

Frederick County Teachers Association Bylaws

(updated Oct. 3, 2019 by vote of the Representative Assembly)

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ARTICLE I - NAME

The name of this association shall be the Frederick County Teachers Association and shall hereafter be referred to as FCTA or the Association.

ARTICLE II - AFFILIATION

The Association shall be affiliated with the Maryland State Education Association (MSEA) and the National Education Association (NEA).

ARTICLE III - PURPOSES

The purposes of the FCTA shall be:

- Section 1. To promote professional practices and status of the highest quality in the teaching community.
- Section 2. To enable members to speak with a common voice in matters pertaining to the teaching profession and to present their individual and common interests before the Board of Education and other legal authorities.
- Section 3. To provide employee representation as required by law and in accordance with policies established by the Board of Directors.
- Section 4. To develop, promote and adopt ethical practices, personnel policies, and standards of preparation and participation which exemplify a profession.
- Section 5. To encourage teachers to exercise their rights and responsibilities as citizens and as members of professional organizations.
- Section 6. To work for the welfare of school children, the advancement of education and the improvement of instructional opportunities for all.
- Section 7. To hold property and funds and to employ a staff for the attainment of these purposes.

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ARTICLE IV - MEMBERSHIP

Section 1. Classes:

Membership shall be designated in the Association as active and retired.

Section 2. Eligibility Requirements:

- a. **ACTIVE** membership shall be open to any certificated professional employed by the Board of Education who adheres to the FCTA Ethics Policy, excluding the Superintendent of Schools and persons designated by the public-school employer to act in a negotiating capacity and those who are eligible for membership in the administrative and supervisory unit (Unit 2). Membership shall not be denied on the basis of race, creed or national origin.
- b. **RETIRED** membership shall be open to any former member of FCTA who has retired and is not currently working under contract to FCPS and has been a member of FCTA immediately prior to retirement.

Section 3. Rights, Conditions, and Limitations:

- a. Members shall subscribe to the purposes of the Association and abide by its bylaws and policies, including FCTA's Ethics Policy.
- b. A member of FCTA shall be a member of MSEA and NEA.
- c. The following rights of membership shall be extended only to active members:
 1. Holding an office on the Board of Directors.
 2. Acting as a Building Representative and delegate to the Representative Assembly.
 3. Voting in all Association elections.
 4. Participating in Association committees and have their voice heard on Association matters.
 5. Attend and participate in the deliberations of Association meetings as defined in these Bylaws and Association procedures.
- d. Active membership shall be continuous until the member leaves employment with the Frederick County Public School system, resigns from the Association, or fails to pay membership dues.
- e. A member may withdraw from Association membership by notifying the Association in writing at any time. In order to revoke the annual dues authorization, a member must send a letter via US mail to the Association during the designated drop period identified on the membership application.

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- f. The following rights of membership shall be extended to Retiree members:
1. Serving on or chairing FCTA Committees upon the recommendation of the President and the approval of the Board of Directors.
 2. Having one member and one alternate of the Retired Committee serve as a voting delegate to the FCTA Representative Assembly. The Retired Committee shall choose the retired members serving in these positions.
 3. Voting for Retiree Delegate(s) to the MSEA Representative Assembly.
- g. Members shall be entitled to benefits appropriate to their membership class upon payment of dues or upon contracting for the same.
- h. All other benefits of membership shall be determined by the Board of Directors.

Section 4. Membership Year

The membership year shall be from September 1 through August 31.

ARTICLE V - DUES

Section 1. Setting of Dues

- a. The annual dues of active members of the Association shall be set by a two-thirds (2/3) vote of the Representative Assembly at the May meeting. Notification of a proposed increase in Association dues shall be given to members at least one month prior to the May meeting of the Representative Assembly.
- b. Dues for retired members shall be set annually by the Board of Directors.

Section 2. Prorating of Dues

- a. The annual dues of active members employed half time or less shall be one half of active membership dues. Annual dues for persons eligible for active membership on approved leaves of absence shall be one half of active membership dues.
- b. The annual dues in the year of official retirement shall be prorated for the period between September 1 and the date of retirement, if the member retires prior to May 1.
- a. The annual dues of a member who goes on leave of absence without pay shall be prorated to the date of such absence. If that member returns to work within the same year, dues shall be prorated for the remainder of the year.

