

**Constitution
of the
Berkeley Federation of Teachers, AFT Local 1078**

Article I: NAME OF ORGANIZATION

The name of this organization shall be the Berkeley Federation of Teachers, Local 1078 of the American Federation of Teachers, AFL-CIO

Article II: PURPOSE

- Section 1. To bring the employees of the Berkeley Schools into relations of mutual assistance and cooperation.
- Section 2. To raise the standards of education by advancing the economic and professional interests of its members.
- Section 3. To promote the cooperation of all groups striving for the welfare of education.
- Section 4. To initiate and support legislation that will benefit the students and employees of Berkeley.
- Section 5. To use collective bargaining for the teachers and other educational workers of the Berkeley Unified School District and to improve the education of the students and the working conditions of the employees.
- Section 6. To promote and support educational innovation that further high and rigorous standards.

Article III: MEMBERSHIP

- Section 1. Full membership shall be open to any certificated employee of the Berkeley Unified School district in the teachers' bargaining unit, to retired members of the bargaining unit, non supervisory classified personnel, and to members of the bargaining unit on leave of absence, and to such other BUSD employees the Executive Board may decide upon, but not to BUSD management members.
- Section 2. All members in good standing and employed in the District or on District approved leave at the time of a given election may vote or hold office. All members in good standing are eligible to receive services from the local.

- Section 3. Former BFT members who enter management or supervisory roles within the district may maintain an associate membership. The dues of the associate member shall be equal to the dues of the full members. Associate members shall be entitled to all the fringe benefits of members.
- Section 4. Membership in the BFT cannot be denied on the basis of race, sex, or age, color, religion, national origin, ancestry, physical handicap, sexual orientation, political affiliation or life style.

Article IV: CONSTITUTIONAL OFFICERS AND EXECUTIVE BOARD

- Section 1. There shall be four (4) Constitutional Officers, a President, Executive Vice-President, Secretary and Treasurer. They shall be elected by the membership for two (2) year terms. They shall take office at the June general membership meeting.
- Section 2. Representative Area Vice-Presidents from Adult School/Independent Study Hourlies, High Schools, Middle Schools, K-5 Schools, Child Development/EDC, and Special Ed/Other Specialists reflecting the configuration of BUSD, shall be elected by Site Representatives teaching within the Area represented. Area Vice Presidents shall be elected on an annual basis.
- Section 3. Each school shall elect one (1) Site Representative for each twenty (20) members, or a fraction thereof, that it has on May 1. The Site Representative shall serve from July 1 through June 30.

Article V: BFT EMPLOYEES

- Section 1. Employees of the BFT shall be recommended by the President, subject to approval by the Executive Board.
- Section 2. Employees shall be hired under written contract and when possible shall be members of the union under whose jurisdiction they come.

Article VI: AFFILIATIONS

The Berkeley Federation of Teachers shall maintain affiliations with the American Federation of Teachers, the California Federation of Teachers, the Alameda County Central Labor Council and the California Labor Federation. Affiliations of the BFT with other organizations shall be optional from year to year, at the will of the

majority of Executive Board members.

Article VII: ELECTIONS

- Section 1. An election committee, consisting of from three (3) to five (5) members, shall be drawn up by the President and Representative Area Vice Presidents and be presented to the Executive Board for approval at the March meeting. None of the members of the committee shall be a candidate for office in ballot counting which they conduct.
- Section 2. Nominations for all offices, for the AFT Convention delegates, and for Central Labor Council delegates, shall be opened at the March membership meeting and shall be closed at the May membership meeting or May Executive Board meeting, whichever comes first. If more delegates are nominated than allocated delegate positions exist, the Executive Board will elect delegates by secret ballot. All members in good standing are eligible for all officer and delegate positions.
- Section 3. The person elected President shall automatically be considered elected to one of the delegate's positions for each body to which the BFT can send delegates.
- Section 4. A ballot shall be sent two (2) weeks from the close of the nominations to all Union members in good standing. The period of balloting will close ten (10) days after the ballots have been sent out.
- Section 5. The ballots shall be opened and counted at a specific time and place, and each candidate shall be entitled to a representative to watch the counting. The committee shall be responsible for verifying that each ballot counted comes from a qualified voter. So that they can do this, the name of the voter, the signature of the voter, and the voter's site shall be on the outside of the envelope. The committee shall make sure that all ballots are counted at least twice by different committee members and that the tally sheets are signed by the counters. The ballots shall be counted in such a manner that the identity of each voter remains secret. Ballots shall be sent out by U.S. mail in cases where members cannot normally receive ballots via intra-district mail.
- Section 6. Candidates receiving a majority of the ballots cast for their office shall be declared elected by the election committee.
- Section 7. Write-in candidates must receive the votes of at least 25% of those voting in the election who are eligible to vote for that particular office.
- Section 8. Ballots for a run-off election, if necessary, shall be sent within three (3)

