



Bylaws of the Malden Education Association, Inc.

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Article I. Name of Association

The name of the Association shall be called the “Malden Education Association, Inc.”, hereinafter referred to as “the Association.”

Article II. Purpose

The purpose of the Association is to maintain and improve the quality of education for all, to uphold high professional standards, and to advance the socio-economic well-being of education employees.

Article III. Membership

Section 1. Eligibility.

All employees of the Malden Public School System are eligible for membership in the Association, with the exception of the Superintendent of Schools, Assistant Superintendents of Schools, Principals, and any other managerial or confidential employees.

Section 2. Requirements for Membership.

- A. An individual must meet the eligibility provisions of Article III, Section 1.
- B. A minimum yearly financial contribution shall be required for membership in the Association. Such amount shall be determined by vote of the Faculty Representative Council.
- C. Members of the Association shall also be members of the Massachusetts Teachers Association and the National Education Association.
- D. Adherence to the Code of Ethics of the Education Profession shall be a condition of continuing membership.

Section 3. Rights of Membership.

Any eligible person as described in Article III, Section 1, who fulfills the requirements for membership as described in Article III, Section 2, is a member in good standing and has full rights of membership in the Association, including:

- A. The right to vote at all meetings of the Association.
- B. The right to hold elective and/or appointive office in the Association.

Section 4. Term of Membership.

Membership in the Association shall be continuous until the member leaves the district or resigns from the Association.

Section 5. Suspension and/or Expulsion.

The Executive Committee, by a majority vote, may suspend from membership or expel any member who has been found in violation of the Code of Ethics of the Education Profession. A notice with a statement of the reason for expulsion or suspension shall be given said member. The member shall be given an opportunity to be heard at a meeting of the Executive Committee during which the vote of expulsion or suspension is to be taken, provided the member communicates to the President in writing his intention to appear before the Committee. The member shall have the right to appeal the decision of the Executive Committee within two weeks to the Faculty Representative Council.

Article IV. Officers

Section 1. Officers.

The officers of the Association shall be President, Vice-President, Recording Secretary, Corresponding Secretary, Membership Secretary, and Treasurer.

Sections 2. Powers and Duties of Officers.

A. President.

The President shall be the chief executive officer of the Association; preside over meetings of the Executive Committee, Faculty Representative Council, and general membership; and appoint chairpersons and members of all standing committees and special committees not otherwise provided for in the Bylaws. He/she shall appoint the chairperson of the Negotiations Team, subject to the advice and consent of the Executive Committee. He/she shall be an ex-officio member of all standing committees and specifically listed as a voting member.

B. Vice-President.

The Vice-President shall be in charge of contractual enforcement, shall assume all duties of the President in his/her absence, shall perform all other duties as the President may deem to be in the best interest of the Association, and shall assume the office of President immediately upon resignation, death, or removal from office of the current President.

C. Recording Secretary.

The Recording Secretary shall keep accurate minutes at all meetings of the Executive Committee, Faculty Representative Council, and general membership.

D. Corresponding Secretary.

The Corresponding Secretary will be responsible for corresponding with members, maintaining the MEA website, creating and adapting technology media to meet MEA needs, preparing and maintaining election ballots/ documents/e-mail database, and any other duties assigned by the MEA president.

E. Membership Secretary.

The Financial Secretary shall bill the membership for annual dues. He/she shall be responsible for the collection of dues and agency service fee payments from all unit(s) members and Association members. He/she shall oversee the payment of agency service fees. He/she shall submit to the Treasurer the amounts to be transmitted to the Massachusetts Teachers Association. He/she shall certify nomination papers in accordance with Article X, Section 2-A-4. He/she shall also maintain an up-to-date list of members.

F. Treasurer.

The Treasurer shall hold the funds of the Association and disburse them upon appropriate authorization by the Executive Committee, Faculty Representative Council, or the President. He/she shall keep accurate accounts of receipts and disbursements, shall report at each meeting of the Faculty Representative Council, General Membership and shall prepare an annual financial statement. He/she shall draft the annual budget. He/she shall calculate the amount of the agency service fee. He/she shall file all necessary financial reports required by federal and state agencies. He/she shall administer all scholarship funds in accordance with policies adopted by the Faculty Representative Council.

Section 3. Terms and Succession.

- A. The terms of office of the President, Vice-President, Recording Secretary, Corresponding Secretary, Treasurer, and Membership Secretary shall be for two years. The terms of office shall be concurrent.
- B. The President, Vice-President, Recording Secretary, Corresponding Secretary, Membership Secretary, and Treasurer shall be eligible for re-election to the same office.
- C. In the event that the number of candidates equals the number of positions available, the candidates shall be declared elected and no election shall be conducted. New officers shall assume their duties on July 1.

Section 4. Removal of Officers.

