

MORGAN HILL CLASSIFIED EMPLOYEE ASSOCIATION

PREAMBLE

We, the Classified Employee members of the Morgan Hill Unified School District, do hereby form and organize the "Morgan Hill Classified Employees Association", a non-profit organization, in order to promote the professionalism of classified employees' services and to improve the working conditions, welfare and benefits for its members.

ARTICLE 1

NAME AND STATUS

Section 1.0 The name of this organization shall be Morgan Hill Classified Employees Association (MHCEA), a non-profit corporation in Santa Clara County, California.

Section 1.1 Notwithstanding any other provisions of these Articles, MHCEA shall not carry on any other activities not permitted to be carried on by an Association exempt from Federal Income Tax under Section 501c (6) of the Internal Revenue Code of 1954.

ARTICLE 2

PURPOSE AND OBJECTIVES

Section 2.0: The purpose and objectives of this organization shall be:

- A. To promote professional attitudes and ethical conduct among members.
- B. To secure adequate compensation for its members for the performance of their duties and to improve conditions of employment through collective bargaining, legal activities, collective efforts in all areas of labor representation.
- C. To establish and maintain understanding, cooperation and support between MHCEA and the community they serve.
- D. To establish mutual cooperation between the diverse membership and the District through ongoing communication, teamwork and legal representation of its members.
- E. To provide a means of representation for its members.

ARTICLE 3

AFFILIATION

Section 3.0. MHCEA may affiliate with other groups by approval of a majority of the Representative Council.

ARTICLE 4

MEMBERSHIP

Section 4.0 Active Members

- A. An active member is defined as any person currently employed as a Classified Employee with Morgan Hill Unified School District, and who has completed the application process through MHCEA Administrative Staff.
- B. A "Member in good standing" is:
 - 1. Any member who has met the requirement of subsection "A" above.
 - 2. Who remains employed by Morgan Hill Unified School District
 - 3. Whose dues are current and up to date.

Section 4.1 Rights

- A. All members in good standing shall have the right to vote in all special elections and at general membership meetings.
- B. All members in good standing shall have the right to examine the books, reports and correspondence of the Secretary or Treasurer, upon request, so long as it is 5 days prior and during the school calendar year and for purposes related to the member's interest as a member.
- C. Any members in good standing shall be eligible to be nominated and elected to any Office or appointed to any non-elective position in the Association.
- D. Only members in good standing are entitled to benefits of representation by MHCEA.
- E. Membership in this Association shall not be denied because of race, creed, color, sex, sexual orientation, national origin, age, ethnic group, or marital status.
- F. Membership shall be continuous after initial enrollment or until a change in employment status shall make the member ineligible.
- G. Members can withdraw from MHCEA upon submitting written notification to the Executive Board.

Section 4.2 An Individual who is serving as a negotiator for a "Public School" employer shall not be eligible for membership in the Association.

Section 4.3 Recalls

- A. At any time during the term for which any of the Association Executive Board members are serving, an election for the recall of any or all of the Executive Board and Site Representative members shall be held if a petition is filed with the Executive Board.
- B. The petition must include a statement of the reason for the proposed recall. The petition shall be signed by not less than 20% of the active membership. The signatures on the signed petition must be verifiable.
- C. Each person named in the recall petition shall have the right to make a rebuttal statement which may be published and distributed by MHCEA to his/her constituency at least seven (7) days before the recall election.
- D. Once a recall petition meets the requirements in the Section 4.3 A & B above, an emergency general membership meeting shall be held within seven (7) days. During the emergency general meeting a recall election will be held.
- E. If the Executive Board or Site Representative member has been recalled a special election will be held within two (2) weeks. The only position that will be voted on will be the position that has been recalled.

ARTICLE 5

ORGANIZATIONAL STRUCTURE:

Section 5.0: Executive Board

- A. Executive Board Voting members shall consist of the following:
 - a. President
 - b. Vice President
 - c. Secretary
 - d. Treasurer
- B. All Executive Board Members shall serve in office for a two (2) year term beginning July 1st and ending on June 30th of the 2nd year.