days after the ballots have been counted. The two (2) candidates who received the most votes shall appear on the run-off ballot. The period of balloting will close ten (10) days after the ballots have been mailed out for a run-off.

- Section 9. Nominations for California Federation of Teachers Convention delegates shall be open at the Executive Board meeting at least one (1) month prior to the CFT convention and shall be closed one (1) week later. If more delegates are nominated than allocated delegate positions exist, the Executive Board will elect delegates by secret ballot. All members in good standing are eligible for delegate positions.
- Section 10. Site Representatives shall be elected by secret ballot during the month of May, two weeks after the nominations.
- Section 11. The list of BFT members eligible to vote for the office for which a candidate is running shall be given to each candidate who requests it within three (3) days of the close of nominations.
- Section 12. Only members in good standing one (1) week prior to the distribution of the ballots shall be eligible to receive and have their ballots counted.
- Section 13. Members who require a replacement ballot may obtain one from their Site Representative or from the BFT office.
- Section 14. Each candidate shall be entitled to have a statement of not more than 200 words included in the official ballot mailing. Such statements must be submitted to the BFT office no later than two (2) days prior to mailing.
- Section 15. All ballots, tally sheets, envelopes and invalid ballots will be saved in the office for one (1) year after the elections.

Article VIII: REFERENDA

- Section 1. Proposed actions, by-laws, or policies, including amendments to the Constitution and By-Laws, and action or policies of a membership meeting shall be submitted to a referendum vote when the provisions of Article VIII, Section 2 have been met.
- Section 2. Referenda may be proposed by:
- a. Executive Board (majority vote)
 - b. A majority vote at a membership meeting at which a quorum is present.
 - c. A written petition signed by fifty (50) members in good standing.

- Section 3. No referendum vote shall be held whose termination date is during a school vacation.
- Section 4. The following actions may not be submitted to a referendum vote:
- a. Actions concerning the employment, re-employment, or dismissal of officers, organizers, office employees, and other general employees.
 - b. The power to interpret and enforce the Constitution and to determine policy consistent with the Constitution, subject to approval at the next membership meeting.
 - c. The power to appoint committees consistent with the constitution.
 - d. The time and place for the meetings of the Executive Board, and the expenses involved therein.
 - e. The power to fill vacancies on the Executive Board.
- Section 5. Referenda shall pass if they have a majority of the vote cast, except for Constitutional amendments which must receive two-thirds (2/3) of the votes cast. Voting for contract modifications or waivers per Article 5, Section 11 of the BFT/BUSD contract shall be held within a one (1) to five (5) day period. Members teaching at more than one site shall vote at the site where he/she has the majority of FTE. Members teaching 50% FTE at two different school sites shall vote at the site where he/she attends staff meetings normally.
- Section 6. After receipt of the order for a referendum, it shall be the duty of the President to transmit the question to be voted on to all members ten (10) days from its receipt. Accompanying the ballot shall be a pro and con argument of not more than 250 words.
- Section 7. The closing date of the referendum shall be two (2) weeks after the ballot was sent out. The ballots shall be counted by the President or his/her designee and each side shall be entitled to a count watcher.
- Section 8. The President shall notify the membership of the results of the referendum within ten (10) days.

