

Mission Statement

BOCESTA is a local labor union of certified, licensed, professional educators from Orleans-Niagara BOCES, affiliated on the state level with NYSUT, and on the national level with its affiliates. Our purpose is to maintain and improve the working conditions, job security, salaries, benefits, and quality of life for all of our members, through the process of contract negotiations, grievance resolution, decision sharing with administration, community involvement and communication with our general membership; to promote professional development and to provide and support excellence in education.

THE CONSTITUTION AND THE BY-LAWS OF THE ORLEANS-NIAGARA COUNTIES BOARD OF COOPERATIVE EDUCATIONAL SERVICES TEACHERS ASSOCIATION

PREAMBLE

Whereas, in all well regulated societies, certain laws and rules are adopted as necessary for the order thereof, therefore, we the members of the Orleans-Niagara Board of Cooperative Educational Services Teachers Association do adopt and mutually agree to support the following as our Constitution:

CONSTITUTION

Article I- Name

The name of the organization shall be the Orleans-Niagara Board of Cooperative Educational Services Teachers Association (BOCESTA).

Article H- Purpose

Section 1: To work for the advancement of, and interest in, public education on every level; local, state and national.

Section 2: To bring about better understanding of educational problems among educators and the local school board, and to promote a strong professional spirit.

Section 3: To unify and strengthen the education profession and to secure and maintain the salaries, retirement, tenure, professions and sick leave, and other working conditions necessary to support teaching as a profession.

Section 4: To stimulate a closer relationship with NYSUT, and its national affiliates.

Article III- Membership

Section 1: All professional, certified, and/ or licensed employees of the Orleans-Niagara BOCES with the exception of administration personnel, or anyone acting in that capacity for purposes of evaluation are eligible for active membership upon payment of annual dues to the Orleans-Niagara BOCES Teachers Association. If a teacher new to the bargaining unit, or a new member, signs a membership enrollment form, active membership begins on the date the form was signed.

Section 2: An Active member is any person currently employed or newly hired into a bargaining unit position, who has enrolled in membership and whose dues are current and/or paid in full.

Section 3: Qualifications for Members: Members of the BOCES Teachers Association shall be members of NYSUT, and its affiliates effective October 1, 1972.

Section 4: Honorary Membership: All retired persons who were active members of this Association at the time of retirement shall be considered honorary life members of the Association, and as such are not required to pay BOCESTA dues. They are entitled to all privileges of membership except election to union office and voting on union policy and contracts.

Section 5: Non-Member:

A Non-Member is a person employed or newly hired into a bargaining unit position and, to whom one of the following applies:

- a. The person has not completed a membership enrollment form
- b. A former active member enrolled in the union and has withdrawn membership from the union through completing a voluntary union membership withdrawal and a revocation of dues authorization form. Submissions of the forms stated within this section will only be accepted between the window period of August 1st - August 31st for the upcoming membership year of September 1st- August 31st .
- c. A person who has had their membership revoked as defined in section 6

Section 6: Revocation of Membership - After discussion by the Board of Directors, the Executive Committee may suspend from membership or expel any member who shall have been convicted in a court learned in the law of a crime involving moral turpitude, and may reinstate a member who has previously been suspended or expelled from the Association.

Section 7: Active Member versus Non-Member Rights and Privileges

All Active members shall have equal rights and privileges to nominate candidates to hold office, to vote in elections or referendum, to attend membership meetings, and to participate in deliberations and voting upon the business of the organization. Entitled to receive any NYSUT services as defined by NYSUT policies.

Non-Members shall have no right or privilege to participate in any election, nor will they be entitled to receive any NYSUT services as defined by NYSUT policies pertaining to non-membership of April 16, 2018 and September 14, 2018. Neither a Suspended Member nor a Non-Member is considered to be "in good standing."

Section 8: Active Member Entry

- a. A bargaining unit member who has never been a previous active member may enroll at any time upon completion of the membership enrollment form.
- b. A former active member enrolled in the union and has withdrawn membership from the union must pay a re-entry fee equal to 1/10th of annual dues. Will be considered an Active Member upon receipt of both the membership enrollment form and re-entry fee to the membership chair. Must wait one year before running for an Association Executive Board seat or another other Board of Directors position. The association will not represent a Bargaining Unit Member who re-enters the Association in pre-existing cases of discipline or other matters, other than what is specified in the collective bargained agreement.

Article IV- Officers

The officers of the Association shall consist of a President, Vice President of Special Education, Vice President of Career and Technical Education, Secretary, Treasurer, and NYSUT delegates. The President shall serve a term of two years. All other Officers, Executive Committee, and Board of Directors shall serve a term of one year. The term shall begin July 1st, and end June 30th of the next year. All Officers, members of the Executive Committee and Board of Directors may stand for reelection.