Executive officers of the Association may be impeached for violation of the Code of Ethics of the Education Profession, for misfeasance, for malfeasance, or for nonfeasance in office.

- A. Impeachment proceedings against an officer may be initiated by written petition submitted to the Faculty Representative Council by at least seven of the certified delegates to the Representative Council. The petition must contain specific charges and any and all information in support of those charges.
- B. If, after a due process hearing, a two-thirds (2/3) vote of the Representative Council shall sustain the charge, the office shall become vacant.

Section 5. Vacancy in an Officer Position.

The Faculty Representative Council shall call for a special Association election within thirty (30) calendar days of a vacancy in the position of President, Vice-president, Recording Secretary, Corresponding Secretary, Membership Secretary, or Treasurer, except in the event there are less than ninety (90) calendar days remaining until the next election of officers. The person elected shall serve until the next scheduled election at the next Annual meeting.

Article V. Executive Committee

Section 1. Members.

Members of the Executive Committee shall consist of: President, Vice-President, Treasurer, Recording Secretary, Corresponding Secretary, Membership Secretary, plus two members of the Faculty Representative Council, and the immediate who shall be elected by the Council for a one-year term.

Section 2. Powers of the Executive Committee.

The Executive Committee shall be responsible for the management of the Association; approve all authorized budgetary items and expenditures for non-budgetary items up to \$2,000 (the Faculty Representative Council, by a two-thirds vote, may increase this figure); carry out policies established by the membership and by the Representative Council; cause to be reported to the members its financial transactions and those of the Council; conduct run-off elections (Article X, Section 3-E); conduct special elections for Faculty Representatives (Article VI, Section 3); may suspend from membership or expel any member who has been found in violation of the Code of Ethics of the Education Profession (Article III, Section 5); and suggest policies for consideration by the Council.

Section 3. Meetings.

- A. The Executive Committee shall meet at least once during each school month.
- B. Special meetings of the Executive Committee may be held at the call of the President or upon written request from three (3) members of the Executive Committee. Business to come before special meetings shall be limited to items stated in the call.
- C. Members of the Executive Committee shall also be members of the Faculty Representative Council.

Section 4. Quorum.

A majority of its members shall be a quorum for the Executive Committee.

Article VI. Faculty Representative Council

Section 1. Members.

- A. In each public school in the district, teachers who are members in good standing of this Association shall elect a teacher for a term of one year, one representative to the Representative Council for each twenty-five (25) members or major fraction thereof. There shall be at least one such representative from each building.
- B. In addition, members in good standing of the administrators, nurses, and paraprofessional units shall elect their own representatives to the Representative Council using the same one to twenty-five (25) ratio as described above. Each unit shall have at least one representative on the Council.
- C. Faculty Representative elections shall be held in September and representatives shall take their seats at the October meeting. Additionally, members shall elect an alternate for each representative who shall attend Faculty Representative Council meetings only in the absence of the elected representative.
- D. Faculty Representative shall attend the regular meetings of the Representative Council. If a Representative cannot attend a meeting and an alternate has not been elected, then the Faculty Representative shall appoint an alternate to attend. The alternate must have written authorization from the Faculty Representative in order to vote. After four (4) absences the seat will be vacated, subject to extenuating circumstances and appeal to the executive board.
- E. The Faculty Representatives may call building or unit faculty meetings of the Association to discuss Association business, appoint such faculty committees as the Association may require, and organize and oversee the subsequent elections of representatives, the enrollment of members, and two-way Association communication within the building.
- F. The President, Vice-President, Treasurer, Recording Secretary, Corresponding Secretary, and Membership Secretary shall also be members of the Faculty Representative Council.

Section 2. Powers of the Faculty Representative Council.

- A. The Faculty Representative Council shall approve the budget and non-budgetary expenditures over \$2,000; approve the dues of the Association; act on reports of committees; approve resolutions and other policy statements; authorize an audit of the Association's financial records whenever necessary; call for special Association elections in the event of a vacancy in the position of Association officer other than President (Article IV, Section 5); conduct impeachment proceedings against Association officers (Article IV, Section 4); hear appeals of Executive Committee decisions regarding the expulsion or suspension of a member (Article III, Section 5); and shall hear all appeals regarding decisions of

the Grievance and Election Committees, membership status, or any other action of the Association. Their decision will be final.

- B. Powers not delegated to the Executive Committee, the officers, or other groups in the Association shall be vested in the Faculty Representative Council.

Section 3. Vacancy.

If a position of Faculty Representative remains open or vacant, the Executive Committee shall hold a special election in that building or unit to fill the vacancy.

Section 4. Meetings.