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ARTICLE VI – FINANCES

Section 1. Budget

- a. The Board of Directors shall present the proposed annual budget to the Representative Assembly in April.
- b. The budget shall be voted upon by the Representative Assembly in May with final approval prior to July 1.

Section 2. Category Transfers

The Board of Directors shall have the authority to authorize transfers between budget categories.

ARTICLE VII - GENERAL MEMBERSHIP MEETINGS

General membership meetings may be called by the president or a majority of either the Board of Directors or Representative Assembly. Members shall receive official notice prior to the meeting.

ARTICLE VIII - REPRESENTATIVE ASSEMBLY

Section 1. Powers

The Representative Assembly shall be the primary policy-making body of the Association. It shall:

- a. Promote the general welfare of the Association.
- b. Establish and adopt Association policies, objectives, and positions.
- c. Enact such measures as may be necessary to achieve the objectives of the Association;
- d. Report the actions taken by the Assembly to the general membership.
- e. Set the annual dues for active members.
- f. Approve the annual Association budget.
- g. Fill vacancies on the Board of Directors, according to Article XI, Section b.

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- h. Establish and/or discontinue non-standing committees and task forces to achieve its objectives;
- i. Review and adopt guidelines and calendar for elections by December 31 of each year in accordance with these bylaws.

Section 2. Allocation of Delegates

- a. The Representative Assembly shall be composed of:
 - 1. The Board of Directors of the Association.
 - 2. Elected representatives of the schools and central office.
 - (a) There shall be one elected representative for each twenty (20) members or fraction thereof.
 - (b) Each educational unit shall elect the same number of alternates as its quota of representatives.
 - (c) One designee and one alternate from the Retired Committee.
- b. A member of the Board of Directors shall not serve as a school or central office representative.

Section 3. Voting

- a. Each member of the Representative Assembly shall have one vote.
- b. In the absence of a representative, a duly elected alternate shall have the same rights and privileges as the representative.

Section 4. Meetings

- a. The Representative Assembly shall meet monthly during the school year.
- b. A special meeting may be called by:
 - 1. The president of the Association.
 - 2. A majority of the Board of Directors.
- c. A special meeting must be called when:
 - 1. A petition that is signed by 5% of the active members of the Association is delivered to the president.
 - 2. A petition that is signed by 25% of the elected building representatives is delivered to the president.
- d. All meetings shall be open to all members, but only duly authorized Representatives or alternates shall be entitled to voting privileges.

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Section 5. Quorum

A simple majority of the FCTA work sites and the FCTA Board of Directors shall constitute a quorum.

Section 6. An Association Representative shall be responsible for:

- a. Calling meetings of the Association members in their building/worksites to discuss Association business;
- b) Assisting in enrolling members in the Association; and
- c. Serving as a communication link between members and the Association.

ARTICLE IX - OFFICERS

Section 1. Officers

The officers of the Association shall be a full-time president, vice-president, treasurer and recording secretary.

Section 2. Qualifications

All officers shall have been active members of the Association for one year prior to assuming office and shall maintain active membership throughout their terms.

Section 3. Terms of Office

- a. President
 1. The president shall serve a three (3) year term beginning July 1, 2019
 2. The president shall be allowed to serve three (3) consecutive three (3) year terms.
- b. Vice-President
 1. The vice-president shall serve a three (3) year term beginning July 1, 2019.
 2. The vice-president shall fill a vacancy in the office of President until the next regularly scheduled election. A vacancy in any other elected office shall be filled by appointment by the Representative Assembly until the next regularly scheduled election.
- c. Secretary
 1. The secretary shall serve a three (3) year term beginning July 1, 2019.
- d. Treasurer
 1. The treasurer shall serve a three (3) year term beginning July 1, 2017.

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Section 4. Duties

a. The President shall:

1. Preside at meetings of the Association membership, Board of Directors, and Representative Assembly.
2. Prepare the agenda for meetings of the Board of Directors and the Representative Assembly.
3. Appoint, with the approval of the Board of Directors, chairpersons and members of standing committees and all special committees. Committee guidelines detailing responsibilities of all standing committees shall be developed.
4. Serve as an ex-officio member of all standing and special committees, excluding the nominations and elections committee.
5. Serve as chief spokesperson reflecting the views of the Association.
6. Appoint a parliamentarian, as necessary.
7. Recommend to the Board of Directors the appointment of office staff.
8. Supervise and evaluate the office staff.
9. Represent the Association before the public and governmental bodies.
10. Represent the views of the Association to MSEA and NEA.
11. Serve as delegate and chairperson of the local delegation to MSEA and NEA conventions, and other Association meetings. If unable to attend the president shall appoint a designee.
12. Sign jointly with the Treasurer for any disbursement from the Association funds.
13. Maintain a log of Association activities and report to the Board of Directors.
14. Select a majority of the members of the negotiating team from the current Board of Directors.
15. Be responsible for all records of the Association.
16. Make school visitations in order to respond to members' concerns.
17. Perform all other duties incidental to the office of president, including any duties requested by the Board of Directors or Representative Assembly.