Article V- Executive Committee

Section 1: The Executive Committee shall consist of the officers. It shall be the executive authority of the Association.

Section 2: Whenever a majority of the Executive Committee shall agree that an officer has been grossly negligent of the duties defined by the By-Laws or is incapacitated, they shall recommend to the Board of Directors that the office be declared vacant. If the Board votes by two-thirds majority, it shall immediately elect a replacement from the Board of Directors to fill the unexpired term. The President shall designate the needed replacement for the vacated position on the Board except when the President's position is vacated. In that case, the Vice Presidents shall immediately assume the duties and responsibilities of the Presidency. The Vice Presidents shall serve as co-presidents for the unexpired term.

Article VI- Board of Directors

Section 1: The legislative and policy-forming body of the Association shall be the Board of Directors.

Section 2: The Board of Directors shall consist of the Executive Committee, the elected representatives from each area, Standing Committee chairpersons (or their designee), Alternate NYSUT delegate(s) and one representative from BOCESTA's retirees. This representative will be appointed by the President and will be a voting member of the Board.

Section 3: Any active member of the Association who is not a member of the Board of Directors may attend its meetings and may receive permission to speak.

Section 4: Members of the Board of Directors who do not have their dues waived will receive a stipend for each Board meeting they attend. The Ways and Means Committee will recommend a stipend amount to the Executive Committee for their approval each September.

Article VII - Affiliation

The Association shall be an affiliate of NYSUT and its national affiliates.

BY-LAWS

Article I- Meetings

Section 1: The Executive Committee shall meet as deemed necessary by the President, or upon written request of any three (3) Executive Committee members. This meeting shall take place no later than one (1) week after receiving written request.

Section 2: The Board of Directors shall meet each school month, (September to June); time to be set by the President.

Section 3: Additional meetings may be called by the President. The Board of Directors shall have an agenda prior to the meeting to discuss it with their faculty members. This agenda and its distribution is the responsibility of the Executive Committee.

Section 4: General Membership Meetings: The Executive Committee shall arrange active membership meetings discussion of professional issues on an as needed basis.

Section 5: Special Board Meetings shall be held at the call of the President or upon request to the Executive Committee from five (5) members of the BOCESTA Board. Business to come before special meetings must be stated in the written call and be made known to each member of the Board of Directors two (2) days in advance.

Section 6: Ratification of Contract Agreement: Tentative contract agreements reached by the Negotiations Team will be subject to ratification in the following manner:

1. The Negotiations Team will call for a special General Meeting to occur no later than ten (10) school days after reaching a tentative agreement.
2. The meeting will be held at one central site.
3. The Negotiations Team will distribute all pertinent material relating to the tentative contract to all members present.

For the sake of brevity, the material will largely consist of the changes to the present agreement, not necessarily the entire agreement.

4. The Negotiations Team will explain the Tentative Agreement to all active members present and answer questions they may have.
5. Immediately following this there will be a secret ballot of the members present for the purpose of contract ratification.
6. Contract ratification will require a simple majority of the active members present and voting at this meeting. The vote totals and the results will be announced at this meeting and will also be sent to all members as soon as practical.

Article II- Quorum

A majority of their members shall be a quorum for the Board of Directors, Executive Committees and committees. General membership meetings require ten percent of the active membership for a quorum.

Article III- Dues

Section 1: Dues shall be determined by the Association. Dues shall be deducted from payroll. Any additional assessments must be ratified by two-thirds of the members present at a General Meeting. Dues are 1.7% of PC Step #1; rounded up to the nearest dollar amount; evenly divisible by 16 pays. Dues for Occupational Therapists, Physical Therapists, Physical Therapy Assistants, and Certified Occupational Therapy Assistants will also be 1.7% of PC Step #1 unless his/her annual salary is less than PC Step #1. For Occupational Therapists, Physical Therapists, Physical Therapy Assistants, and Certified Occupational Therapy Assistants whose

annual salary falls below PC Step#1, his/her dues shall be 1.7% of his/her annual salary. The Treasurer will inform the Ways and Means Committee of the dues amount prior to their budget meeting in August.

Section 2: Dues deduction for part time employees will be made on the same percentage basis as used by NYSUT and AFT.

Section 3: Dues are waived for the President, Vice Presidents, Secretary, Treasurer, and all Chairpersons of Standing Committees.

Section 4: Dues will be paid by all members through dues deduction, unless paid in full by cash or check before the third pay period.