Section 5.1: Duties of the Executive Board

President

- A. The President shall be the Chief Executive Officer and shall preside at all meetings of the Association and of the Executive Board. The President shall enforce a strict observance of these By-Laws and all other rules and regulations for the government of the Association.

- B. The President shall require that all officers of the Association diligently and faithfully perform their respective duties. The President shall announce the decision of the Association or the Executive Board on all subjects.
- C. The President shall appoint Chairpersons to standing committees, with the approval of the Executive Board. The President shall appoint the members of these committees with the approval of the Executive Board.
- D. The President shall be compensated for expenses in such amounts as the Executive Board may determine.
- E. The President shall attend all monthly Executive Board meetings, Site Representative Council meetings and General Membership meetings per school calendar year.

Vice President

- A. The Vice President shall assist the President in the execution of the duties of the President and shall perform such other duties as prescribed by a majority of the Executive Board or the membership in the absence of or the inability of the President.
- B. The Vice President shall attend the same meetings as the President, if directed by the President, unless excused by the President.
- C. The Vice President shall be compensated for expenses in such amounts as the Executive Board may determine.
- D. The Vice President shall attend all monthly Executive Board meetings, Site Representative Council meetings and General Membership meetings per school calendar year.

Secretary

- A. The Secretary shall keep full, accurate and complete minutes of all meetings of MHCEA and the Executive Board.
- B. The Secretary shall render such reports as may be required of the Secretary, maintain all records and correspondence of MHCEA. The Secretary shall perform such other duties as may be required of the Secretary by MHCEA or by the Executive Board or by the membership.
- C. The Secretary shall be responsible for the formation and distribution of MHCEA's calendar of activities, including Representative Council, Executive Board, committee and general membership meetings.
- D. The Secretary shall arrange notification and the agenda for all MCHEA meetings.
- E. The Secretary shall maintain an official roster and attendance record of all members. The attendance record shall be part of the minutes of each meeting.
- F. The Secretary shall be responsible for maintaining current copies of the By-Laws and updating them as changes occur.
- G. The Secretary shall be compensated for expenses in such amounts as the Executive Board determines.

- H. The Secretary shall attend all monthly Executive Board meetings, Site Representative Council meetings and General Membership meetings per school calendar year.

Treasurer

- A. The Treasurer is responsible for reporting the financial health of MHCEA to the Executive Board each month. This includes any changes in MHCEA liabilities or any other financial matter in the best interest to the organization.
- B. The Treasurer shall receive all funds belonging to MHCEA and be responsible for safekeeping and depositing funds into MHCEA's bank account.
- C. The Treasurer shall work closely with MHCEA's Accountant to ensure MHCEA's obligations are being met and that all monies collected from dues and any other sources are properly distributed and recorded in the organization's financial books.
- D. The Treasurer shall maintain the checking account(s) for the payment of MHCEA debt.
- E. The Treasurer's bookkeeping procedures shall be consistent with all Federal and State laws.
- F. The Treasurer shall, on request of the President, deliver a report on the current financial status of MHCEA at any meeting. Such request to the Treasurer shall be made not less than 72 hours prior to the date of the meeting.
- G. Treasurer shall attend all monthly Executive Board meetings, Site Representative Council meetings and General Membership meetings per school calendar year.

Section 5.2: Site Representative

- A. Site Representatives shall be elected by their respective site members for a term of two (2) years or until they are no longer affiliated with their site. At that time the Executive Board may cause a site election to be held.
- B. Site Representatives shall perform such duties as may be required of them by a majority of the Executive Board.
- C. It shall be their responsibility to actively participate in the work of MHCEA, attend all Site Council and MHCEA General Membership meetings.
- D. Act as the direct communication link between MHCEA and their respective sites.
- E. Act as the direct communication link between MHCEA members and the Executive Board.
- F. Site Representatives may be called upon to represent MHCEA members at their site and at other sites or departments when matters of discipline arise.
- G. Site Representatives are required to attend monthly Site Council meetings and two (2) General Membership meetings per school calendar year.
- H. Site Representatives are required to attend one (1) Board meeting and one (1) Personnel Commission meeting per school calendar year.