Article IX: AMENDMENTS

This Constitution may be amended by two-thirds (2/3) vote of the members present at a general membership meeting, provided that notice of the proposed amendment shall have been submitted at the preceding meeting. All members shall be informed of the proposed amendment by written communication at least one (1) week in advance of the next scheduled general meeting. The Constitution may also be amended by a two-thirds (2/3) vote on a referendum.

Article X: FILLING OF VACANCIES

Section 1. In the event the Presidency becomes vacant, the Executive Vice-President shall assume the Presidency,

Section 2. In the event of a vacancy in any other office, including the office of Site Representative, the Executive Board shall, by a majority vote at a meeting at which a quorum is present, appoint an interim officer and decide if a new election is advisable. If a new election is held, it shall be held under the provisions of a regular election, excepting specific dates, but not excepting time intervals.

Article XI: CENSURE, RECALL AND EXPULSION

Section 1. Upon written petition of any fifty (50) members of the BFT requesting censure or recall or expulsion of an officer, or any member, on any of the following grounds:

- a. Misappropriation of funds
- b. Misconduct in office
- c. Anti-Union activity
- d. Abuse of other members
- e. Failure to function in his/her office

The Grievance Committee shall convene and hear charges and defenses, and then shall report, in writing, on their recommendations to the general membership.

Section 2. At its next meeting, the general membership shall consider the report of the Grievance committee and shall, by a two-thirds (2/3) majority, confirm or reject the report of the Grievance Committee. A quorum must be present when this vote is taken. An officer, if recalled, shall immediately be stripped of office and the office declared vacant. A member, if expelled, shall be immediately dropped from membership.

BY-LAWS
of the
Berkeley Federation of Teachers, AFT Local 1078

Article I: FINANCES

Section 1. Dues shall be set at 1.4% of all compensation received by a member each month, including salary wages, hourly wages, daily wages, and stipends.

Section 2. Should a lack of sufficient salary raise in any given school year result in an insufficient dues revenue increase to fully cover AFT or CFT per-capita increases, in accordance with Article IV, Section 6 of the American Federation of Teachers Constitution, the Berkeley Federation of Teachers shall increase the local dues to equal any increase in per-capita payments that are required to be made to the American Federation of Teachers and any increase to the state Federation (CFT) or labor body affiliate.

Section 3. Dues shall be paid monthly in such a manner as approved by the Executive Board.

Section 4. Retired teachers shall pay a one-time assessment of fifty (50) dollars for a lifetime BFT Local 1078 membership. All Lifetime Retiree members who teach part-time as a daily substitute teacher shall be exempt from paying dues on daily substitute wages.

Section 5. a. Normal operating expenditures within the budget shall be subject to approval by the Executive Board and shall be paid by the Treasurer.

 b. All contributions and donations of the BFT funds shall be approved by the Executive Board, or a general membership meeting. Contributions of over fifty dollars (50) shall require a two-thirds (2/3) vote of the Executive Board.

 c. Special expenditures connected with BFT interests and affairs shall require the approval of a two-thirds (2/3) vote of the Executive Board.

 d. Significant special expenditures connected with BFT interests and affairs as determined by a majority of the Executive Board shall require the approval of a two-thirds (2/3) vote of those voting within a general membership election.

Section 6. An oversight Financial Committee, consisting of five (5) members, two (2) of them not officers, shall be appointed by the President each year, subject to confirmation by the Executive Board. It shall review, annually, the financial records and make a report to the membership of its findings.

Article II: MEETINGS

Section 1. General meetings shall be determined by the Executive Board, but there shall be no fewer than eight (8) meetings per year.

Section 2. Special General Membership meetings shall be called by the President, the Executive Board, or by petition of fifty (50) members. This may include meeting for those teachers whose normal BUSD schedules prevent them from attending afternoon membership meetings.

Section 3. A quorum at General Membership Meetings shall consist of one-fifth (1/5) of the general membership, or fifty (50) members, whichever is less. At any meeting at which a strike vote is taken, the quorum shall be one-half (1/2) of the bargaining unit.