Article IV- Responsibility of Officers

Section 1: The President: The President shall preside over meetings of the Executive Committee, appoint the chairpersons and members of standing committees, appoint Special Committees, be ex-officio member of all Standing Committees and shall be the executive officer of the Association. The President shall represent the Association before the public either personally or through delegates, and shall perform all other functions usually attributed to this office. Beginning September 1994, the President's salary will be 15% of P.C. Step 1 (To be paid by December 31 of each year). In any year there is no successor agreement, the President's Salary shall be increased by \$500.00 for the additional responsibilities that are involved in negotiations. This increase shall be for that year only and may be prorated if a successor agreement is reached during the year. The method of prorating shall be the same as is used presently for the President's salary.

Section 2: Vice Presidents: The Vice Presidents of the organization shall perform the functions usually attributed to the office. The Vice Presidents shall work closely with one or more Standing Committees as the President may suggest. Should the Presidency become vacant, the Vice Presidents shall assume the office of the President and serve as co-presidents for the unexpired term.

Section 3: Secretary: The Secretary shall keep accurate minutes of all Association, Executive Committee and Board of Director meetings; shall maintain official files and shall assist the President with Association correspondence. He/ she shall keep a record of names and addresses of the members and keep attendance records.

Section 4: Treasurer: The Treasurer shall hold the funds of the Association and disburse them upon authorization by the Executive Committee. He/she shall bill the membership for their annual dues, and transmit amounts due to the New York State United Teachers. He/she shall maintain a roll of members, keep accurate accounts of receipts and disbursements, shall report to each meeting of the Board of Directors and shall prepare an annual financial statement for publication to members and its affiliates as directed by the Executive Committee. He/ she shall keep the President and

Executive Committee informed of the financial condition of the Association and shall assist the Ways and Means Committee in the initial drafting of the annual budget.

All funds disbursed from the BOCESTA treasury for any purpose much have two signatures. One signature will be that of the treasurer and the other signature will be that of one other officer of BOCESTA.

Section 5: NYSUT Delegate(s):

The NYSUT Delegate(s) shall represent BOCESTA at the annual NYSUT assemblies and all other NYSUT functions. The delegate(s) shall attend any such meeting which relates to their responsibilities and shall report to the Board of Directors and provide written reports for posting on the BOCESTA Website (or other communication medium). The President shall hold the position of the first NYSUT delegate.

Section 6: Terms and Succession:

a. The President shall be elected and serve a term of two (2) years beginning July 1994. The President may be reelected without an intervening term.

b. All other officers shall serve for one (1) year and may be reelected without an intervening term.

c. Whenever the offices of both President and Vice Presidents shall become vacant between elections, except as provided in Article IV, Section 2 of the by-laws, the Executive Committee shall choose one of their members to serve as President pro-tempore until the Board of Directors can fill the vacancies by appointing from the BOCESTA Board. The appointees shall serve the unexpired term.

Article V- Responsibilities of the Executive Committee

The Executive Committee shall be responsible for the management of the Association, approve all expenditures (any single expense over \$225.00 must be approved by the Board of Directors), carry out policies established by the Board of Directors, report its transactions and those of the Board to its members, and suggest policies for consideration by the Board of Directors.

The Board of Directors shall approve the budget, set dues for the Association, act on reports of committees and approve resolutions and other policy statements. It may adopt such rules governing the conduct of meetings as are consistent with the Constitution and By-Laws. It shall be the final judge of the qualifications for the election of officers. Powers not delegated to the Executive Committee shall be vested in the Board of Directors. Any member of the Executive Committee, the Board of Directors, or active members in good standing shall by duly reimbursed for Association expenses incurred from designated BOCESTA business.

Article VI-Area Representation

Section 1: In each area, faculty members who are active members in good standing of this Association shall elect delegates for a term of one year to represent them on the

BOCESTA Board of Directors. Elections are held no later than June 15th and Representatives are to take their seats July 1st. The number of representatives for each site shall be determined by the following formula and will be determined by the election Committee just prior to the election each year to be in effect for the following year. Five to fifteen BOCESTA members:

1 representative

Sixteen to fifty BOCESTA members:

2 representatives

Fifty plus BOCESTA members:

3 representatives

The number of itinerant representatives will also be determined by the above formula. Sites that have fewer than five BOCESTA members will be combined for the purpose of representation. The number of BOCESTA members will be totaled and the number of representatives will be determined. The representatives must be working at one of the combined sites, but representation should be of such a nature as to provide the best available representation for all the combined sites.