Section 5.3: Elections

- A. Officers and Site Representatives shall be nominated prior to the Spring general membership meeting.
- B. The Secretary or the President's designee shall cause voting by secret ballot following the procedure outlined in Article 7, section 7.0
- C. Officers shall be elected by the general membership
- D. The results of the election shall be certified by the Secretary. The candidate receiving the greatest number of votes for any particular office, without regard to a majority, in the case of more than two (2) nominees, will then be declared by the Secretary to be elected.
- E. Any position in which there is a single seat and only one member nominated, the unopposed member will be declared the winner upon one vote cast for unopposed candidate at the close of the election process outlined in Article 7, Section 7.0.

Section 5.4: Vacancies in Presidential Office

- A. In the event the office of the President becomes vacant, the Vice President shall become the President.
- B. In the event the office of President and Vice President become vacant or the refusal of the Vice President to assume the presidency, a special election by the general membership shall be called by the Secretary. Nominations shall be open by the Executive Board upon receiving the resignations of the President and the Vice President or the resignation of the President and the written refusal of the Vice President to assume the office of the President.
- C. Nominations shall be received immediately from members in good standing for a period of 5 business days.
- D. The vote shall follow the procedures outlined in Article 7, Section 7.0.
- E. The Secretary shall assume responsibilities of the presidency until such time as the special election is complete.

Section 5.5: Vacancies in Other Executive Offices

- A. In the event the office of the Vice President becomes vacant, the Secretary shall assume the duties until a special election will be held.
- B. In the event the office of the Secretary or Treasurer becomes vacant, the Vice President shall assume the duties until a special election will be held.

Section 5.6: Absenteeism

- A. All officers shall attend all of the meetings of the Executive Board, Representative Council and any General membership meeting unless excused by the President.

- B. If any member of the board has three (3) unexcused absences out of five (5) meetings, the officer shall be notified by certified mail of this fact and the Executive Board shall issue a written warning.
- C. If any member of the board has (2) additional unexcused absences, after the written warning, during their current term, the Executive Board shall declare the seat vacant.

Section 5.7: Automatic Vacancies

The office of any Executive Board Member shall be declared vacant when the Executive Board Member separates their employment from MHUSD or until a change in employment shall make the member ineligible.

ARTICLE 6

Scope of Authority

Section 6.0: Scope of Authority

- A. The President shall act as the Chief Executive office for MHCEA and as such shall have jurisdiction and act on affairs between meetings as deemed in the best interest of MHCEA.
- B. No officer or member of MHCEA shall represent MHCEA or communicate in any manner any information concerning MHCEA, its members, any business transactions, or give out anything for publication except the President or the President's authorized representatives. No member shall purport to bind MHCEA in any manner whatsoever, unless the member is authorized to do so by the Executive Board or the By-Laws of the Association.
- C. The Executive Board shall exercise legal custody, control and management of all funds, property and effects of MHCEA.
- D. The Executive Board shall have jurisdiction over the affairs of MHCEA.
- E. Should any member of the Executive Board be personally involved in any matter brought before the Executive Board and the matter be deemed by the board as a conflict of interest, the Executive Board shall exclude that member from any vote taken at the meeting.

Section 6.1: Authorized Signatures

- A. The President is the only authorized signer for non-financial instruments. The President may in his/her absence designate a temporary authorized signer.
- B. The President, Treasure and at least one other member of the Executive Board, for the purpose of conducting business in an expedient manner, shall be authorized to sign financial instruments on behalf of MHCEA.

- C. Checks shall require at least two signatures except in the absence of a 2nd Executive Board member.

ARTICLE 7

VOTING

Section 7.0: Voting Procedures for General Members

- A. Only “Members in good standing” have the right to vote. Refer to Section 4.0 above.
- B. Each member will have access to the ballots at their respective site.
 - a. Signatures of voters are required to receive a ballot.
- C. At least one vote must be cast for an unopposed candidate.