Section 4. A quorum at Executive Board meetings shall consist of fifteen (15) Executive Board members, at least four (4) of whom are elected Area Vice Presidents or Constitutional officers of the Union.

Section 5. Executive Board meetings shall be called by the President, or by a simple majority of the Executive Board, but there shall be no fewer than nine (9) meetings per year. Regularly scheduled Executive Board meetings or non-special General Membership Meetings shall only be canceled by a majority vote of the elected officers of the Union.

Section 6. Any BUSD employee may be admitted to a general or special meeting, but only full members shall have a right to be recognized, and to vote. The chairperson shall have the right to recognize any person in attendance.

Section 7. By a majority of members present, any person who is not a full member may be excluded from attendance at that meeting.

Section 8. Written notification must be sent in advance to the membership before motions dealing with any of the following matters may be voted on: strikes, strike support, dues, assessment, and any resolution which would decrease or mitigate contractual or legal rights.

Section 9. When voting takes place at Membership Meetings or Executive Board Meetings, only members who are present for all or part of any debate or discussion over the matter being voted on are eligible to vote.

Article III. OFFICERS' DUTIES

Section 1. The President

- a. Shall preside over all meetings at which he/she is present.
- b. Shall serve as the representative of the BFT, or shall appoint any member to serve in this capacity on an interim basis, subject to approval at the next Executive Board meeting.
- c. Shall appoint all committee chairpersons and members, subject to the approval of the Executive Board.
- d. Shall dissolve all committees upon approval of the simple majority of the general membership present at a general or special meeting.
- e. Shall have the right to call Executive Board meetings and special meetings of the general membership.
- f. Shall have the right to express the policies of the BFT on all matters pertaining to education at any public or private meeting.
- g. Shall have the right to determine methods of implementing BFT policies and goals, with the approval of the Executive Board.
- h. Shall have the right to sit on any committee.
- i. Shall appoint a parliamentarian.
- j. Shall appoint one (1) delegate to the Central Labor Council as head delegate.
- k. Shall ensure that the contract proposals are prepared on time, and that negotiations are carried out.
- l. Shall supervise the Treasurer in preparing the Annual Budget.
- m. Shall serve as the head of the Negotiating Team.
- n. Shall be responsible for, and manage, the Union office.

Section 2. The Executive Vice-President

- a. Shall assume the duties of the President, when that officer is unable to fulfill them.
- b. Shall serve as co-chairperson of all temporary committees.

Section 3. The Area Vice-Presidents

- a. Shall have the right to call and preside over their area meetings.
- b. Shall act as liaison between their area and the Executive Board.
- c. Shall be responsible for making certain that a ~~building~~ Site Representative is elected at each site in his/her area.
- d. Shall fulfill the duties and responsibilities identified in the BFT Area VP job description approved by the Executive Board.
- e. Shall be compensated on an annual basis at the stipend rate identified in the Area VP job description. The stipend shall be set at \$300 as of 2001 and thereafter increased annually by the minimum percentage increase received for all segments of the bargaining unit.

- Section 4. The Treasurer
- a. Shall monitor all funds and supervise all disbursements, and the keeping of accurate accounting of all transactions.
 - b. Shall present a financial report at meetings, showing the annual budget, receipts, and expenditures to date, and the budget balance.
 - c. Shall participate in the preparation of an annual operating budget with the President to be presented to the first (1st) Executive Board meeting of the year for adoption.
 - d. Shall periodically review the budget and shall present budget modifications to the membership for adoption.

- Section 5. The Recording Secretary
- a. Shall record and preserve accurate minutes at all meetings.
 - b. Shall preserve all documents of the BFT.
 - c. Shall maintain a record of all Berkeley Federation of Teachers policies.