- A. The Representative Council shall meet every month during the school year. The Executive Committee shall prepare the agenda for each meeting and shall circulate it to all members of the Council at least one week prior to the meeting.
- B. Special meetings of the Representative Council may be held at the call of the president or upon written request from five (5) members of the Representative Council. Business to come before special meetings shall be limited to items stated in the call.

Section 5. Quorum.

A majority of its members shall be a quorum for the Faculty Representative Council.

Section 5. Rules of Procedure.

All decisions shall be by majority vote, unless otherwise specified.

Article VII. Association Meetings

Section 1. General Membership Meetings.

The Executive Committee shall hold at least one meeting of the membership per year which shall be the Annual Meeting.

Section 2. Quorum.

A quorum for a general membership meeting shall be ten (10) per cent of the membership.

Section 3. Rules of Procedure.

All decisions shall be by majority vote, unless otherwise specified.

Article VIII. Affiliation

The Malden Education Association is affiliated with the Massachusetts Teachers Association and the National Education Association.

Article IX. Finance

Section 1. Amount of Dues.

- A. The membership dues for the Association shall be set annually by the Faculty Representative Council immediately upon adoption of the budget.
- B. The annual dues of a member who presents evidence of employment starting after the midpoint of the member's work year in the Malden Public School System, or who is on a voluntary unpaid leave of absence of a duration longer than ninety (90) days, shall be one-half the regular rate.

Section 2. Dues Payment Procedure.

- A. MEA/MTA/NEA dues can be collected by two methods:
 - (1) Members may pay in full, by check, or money order by the 50th calendar day after the first school day of the new fiscal year. Payment must be received by the local Membership Secretary or the local Treasurer by this day.
 - (2) In lieu of paying dues in full, members may elect to have their dues paid by payroll deduction according to the provisions set forth in the contract between the Association and the Malden School Committee.
 - (a) Members who choose the methods of payment set forth in Sections 2-A-1 and 2-A-2 above and fail to meet their obligations for payment of dues will be considered to be violation of the rules set forth by the Malden Education Association, Inc.
 - (b) Notice will be given to such members(s) who is in violation within 15 calendar days of said deadline. Said person(s) will then be required to pay an agency service fee. Said agency fee will then be due **not** later than 30 (thirty) calendar days from the date of receipt of the official demand for the payment of an agency service fee.
- B. Members who wish to change their form of payment for the following year from payroll deduction to cash payment or from cash payment to payroll deduction by the 50th calendar day after the first school day shall notify the Membership Secretary in writing by June 30 of the previous school year.

Section 3. Assessments.

The annual dues, agency service fee, and sick leave bank assessment shall be the only membership assessments made by the Association except by a majority vote of those present and voting by secret ballot in a duly run Association election.

Section 4. Fiscal Year.

The fiscal year of the Association shall be from July 1 through June 30.

Article X. Nominations and Elections

Section 1. Criteria for Nomination.

In order to qualify for nomination as an officer or delegate, a candidate must be a member of the Association according to Article III, Section 2.

Section 2. Methods of Nomination.

A. Officers: The nomination procedure for candidates seeking elective office shall be as follows:

- (1) Any time after the beginning of the fiscal year, a candidate for office shall obtain nomination papers in person from, or by writing to, the Corresponding Secretary of the Association stating the office which he/she is seeking. The Corresponding Secretary shall fill in the name of the candidate and the office which he/she seeks on the nomination papers and give them to the candidate forthwith. No person may be a candidate for more than one office.
- (2) A candidate for officer of the Association must obtain at least ten (10) signatures of Association members. No more than five (5) signatures of Association members may be obtained from any one building.
- (3) The candidate must then file his/her nomination papers with the Corresponding Secretary who must receive the nomination papers no later than twenty-one (21) calendar days prior to the election of officers.
- (4) The Membership Secretary shall certify that the nomination papers are in order. Once certified, the names shall be placed on the ballot for the office designated.
- (5) The officers shall be elected at the Annual Meeting of the Association according to Article VII, Section 1.
- (6) Nominations for officers of the Association may be offered from the floor of the Annual Meeting of the Association on the day of the election provided that nomination papers signed by twenty (20) members of the Association was filed with the Corresponding Secretary. No more than five (5) signatures of Association members may be obtained from one building. The names of such nominees shall be filed with the

Corresponding Secretary at least five (5) calendar days prior to the date of the meeting.

- B. Delegates: The nomination procedure for candidates seeking election as delegates to the NEA Annual Representative Assembly or the MTA Annual Meeting of Delegates shall be as follows:
- (1) Any time after the beginning of the fiscal year, a candidate for delegate shall notify the Corresponding Secretary in writing of the delegate position which he/she is seeking. Written notification must be given no later than fifteen (15) calendar days prior to the election of delegates.
 - (2) Procedures for electing delegates shall be consistent with the guidelines established for delegate elections by MTA/NEA.