Section 7.1: By-Laws Amendments

- A. These By-Laws may be amended by two-thirds ($\frac{2}{3}$) majority vote of the members voting.
- B. Any action, business or procedure, not specifically covered by these By-Laws shall be governed by parliamentary procedure as specified in *Robert’s Rules of Order*.

ARTICLE 8

FINANCES (EXPENDITURES & APPROPRIATIONS)

Section 8.0: Dues

- A. Dues of this Association are .75% of your gross monthly income.
- B. Any change in the dues structure of this Association shall be set by a two-thirds ($\frac{2}{3}$) majority vote of the members returning ballots.
- C. Dues are paid by payroll deduction, as authorized by the law of the State of California.

Section 8.1: Expenditures:

- A. A stipend shall be paid to the President, Vice President, Secretary, Treasurer and to all Site Representatives for MHCEA work.
 - a. President - \$3,000.00 yearly stipend
 - b. Vice President - \$1,600.00 yearly stipend

- c. Secretary - \$1,500.00 yearly stipend
- d. Treasurer - \$1,500.00 yearly stipend
- e. Site Reps - \$1,200.00 yearly stipend
- B. Stipend payments will be made in two (2) payments, December and June.
- C. Executive Board and Site Representatives who are absent from any scheduled meeting without prior approval of the Executive Board will have 10% deductive from their stipend for each meeting they were absent.
- D. All stipend amounts may be subject to change by two-thirds ($\frac{2}{3}$) vote of the members' returning ballots.

Section 8.2: Annual budget

- A. The budget year for the Association shall be July 1 to June 30 of the succeeding year.
- B. The Treasurer shall, with the President, the President-Elect and the Treasurer-Elect, prepare a budget for the ensuing year and shall present the proposed budget for consideration at the Fall Executive Board meeting.
- C. The President shall present the proposed budget to the Site Council following the Fall Executive Board meeting.

Section 8.3: Miscellaneous

- A. Loans of Association funds are prohibited.
- B. Reimbursements for Association related travel shall include travel, accommodations and meals. Reimbursement shall be reasonable and necessary complying with current industry standards.
- C. All other reimbursements and/or expenditures not outlined in the annual budget shall be approved by the President or Vice-President prior to the expenditure.
- D. No funds shall be distributed outside of the agreed upon Annual Budget without approval of the Executive and Site Representative Council.

ARTICLE 9

MEETINGS

Section 9.0 General Membership, Executive and Site Representative Meetings

- A. A general membership meeting will be held in the Fall and Spring of each school year.
- B. The Executive Board will meet once a month throughout the school year.
- C. Site Representative meetings will be held once a month throughout the school year.

- D. Special meetings may be called by request of the President should the need arise.
- E. Notices of MHCEA meetings, including date, place, time and purpose shall be made available to all members at least seven (7) days prior.
- F. In case of a crisis or emergency, members will be notified as soon as reasonably possible.

ARTICLE 10

COMMITTEES

Section 10.0: Establishment of Committees

- A. Standing committees may be established and discontinued by the Executive Board

Section 10.1: Committee Chairpersons

- A. The President shall appoint Committee Chairpersons with the approval of the Executive Officers and Site Representatives.
- B. The term of Office of a chairperson shall end at the close of the June meeting each school year. The chairperson may be reappointed.
- C. A chairperson may be removed by the President with the approval of the Executive Board or by $\frac{2}{3}$ of all votes cast by MHCEA memberships.

Section 10.2: Powers and Duties

- A. The chairpersons shall regularly convene their committee meetings on the designated day by that committee.
- B. The chairperson shall submit a written summary to the Executive Board after each scheduled meeting and at other times as necessary.

Section 10.3: Standing Committees and Duties

- A. Elections
 - a. Ensure that all election codes and timelines are followed
 - b. Establish election timelines
 - c. Prepare and distribute election materials
 - d. Count the ballots and certify the results
- B. Membership
 - a. The committee shall maintain a current roster of the membership
 - b. The committee shall encourage non members to become members
 - c. New members shall be reported to the Executive Board

C. Newsletter

- a. The committee shall create a quarterly newsletter to keep members informed of MHCEA business.