- Section 6. The Site Representatives
- a. Shall serve as members of the Executive Board.
 - b. Shall distribute all materials for the BFT to members of the chapter.
 - c. Shall serve as principal spokesperson for the BFT within his/her area.
 - d. Shall have the right to call and preside over meetings of BFT members within his/her area.
 - e. Shall act as liaison between his/her area and the Executive Board.
 - f. Shall fulfill the duties and responsibilities identified in the BFT Site Representative job description approved by the Board.
 - g. Shall be compensated on an annual basis at the stipend rate identified in the Site Representative job description. The stipend shall be set at \$1,000 as of 1999 and thereafter increased annually by the minimum percentage increase received for all segments of the bargaining unit.

Executive

Article IV: THE EXECUTIVE BOARD

Section 1. Membership

The voting members shall be the elected officers, the chairpersons of the Grievance Committee, the Head Delegate to the Central Labor Council, and the Site Representatives. The constitutional officers (Constitution - Article IV, Section 1) may invite other members to serve on the Executive Board in an advisory capacity.

Section 2. Duties

- a. Shall determine election procedures not otherwise specified in the Constitution and By-Laws.
- b. Shall develop a calendar of regular general membership meetings for the school year, and distribute to each member by the regular October membership meeting.
- c. Shall approve the methods and procedures introduced by the President in carrying out the policies and goals of the BFT.
- d. Shall have the right to determine policies in accordance with BFT goals subject to approval of the general membership.
- e. Shall develop a regular meeting schedule for the school year and distribute to each Union member by the regular October membership meeting. Shall determine the time, place, and duration of its own meetings by approval of a simple majority.
- f. Shall determine whether individual Memorandum of Understandings on contractual changes that are agreed to between the BFT President and the Superintendent must be brought before the full membership for a special ratification vote before the next normally scheduled ratification vote would otherwise occur.
- g. Shall make a formal recommendation to the membership on all contract ratification votes: approval, disapproval, or neutral.

Section 3. All members of the Executive Board shall be informed in writing one (1) week in advance of a regularly scheduled meeting of any proposed major policy change(s).

Article V: THE COMMITTEES

The following committees shall be known as standing committees:

- a. Grievance
- b. Negotiations

Section 1. The Grievance Committee shall consist of the appointed chairperson, the Executive Vice-President and at least three (3) other members agreed upon by the President, Vice-President and chairperson. They shall be responsible for representing members of the bargaining unit on grievances, making recommendations as to disposition of grievances to the Executive Board, and hearing cases under Article IX of the Constitution.

Section 2. The Negotiating Team(s) shall be nominated by the President and ratified by the Executive Board. The Negotiating Team(s) shall prepare and present to bargaining unit(s) a proposed negotiations package for approval, shall negotiate the implementation of the package, shall report to the membership on all negotiations, and shall submit the tentative contract to the bargaining unit for ratification.

Article VI: THE GENERAL MEMBERSHIP

Section 1. The general membership

- a. Shall be sovereign in all matters of policy
- b. Shall have the right to initiate (and pass) motions, resolutions, laws and by-laws governing the BFT.

Article VII: AMENDMENT PROCEDURES

Section 1. By-laws may be removed, amended, added according to procedures listed in the Constitution, Article VIII - Referenda and in the By-Laws, Article XII, Referenda Procedures.

Article VIII: PARLIAMENTARY AUTHORITY

Section 1. In questions of procedures, parliamentary authority shall be based on “Robert’s Rules of Order”, except when they are in contradiction to the Constitutional By-Laws of the BFT, or where additional rules are adopted by the membership, or by those present at a meeting.

Article IX: CONSTITUTION

Section 1. The Constitution shall be made available to each Union member.

Section 2. New members, upon joining the BFT, shall receive a copy of the Constitution.

Article X: STRIKES

Section 1. When the membership votes to go on strike, any BFT member who does not abide by this vote by going to work, or by calling in sick, will be subject to a fine equivalent to one (1) day’s pay for each day the member “scabs”, and/or loss or membership in the BFT for a specified period of time.

Section 2. A three (3) person Hearing Board shall be appointed by the President, subject to approval by the Executive Board. The member may appeal the decision of the Executive Board to the membership meeting, which has the final authority in these matters.

