prior to the election.
- D. No further nominees shall be considered after this list is published.
- E. Election will be the next school day following the Annual Meeting. Election will be building based or virtually through an online voting portal.
 - 1. Building based voting will take place for 20 minutes before and after school.
 - 2. Online voting will be conducted from 6 am - 5 pm.
- F. Elections of Officers are by majority vote.
- G. Results of the election will be published electronically (email/website) on the day of the vote.

Section 2 - Election of Building Representatives

- A. Within the first 10 school days, each building will hold a building meeting for the purpose of electing Building Representatives.

Section 3 - Contract Voting

- A. All votes to accept or reject new or amended contracts shall be by secret ballot.
- B. Five (5) days' notice, exclusive of weekends, shall be given for notice.
- C. The voting will take place at a General Membership Meeting or virtually using an online voting portal the day after the General Membership Meeting.
- D. A 2/3 majority vote of those present is required.
- E. Results shall be known to the membership by the end of the following school day.

Section 4 - Memorandum of Agreement Voting

- A. All votes to accept or reject amended contracts through an MOA shall be by secret ballot.
- B. Five (5) days notice, exclusive of weekends, shall be given for notice.
- C. The voting will take place before and after school at the location the MOA directly effects. All F.E.A. members are allowed to vote. If the MOA effects the whole membership equally voting will take place at a general membership meeting.

ARTICLE IX - COMMITTEES/CHAIRS

Section 1 - Webmaster of the FEA Website

The Webmaster may attend the Executive Board meetings as a non-voting member if the appointee is not an existing member of the Executive Board.

Section 2 - Membership Chair

Be responsible for collecting all membership forms and keeping accurate records of membership.

Section 3 - Parliamentarian

Shall attend all Executive Council and General Membership Meetings as requested by the President. All rulings made by the Parliamentarian shall be final unless such rulings are appealed in accordance with the provisions set forth in Robert's Rules of Order Newly Revised or unless such rulings are in conflict with these By-Laws or with the Constitution of the Association.

Section 4 - Negotiating Committees

A. Unit Negotiating Teams

1. This committee shall negotiate with the School Committee on hours, wages, and working conditions including the instructional programs for all personnel in each bargaining unit. With the aid of appropriate committees, it shall prepare contract proposals approved by the Council prior to being placed before the School Committee. Upon reaching tentative agreement on all matters under negotiation, the committee shall prepare and submit its report to the Association members at a ratification meeting.
2. The Fitchburg Education Association shall appoint four teams (Units A, B, C, and D) for the purpose of negotiating contracts with the School Committee.
3. Copies of each contract (Units A, B, C, and D), after being signed separately by the President and/or VP of the respective Units (A, B, C, and D), will be on file with the Fitchburg Education Association. Each contract each unit shall be ratified separately at General Membership meetings of the respective Units.

B. Public Employee Committee (PEC)

1. The members of the Public Employee Committee (PEC) will negotiate health insurance plans and costs with the City of Fitchburg.
2. One member of each unit (Teacher, Para, Clerical, and Custodians) will be appointed by the President to serve on this committee.

Section 5 - Nomination and Election Committee

- A. This committee shall consist of at least one representative from the elementary schools, one from the middle schools, and one from the high school.
- B. Members of this committee will be appointed by the President with the advice and consent of the Executive Council.
- C. The nomination procedure for candidates seeking offices shall be determined by the Nomination and Election Committee.
- D. The committee shall be responsible for securing candidates for each elected office. The names of the candidates shall be published via email or one week preceding the date of the election.
- E. The Nomination and Election Committee shall be responsible for conducting annual elections, and for meeting requirements of special elections.
- F. The committee shall determine the site for voting, and the method for absentee balloting.

Section 6 - Scholarship Fund Committee

The scholarship fund committee shall conduct fundraisers for the express purpose of the F.E.A. scholarship fund.

Section 8 - Sick Leave Bank Committee

The sick leave bank committee is made up of the 4 VP's and two appointed School Committee Members. A three-fourths (3/4) vote of this committee is required for access to the Sick Leave Bank.

Section 9 - The Committee on Professional Relations and Social Affairs

This committee shall organize and conduct membership drives. It shall inform members of policies, programs, services, and accomplishments of the Association. It shall further develop and conduct programs for the orientation of new teachers to the community, the school system, and the Association. It shall organize social activities as may serve the needs of the members, and it shall promote fellowship within the Association.

Section 10 - Finance Committee

This committee shall prepare and present a May budget for the following school year. It shall assist the Treasurer in the collection of monies. It shall purchase all property of the Association with Council approval, and shall be the signature in the purchase of any

property, the committee will be consulted. The Association Treasurer/Executive Director shall serve as the Chairperson.

Section 11 - Special Committees

Each year the President may appoint such special committees as may be necessary and shall discharge them upon completion of their duties.

ARTICLE X - COMPENSATION

Compensation for officers and the Executive Council will be determined by the Finance Committee with approval by the Executive council.

ARTICLE XI - DELEGATES

Section 1 - Delegates to the MTA Annual Meeting

Delegates to the Massachusetts Teachers Association Annual Meeting shall be elected/appointed by the Executive Council according the apportionment established by the Massachusetts Teachers Association.

Section 2 - Delegates to other MTA or NEA Sponsored Functions:

Representative Assembly, Leadership Conference, TASC Meetings, etc.
Delegates to other Massachusetts Teachers Association or National Education Association sponsored functions shall be appointed by the Executive Council according to the apportionment established by the sponsoring affiliation.

ARTICLE XII - ADMITTANCE OF A BARGAINING UNIT TO THE ASSOCIATION

- A. Any collective bargaining group that currently negotiates a contract with the Fitchburg Public Schools is encouraged to become a part of the Association.
- B. The bargaining group shall send a letter of intent to join the Association to the President and the Executive Council.
- C. The Executive Council shall vote by 2/3 majority for approval.
- D. Upon the final approval by the Executive Council of acceptance of said bargaining unit, the President will appoint a committee to oversee the transition.

ARTICLE XIII - LEGAL FUND

- A. \$3.00 of each member's dues will be set aside to be used as a legal fund to protect members' rights.
- B. This account will have a minimum balance of \$10,000 when fully funded.
- C. Once the legal fund is fully funded, \$1.00 of each member's dues will be added to the fund each year.

ARTICLE XIV - AMENDMENTS

Section 1 - Adoption

The Executive Council may adopt amendments to these By-Laws by 2/3 majority of those present and voting at any Council meeting. Amendments shall be introduced, in printed form, no less than two weeks preceding the vote.

Section 2 - Duration

Amendments to these By-Laws shall be in full force immediately upon meeting the requirements as set forth in Sections 1 of this Article.