b. The Vice-President shall:

1. Perform the duties of president in the president's absence.
2. Shall fill a vacancy in the office of President until the next regularly scheduled election.
3. Have the authority to co-sign checks for duly authorized vouchers.
4. Serve as a member of the government relations, negotiations, and other committees as determined by the president.
5. Serve as delegate and vice-chairperson of the local delegation to the MSEA and NEA conventions.
6. Perform all other duties that may be assigned by the president or Board of Directors.

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- c. The Treasurer shall:
 - 1. Verify the receipt and disbursement of all funds of the Association as permitted by the budget, the Board of Directors, or Representative Assembly.
 - 2. Be responsible for the financial records and re-ports, including the preparation of a monthly financial report for review by the Board of Directors and presentation to the Representative Assembly.
 - 3. Serve as delegate of the local delegation to the MSEA and NEA conventions
 - 4. Meet regularly with the office manager to insure payment of financial obligations in a timely fashion.
 - 5. Serve as an ex-officio member of the budget and audit committee.
 - 6. Have the authority to co-sign checks for duly authorized vouchers.
 - 7. Assist in the preparation of the Association's annual budget.
 - 8. Ensure that tax and other required governmental forms are prepared and submitted in a timely manner.
 - 9. Give the financial records to the incoming treasurer upon completion of a term of office.

- d. The Recording Secretary shall:
 - 1. Record the minutes of the Board of Directors, the Representative Assembly and general membership meetings.
 - 2. Send minutes of the Board of Directors and Representative Assembly meetings to the office staff member who is the custodian of records of the Association. Work with that staff member to ensure distribution of the minutes as directed by FCTA Policy.
 - 3. Serve as delegate of the local delegation to the MSEA and NEA conventions
 - 4. Give the records to the incoming recording secretary upon completion of a term of office.

ARTICLE X - BOARD OF DIRECTORS

Section 1. Powers

The Board of Directors shall be responsible for the fiscal affairs and the general management of the Association. It shall:

- a. Propose legislative policies, policy and Bylaw changes for consideration by the Representative Assembly.
- b. Provide and implement policies in accordance with the Bylaws established by the Representative Assembly.
- c. Carry out the administrative affairs and management of the Association.

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- c. Prepare the proposed annual budget which shall be presented to the Representative Assembly one month prior to adoption.
- d. Approve committee appointments made by the president and receive the minutes and reports of all committees.
- e. Give a charge of duties to each standing and special committee.
- f. Appoint staff members upon recommendation of the president and determine their compensation.
- g. Review and approve the negotiations proposals prior to the first scheduled negotiations session.
- h. Have the authority to authorize transfers between budget categories.
- i. Perform all other activities of the Association not specifically assigned in the Bylaws.

Section 2. Composition

The Board of Directors shall consist of the officers of the Association and (9) nine directors.

Only active members of the Association may hold the position of director.

Section 3. Terms of Office

- a. Members of the Board of Directors shall serve a two-year term beginning July 1 following their election and continue through June 30 of the year in which the successor is elected.
- b. At the end of the term, directors may run for unlimited, additional terms.

Section 4. Meetings

- a. The Board of Directors shall meet monthly.
- b. Special meetings of the Board of Directors may be called by president.
- c. A special meeting of the Board of Directors must be called when a petition signed by a majority of the Board of Directors is delivered to the president.

Section 5. Quorum

A simple majority of filled positions shall constitute a quorum of the Board of Directors.

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Section 6. Director Duties

- a. Attend meetings of the Board of Directors, Representative Assemblies and special meetings of the Association.
- b. Be advocates for the Association at public forums.
- c. Serve as a delegate to MSEA Convention.
- d. Accept other duties as designated by the president and the Board of Directors.