If at any time during the school year two active members in good standing from a site petition the Board for a change in representation based upon additional BOCESTA staff within their site, the Elections Committee of the Board will hold an election to add representatives in accordance with the above formula. However, if the BOCESTA staff at a particular site is reduced during the school year, there will be no loss of representation to the Board from that site through the end of that school year. All representation is reviewed before elections for the following year.

Section 2: Representatives shall attend the regular meetings of the Board of Directors, unless they receive prior excuses from the President. After two unexcused absences of a representative, the President may declare the seat unfilled. If this seat is declared unfilled, the President shall fill this vacancy by selecting a volunteer from that area to fill the unexpired term. If a representative resigns the office, the same procedure for filling the vacant seat will be followed. However, if any two active members in good standing from that area or site request an election, an election will be held under the auspices of BOCESTA. There will be one representative from BOCESTA retirees. This representative will be appointed by the President and will be a voting member of the board.

Section 3: The area representatives shall call meetings of the Association members at their sites, within five days of a Board of Directors meeting, to discuss Association business and shall appoint such committees as responsible for the enrollment of members and two-way Association communication within the area. The area representatives may call additional active membership meetings as needed.

Section 4: Area Representatives shall be members of BOCESTA, NYSUT, and its affiliates during their term of service.

Article VII- Standing

Committees

Section 1 - Structure: The Standing Committees shall be: Grievance, Negotiations, Membership, Ways & Means, Vote/ Cope, Solidarity/Fund Raising, Website, sunshine and Health & Safety. Committees shall carry out the specific functions outlined below. Each committee may, with the approval of the Board of Directors, organize special sub committees and task forces for specific activities from the active membership of the Association.

Section 2 - Meetings: Each Standing Committee shall meet regularly according to a calendar developed by the Board of Directors and may hold special meetings at the call of the Chairperson.

Section 3 - Reports: Each committee shall choose a secretary who shall keep continuing record of activities. Chairpersons shall report as necessary to the Board of Directors and shall prepare an annual written report summarizing objectives and unreached goals, which the Executive Committee shall distribute to the members and which shall become part of the continuing committee record in the Association files.

Section 4 - Relation to the Executive Committee: The Executive Committee shall assist the President to appoint members of the Standing Committees and to fill all unexpired terms as vacancies occur. It shall require and assist committees to define their immediate and long-range objectives. It shall review committee plans as necessary and shall decide any jurisdictional argument between committees.

Section 5 - Relation to State and National Associations: The Standing Committees shall seek to understand and relate to the objectives and programs of corresponding units of state and national associations and shall counsel with them.

Section 6 - Terms: All standing committee members may serve for a one-year term and may be reappointed for another one-year term by the President with the assistance from the Executive Committee. A Standing Committee Chairperson may be removed from the position by a majority vote of the Board of Directors. The President shall then appoint the replacement chairperson to fill the unexpired term.

Section 7A- Grievance Committee: This committee shall explore and prepare action programs related to general working conditions. It shall also seek satisfactory personnel policies and procedures for the redress of grievances. It shall accept and consider all grievances. In the event that there is a liability suit brought against members of BOCESTA Board and/or the Grievances Committee, the Board will assure payment of the 10% (limit of \$10,000.) deductible not covered by the NYSUT blanket policy. The Treasurer is empowered to seek insurance coverage to further limit this liability.

Section 7B- Negotiations Committee: This Committee shall work with the Labor Relations Specialist assigned to BOCESTA. The Negotiations Committee shall have a Negotiations Team, consisting of a Chairperson and other members appointed by the President. It is advisable to have at least one member with one or more years negotiating experience on the Negotiations Team. The Chairperson of the committee

shall have his/her dues waived beginning July 1994, during any year in which there is no successor agreement or in which negotiations with the district are occurring.

Duties of this Committee: This committee shall:

- a. survey the membership prior to each negotiations and use this information to formulate proposals,
- b. review all negotiable items including salary, fringe benefits, and any other non-economic items concerned with the contract agreement and will make recommendations to the Board of Directors for their approval.
- c. shall meet with BOCES Board of Education or their representatives to obtain these results.

The Board of Directors shall approve the paying of expenses incurred by the Negotiations Team when these have been substantiated and shall pay a stipend based on the duration of the contract negotiations. The amount of the stipend paid shall be decided by the President and the Executive Committee. Payment shall be made upon successful conclusion of contract negotiations.

Section 7C - Membership: This Committee shall:

1. update the "New Member" letter yearly.
2. distribute membership applications to all new employees.
3. develop and maintain an accurate member status list for the BOCES Payroll office.
4. develop and maintain an accurate membership list for NYSUT.
5. monitor the bi-monthly dues deduction report from the payroll office for accuracy.
6. present an accurate membership report to the Board of Directors each month.