Article XI. Standing Committees

- A. Section 3. Elections Committee.
- A. The Corresponding Secretary shall be responsible for publishing the nominations and elections procedure no later than January 31 of each year.
 - B. The Corresponding Secretary shall be responsible for publishing the names of the candidates for elective office together with pertinent information about each candidate no later than seven (7) calendar days prior to the election of officers and/or delegates.
 - C. All elections shall be conducted by secret ballot.
 - D. To be elected, a candidate must receive a plurality.
 - E. In the event of a tie, a run-off election shall be held between the tied candidates. The date, time, and place of this run-off election shall be set by the Executive Committee, but in no case shall it be later than May thirtieth (30).
 - F. The President will appoint an Elections Committee of at least four member of the Association who shall not be candidates to oversee elections.
 - G. Appeals.
 - (1) The Elections Committee shall receive appeals pertaining to nominations and the conducting of elections. All appeals shall be dealt with in a timely fashion.
 - (a) The Committee shall consider appeals on the basis of fact(s) and procedure(s).
 - (b) Factual appeals shall be decided solely by the Committee.
 - (2) An appeal regarding a violation of election procedure(s) may be made to the Faculty Representative Council within fifteen (15) calendar days after the decision of the Elections Committee.
- B. Grievance Committee

Section 1. Composition.

- A. The President shall appoint a Grievance Committee consisting of the Vice-President and a number sufficient to represent all bargaining unit members.
- B. The Vice-President shall be the chairperson of the Committee voting only in the case of a tie vote of the Committee.

Section 2. Quorum.

A majority of its members must be present to constitute a quorum.

Section 3. Rules of Procedure.

All decisions shall be by majority vote, unless otherwise specified. All Grievance Committee meetings shall be held in executive session unless two-thirds (2/3) of the members of the Grievance Committee and the grievant agree that the meeting should be open.

Section 4. Meetings.

The Grievance Committee shall meet when needed during the school year.

Section 5. Duties.

- A. Process grievances in the manner set forth under the terms of the contract between the Malden Education Association and the Malden School Committee.
- B. Recommend grievances for arbitration to the Faculty Representative Council.

C. Negotiations Committee

Section 1. Composition.

- A. The Negotiations Committee shall consist of a number of members sufficient to represent elementary, middle, and high school. All bargaining units represented by the Association shall have their own negotiations committees consisting of unit members appointed by the President.
- B. The President shall appoint the chairperson, subject to the advice and consent of the Executive Committee. This person shall chair all bargaining unit negotiation committees.
- C. Members of the Committee shall be appointed by the President.

Section 2. Quorum.

A majority of its members must be present to constitute a quorum.

Section 3. Rules of Procedure.

All decisions shall be by majority vote, unless otherwise specified.

Section 4. Duties.

- A. It shall negotiate with the School Committee on hours, wages, and working conditions.
- B. It shall prepare proposals based on recommendations by the general membership to be placed before the School Committee.
- C. Upon reaching tentative agreement on all matters under negotiation, the Negotiations Committee will prepare and submit its report and recommendations to a meeting of the Association for the purpose of ratification subject to the rules and regulations of the State Labor Relations Commission.

D. Sick Leave Bank

Section 1. The Sick Leave Bank Committee shall be comprised of six members. The President of the Malden Education Association shall appoint three members. The Superintendent shall be a member and two members of the School Committee, appointed by the School Committee, shall be members. One of the Association representatives shall serve as chair of the Sick Leave Bank Committee.

Section 2. With regard to the administration of the Sick Leave Bank, the Sick Leave Bank Committee must at all times adhere to the terms of the Agreement between the Malden Education Association and the Malden School Committee as they pertain to the Sick Leave Bank as well as to those guidelines approved by the Executive Committee, not inconsistent with the aforementioned Agreement, under the title, “MEA Sick Leave Bank Committee: Procedural Administrative Guidelines.”

Article XII The Amendment Process

Section 1. A proposal to amend these Bylaws may be submitted by the Bylaws Committee, or upon written petition of fifteen (15) per cent of the active members of the Association. No more than ten (10) signatures may be obtained from any one building.

Section 2. These Bylaws may be amended by a two-thirds (2/3) vote of the members present and voting at any regular meeting of the Association provided that there be a quorum of twenty (20) per cent of the membership, and provided that copies of the proposed amendment(s) have been sent to all members of the Association at least fourteen (14) calendar days in advance of the general membership meeting.

Article XIII Parliamentary Authority

“The Parliamentary Authority of the Malden Education Association shall be the latest edition of Robert’s Rules of Order, Newly Revised. All business of the Association shall be conducted in accordance with these Bylaws, Association Rules and the Parliamentary Authority. All decisions shall be by a majority of those present and voting unless otherwise specified.

Adopted: November 13, 1975
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