Section 7. If a decision is required in an emergency and the directors cannot meet face to face, an on-line conference may be held with at least 5 hours notice. After provision of information to, and discussion by, the directors meeting as a whole, a vote may be taken electronically. Minutes of the meeting will be kept and approved at the next regular meeting.

Section 8. Any vacancy on the Board of Directors shall be filled by appointment by the Representative Assembly until the next regularly scheduled election.

ARTICLE XI - NOMINATIONS & ELECTIONS

Section 1. Election of Officers and Directors

a. Regular Elections

The Nominations and Elections Committee shall prepare guidelines for the nomination, election, and accreditation of the officers and directors. Such guidelines shall be presented to the Representative Assembly for review and adoption. These guidelines shall include, but not be limited to the following:

1. Open nominations by individual members.
2. Provision for the distribution and collection of nominating forms.
3. Provision for publication of the list of nominations in an official publication of the Association at least (2) two weeks prior to election.
4. Provision for secret ballot election by active members only and in conformity with the one person, one vote rule.
5. Provision for distribution, collection and tally of the ballots or validation of the results from an on-line election.

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6. Provision for the election of officers by a majority of the valid ballots cast or by acclamation where only one candidate is nominated.
7. Provision for meeting the appropriate requirements of the Constitution and Bylaws of the National Education Association and the MSEA in the election of delegates the respective Representative Assemblies.
- b. Special Elections

A vacancy in elected office other than the Office of the President shall be filled by appointment by the Representative Assembly until the next regularly scheduled election. They shall be announced at the next regularly scheduled meeting of the Representative Assembly and filled at the following meeting of the Representative Assembly. Announcement of vacancies shall be made through appropriate communications. Candidates may submit their names in advance or be nominated from the floor. Each candidate will be given three minutes to give a campaign speech before the Assembly. The election shall be by secret ballot. Election will be by a majority of the valid ballots cast.

Section 2. Election of Building Representatives

- a. Election of building representatives shall be held annually by secret ballot at each individual worksite.
- b. Election of building representatives shall be conducted annually by end of school year. Elected representative will assume duties on July 1 of the same year.
- c. The number of representatives for each building will be determined according to Article VII, Section 2.a.2.

Section 3. Election of Delegates for NEA and MSEA

- a. Local delegates to the NEA and MSEA Representative Assemblies shall be elected in accordance with procedures established by these organizations for elections.
- b. Election to the offices of president, vice-president, treasurer and secretary shall also be considered to be an election as delegate to the NEA Convention.
- c. Election to the Board of Directors shall also be considered to be an election as delegate to the MSEA Convention.
- d. Retirees may run to serve as an FCTA Delegate to the MSEA Convention. The number of Retiree Delegates to be prorated as no more than one delegate for every 100 retired members or fraction thereof, up to two (2) Retired Delegates. Retired delegates will be elected by the FCTA Retired Membership. Retirees will not be eligible to serve as FCTA Delegates to the NEA Representative Assembly.

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Section 4. The Nominations and Elections committee shall be the final arbiter of election disputes. Any election challenge must be presented to the Committee within five (5) work days of the announcement of the results.

Section 5. The Nominations and Elections committee shall ensure that the requirements in section 1(a) 4-5 of this Article are implemented in votes taken on bylaw amendments, recall of an officer or director and contract ratification.

ARTICLE XII - COMMITTEES

Section 1. Standing Committee

- a. The president shall appoint, with the advice and consent of the Board of Directors, members to the following standing committees:
 1. Membership Recruitment, Retainment and Engagement
 2. Negotiations
 3. Association Representatives
 4. Leadership Development
 5. Human and Civil Rights
 6. Nominations & Elections
 7. Budget & Audit
 8. Bylaw Review
 9. Government Relations
 10. Facilities
 11. FCTA Retired
 12. Others specified by the Negotiated Agreement
These shall include, but not be limited to, Sick Leave Bank, Education Reform Council and Insurance Council.
- b. The president shall designate the chairperson of each committee, who shall be approved by the Board of Directors.
- c. The appointment of these committees shall take place within ninety (90) days after July 1.
- d. Any member appointed to any committee may be removed by the president with the approval of the Board of Directors.
- e. If issues under negotiations have not been concluded by the date of the installation of new officers, the current negotiations committee shall continue in office until the issues pending have been resolved.
- f. Each standing committee shall meet at least twice annually. It shall be the

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responsibility of the committee chairs to inform the members and office manager of meeting dates.