Section 3. Any member who is charged with scabbing must be sent the charges in writing, within two (2) weeks of the settlement of the strike, and has the right to appear before the Hearing Board and make a presentation, which may include, but is not necessarily limited to, testimony by other individuals, written statements, and oral statements. The hearing must take place no sooner than seven (7) days, and no more than fourteen (14) days after written charges are sent.

Article XI: GRIEVANCE APPEAL PROCEDURE

Section 1. The Union will handle any legitimate grievance of any member, or of any member of any bargaining unit represented by the BFT, as far as the Board level of the grievance procedure. In determining the legitimacy of a grievance, the Grievance Committee will take into consideration the advice of BFT legal counsel when it is provided. Appeals as to the legitimacy of a grievance may be made under Section 4 of this Article.

Section 2. The decision as to whether to continue with a grievance beyond the Board level shall be made as follows: The grievant shall make a request in a timely manner to the chairperson of the Grievance Committee. The Grievance Committee chairperson shall convene the Grievance Committee forthwith, and the Committee shall render a decision unless the Committee decides to refer the decision to the Executive Board. The decision rendered at this level shall be followed by the Union, unless the grievant decides to drop the grievance and the Union's attorney recommends that the Union do also, or unless the grievant appeals to the Grievance Appeal Board, defined in subsequent sections of this Article and the decision is overturned.

Section 3. Grievance Appeal Board

A Grievance Appeal Board shall be established as follows:

There shall be three (3) members, each serving for terms of five (5) years. Members shall be appointed by the President and confirmed by a majority vote (of those voting) of those eligible to be represented in grievances by the Union. No member of the Grievance Appeal Committee shall have been an officer of the BFT, or of any other organization which serves as a collective bargaining function in another district within the last three (3) years.

Section 4. The Grievance Appeal Board shall have the authority to decide that a grievance is in fact legitimate and shall be processed. It shall also have the authority to decide that a grievance should be processed beyond the Board level. It may not make such a decision if there is substantial probability of losing the grievance. Any decision of the committee must take into account the opinion(s) of appropriate legal counsels.

Section 5. The committee shall act within fifteen (15) working days of the appeal being submitted to it, unless an extension is agreed upon by both the Union and the grievant. Both parties may make presentations to the committee. Neither may be represented directly by lawyers, but both may present written opinions by lawyers. Reasonable expenses of the committee shall be funded by the BFT. The BFT shall process a grievance to the extent necessary to preserve the timelines of the grievance procedure of the BUSD. However, if the Board is willing to grant an extension of the timelines pending the decision of the Grievance Appeal Board, the grievant must accept the extensions if failure to do so would cause the Union to

expend funds it would not otherwise need to expend.

Article XII: REFERENDA PROCEDURES

Section 1. After receipt of the order for a referendum, it shall be the duty of the President to transmit the question to be voted on to all members no later than ten (10) working days after its receipt. Accompanying the ballot shall be a pro and con argument of not more than two hundred fifty (250) words, if any arguments have been submitted.

Section 2. The closing date of the referendum shall be two (2) weeks after the ballot was sent out. The ballots shall be counted by the President or his/her designee and each side shall be entitled to a count watcher.

Section 3. The President shall notify the membership of the result of the referendum within four (4) working days.

Article XIII: ENDORSEMENTS

Section 1. Endorsements of political candidates shall take place at a membership meeting at which a quorum is present. The endorsement of any candidate shall require an affirmative vote of at least two-thirds of those present and voting. Should a membership meeting be held where no endorsement is made, the procedures found in BFT COPE By-Laws, Article VII, Recommendations and Endorsements shall be followed.

Section 2. Endorsements made by labor bodies with which Berkeley Federation of Teachers is affiliated shall be supported by the Berkeley Federation of Teachers unless rejected at a membership meeting at which there is a quorum. A two-thirds vote of those present and voting shall be required in order to reject such endorsements.

**Berkeley Federation of
Teachers
AFT Local 1078**

**Constitution
and
By-Laws**

Revised/Ratified: June, 2003