D. By-laws

- a. The committee members shall review and revise the By-laws as needed.
- b. The committee will provide notice in writing to the President and Secretary of any proposed By-law amendments.
- c. The Secretary shall notify MHCEA of any proposed amendments and the date and time of the special meeting to ratify the amended By-laws
 1. The By-laws shall be ratified by a $\frac{2}{3}$ vote of all votes cast at the special meeting.

E. Scholarship

- a. The chairperson shall meet with the Executive Board to determine the number of Scholarships that will be awarded to students of MHCEA members.
 1. Up to 20 scholarships may be awarded.
 2. If MHCEA does not have the funds to award scholarships to all applicants then the Scholarship Committee must select the 4 high school Seniors and 1 college student to receive the scholarships.
 - (1) Recipients shall be a senior student from Central, Live Oak, Sobrato, Outside of MHUSD and a student currently attending a college.
- b. The chairperson or designee will update the scholarship announcements and provide them to the Secretary who will send them to all MHCEA members.
 1. Flyers must contain all guidelines for eligibility and pertinent dates for submission of applications.
- c. The chairperson or designee shall update the scholarship application and provide it to the Secretary.
 1. The Secretary shall provide the updated application to all MHCEA members.
- d. The chairperson or designee generates a spreadsheet with the applicant information from the scholarship applications.
 1. The spreadsheet should be shared with the Scholarship Committee and Executive Board.
- e. The chairperson or designee shall send an email to each applicant individually and the Executive Board to acknowledge receipt of their application.
- f. The chairperson shall notify the Executive Board of the names of each scholarship award recipient.
- g. The chairperson or designee shall notify each scholarship award recipient individually and the Executive Board by email.
- h. The Scholarship Committee shall determine the distribution method of the certificates and checks.

- i. The committee chairperson or designee shall present the scholarships at a Board of Education meeting in the Spring.
 - 1. If the recipient is not available to attend the meeting in person, a slideshow is created by the chairperson or designee and presented by the MHCEA President and Committee Chairperson at the Board Meeting or
 - (1) The committee chairperson or designee may attend various school awards ceremonies to present the scholarship award to the recipient as another.
 - (2) The Secretary may mail the certificates and checks directly to the scholarship award recipients.
- j. The final applicant spreadsheet shall be maintained and kept by the Secretary. The recipient names, schools attended and college choice information shall be added to the historical record of scholarships.

ARTICLE 11

NEGOTIATIONS

Section 11.0: Powers and Duties

- a. Members of the team shall be appointed by the President.
- b. Vacancies shall be filled by the President.
- c. The President shall be the chairperson for MHCEA at the negotiations table and shall establish the ground rules for team strategy.
- d. MHCEA members shall be surveyed to determine the Articles to be negotiated.
- e. Agreements reached between the negotiations team and MHUSD shall be considered tentative and not binding upon MHCEA until such agreement have been ratified by the membership
- f. The membership of MHCEA shall ratify all aspects of the contract unless there is a strict timeline which requires immediate action. In such cases, the Site Representatives may act on behalf of its members at a regular or special meeting. If traditional school calendars are not in session, the Executive Board may ratify any parts for which immediate action is needed.
- g. Committee members shall be one (1) from each of the following departments:
 - 1. President

2. Vice President
3. Clerical
4. Grounds, Maintenance, Custodial
5. Paraprofessional
6. Student Nutrition
7. Transportation

Section 11.1: Contract Ratification

- A. Upon reaching “tentative agreement” with MHUSD on a negotiated contract or reopens MHCEA shall:
 - a. Notify the membership of said agreement
 - b. Print and post a copy of said agreement of each site/department for a minimum of five (5) work days before the ratification vote.
 - c. A general membership meeting shall be called for the purpose of presentation and discussion of the proposed “tentative agreement”
 - d. A vote to ratify shall be by secret ballot
 1. Signature of voters are required to receive a ballot
 - e. Ratification shall be a majority of legal votes cast.
 - f. Ratification votes on tentative agreements reached during a time when school is not in session may be taken when school resumes. If the nature of the agreement is such that waiting would be impractical, the Executive Board may ratify by a majority vote.