- g. Each committee shall keep a continuing record of activities. Chairpersons shall report to the Board of Directors and the Representative Assembly as required

ARTICLE XIII – RECALL

Section 1. Any Directors or Officer shall be subject to recall for an alleged violation of the FCTA Ethics Policy, or for misconduct, alleged malfeasance, misfeasance, or nonfeasance in office.

Section 2. Recall proceedings against any Directors or Officer may be initiated by a written petition specifying the charges and submitted to Board of Directors by at least fifteen (15) percent of the active members of the Association; by majority vote of the Board of Directors; or by 20% of the elected members of the Representative Assembly.

Section 3. Upon receipt of the petition or upon such action by the Board of Directors, the officer or director named shall be suspended from duty pending the outcome of the recall process.

Section 4. Having been appointed according to Article XIV, the Review Board shall:

- a. Verify the signatures contained on the petition as active members of the Association.
- b. Conduct a due process hearing.
- c. If a two-thirds (2/3) majority of the Review Board sustains the charge against the officer or director, ballots shall be prepared for a membership vote on the recall.
- d. A 2/3 majority of members voting on recall shall be required to recall. Upon recall, the office shall be declared vacant.

ARTICLE XIV – REVIEW BOARD

A. When required, a Review Board shall be appointed by the President and approved by the Representative Assembly. Members of the Review Board shall hold no elected office in the local association.

B. The Review Board shall adopt its own rules of procedure consistent with due process and these bylaws.

C. A Review Board may be appointed as in Section A to review, rule on, and/or propose remedial action on:

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1. Actions to recall an officer or director;
2. Alleged ethical violations by any member serving in an elected or appointed capacity;
3. The censure, suspension, or expulsion of a member;
4. The action of the Board of Directors or Representative Assembly regarding consistency with bylaws.

ARTICLE XV-RULES OF ORDER

Roberts Rules of Order, Latest Revision shall be the authority on all questions and procedures not specifically stated in these Bylaws.

ARTICLE XVI - AMENDMENTS

Section 1. Initiation

Amendments to these Bylaws may be introduced by:

- a. An officer of the Association.
- b. Any Delegate to the Representative Assembly.
- c. A petition signed by ten (10) percent of the active membership.
- d. A majority vote of the Bylaws Committee.

Section 2. Preparation

A copy of the proposed amendment and the notice of the method by which the vote on said amendments will be taken, must be sent to members of the Representative Assembly at least thirty (30) days prior to the meeting at which it is to be voted upon. This notice shall include the details on the manner in which the vote will be conducted whether in a meeting or through a paper ballot or electronic vote.

Section 3. Action

- a. A two-thirds (2/3) vote of those present at a meeting of the Representative Assembly shall be required to adopt the proposed amendment.
- b. Amendments adopted shall go into effect immediately unless otherwise specified.

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ARTICLE XVI – CONTRACT RATIFICATION

- A. Active members of the Association who are also members of the bargaining unit governed by a proposed contract are eligible to vote on the ratification of the proposed contract or negotiated agreement. A majority of those voting is necessary to ratify the proposed contract.
- B. At least one informational meeting shall be held prior to the ratification vote. This meeting shall be held as close in time as possible to the determination of the final proposal and within a week prior to the ratification vote.
- C. The complete and final language and monetary details of the proposed contract changes must be distributed physically or electronically to those eligible to vote on the contract prior to or simultaneous with the vote on ratification.
- D. The ratification vote may be held by paper ballot or electronic vote.
- E. Notice of the paper ballot or electronic vote shall be provided to those eligible to vote at least three (3) days prior to the scheduled event.
- G. The Nominations and Elections Committee shall be responsible for verifying the eligibility of voters, tallying, verifying and announcing the outcome of the ratification vote.

ARTICLE XVI – ENDORSEMENT FOR CANDIDATES FOR POLITICAL OFFICE

Upon the recommendation of the FCTA Government Relations Committee and the FCTA Board of Directors, the endorsement of candidates for political office shall be done by secret ballot of the membership. Candidates must receive a fifty-eight percent (58%) majority vote of ballots cast in order to be endorsed. The FCTA Nominations and Elections Committee shall be responsible for counting the ballots.

Upon recommendation of the Government Relations Committee and the approval of the Board of Directors, additional endorsements of candidates can be made in races where previously recommended candidates did not advance to the general election. Only candidates who submitted a questionnaire and participated in the interview process shall be considered.