Section 7D - Ways and Means Committee: This committee is responsible for:

1. assisting the Treasurer in developing a budget for each fiscal year. This budget shall be presented to the BOCESTA Board of Directors at its regularly scheduled September meeting.
2. establishing guidelines for Sunshine expenditures. These expenditures will include an appropriate remembrance to be sent to a member if there is a surgery, hospital stay, long-term illness, marriage, birth, or death. An appropriate remembrance will also be sent if there is a death in a member's immediate family. The BOCESTA Treasurer will be a member, but not Chairperson, of the Ways and Means Committee. The Treasurer will provide an accurate recording of all Sunshine and donation expenditures for the preceding three years. These may be used as guidelines.

All requests for donations will be submitted in writing to the Ways and Means Committee, who will review the requests and make formal recommendations to the Board of Directors at its next regularly scheduled meeting. Such donations may include, but are not limited to; member projects, Special Olympics, Skills USA, union supported

causes, extreme poverty, or the death of a BOCES student. Special consideration will be given to child-orientated causes that are within Orleans and Niagara Counties.

3. overseeing the distribution of scholarships.

a.) Scholarships will be offered to BOCES students and BOCESTA family members who are going on to postsecondary education or into the workforce. The Ways and Means Committee (with the approval of the Board of Directors) will determine how many, and what type of, scholarships to award each year.

b.) All applications must be submitted to the Ways and Means Committee in accordance with the set specifications determined by the Committee and the date determined by the committee chair. The Ways and Means Committee will recommend its choices to the Board of Directors for approval.

Section 7E — Vote/Cope

Committee:

This Committee is responsible for overseeing the solicitation of Vote/Cope contributions from the BOCESTA membership (active and retired) and forwarding them to NYSUT. The committee will:

- a. organize and distribute the materials for contributions to the BOCESTA building representatives.
- b. collect and forward those donations to NYSUT according to their guidelines and within the designated timelines.
- c. distribute the NYSUT Vote/ Cope materials to the Board of Directors with an explanation of NYSUT's use of the donations and its endorsement process.
- d. mail contribution materials to BOCESTA retirees.

Section 7F - Fund Raising and Solidarity Committee: This committee works with BOCESTA members, local businesses, and other organizations to raise money to meet the specific needs of BOCESTA. The committee works to build partnerships with community members that will contribute to successful events throughout the year. The committee will:

- a. set organizational and fundraising goals for BOCESTA.
- b. develop, plan, advertise, and implement specific fundraising and social events.
- c. recruit new participants from BOCESTA and the community to assist the committee.
- d. research opportunities for unity building in BOCESTA.
- e. create and maintain accurate records of monies coming in and donations.

Section 7G — Website: This committee shall:

- a. create and maintain the BOCESTA Website.

- b. collect monthly articles from the president, both vice presidents, and other members as needed for inclusion on the website.
- c. ensure that all information on the website is current, accurate, and complete.

Section 7H — Health and Safety: This committee shall:

- a. investigate members' reports of any health or safety concerns in their work spaces.
- b. work with BOCES personnel and/or NYSUT to address member concerns.
- c. report these results to the Board of Directors.
- d. provide monthly health and safety information for the BOCESTA website.

Article VIII- Special Committees

Each year the President shall appoint an Elections Committee, Audit Committee, Social Committee, and other such special committees as may be necessary and shall discharge them upon completion of their duties. These committees shall operate according to the rules approved by the Board of Directors. No officer of the Association shall serve on either the Election Committee or the Audit Committee. These Committee members do not have a vote on the Board of Directors. Each year the President will also appoint a Parliamentarian. The Parliamentarian may be reappointed for succeeding one-year terms. The Parliamentarian should be the final arbiter on any matters pertaining to the Parliamentary procedure at meetings of the Board of Directors and general membership meetings. Due to the need for impartiality, the Parliamentarian does not have a vote on any matters before the Board of Directors.

Whenever the Board of Directors deems necessary, the President shall appoint a Constitutional Revision Committee. The Committee shall review and make recommendations for revisions to the Board of Directors concerning all amendments to the Constitution and By-Laws.

Article IX- Elections

Section 1- Qualification for Elected Positions: Candidates for elected positions shall be active members in good standing with BOCESTA, NYSUT, and its affiliates.

Section 2- Nominations: The active members of the Association in each area may nominate a candidate for President, Secretary, Treasurer, Area Representative, NYSUT Delegate(s), and NYSUT Alternate Delegate(s).

- a. Any active member working a minimum of .5 in one, or both, of our Career and Technical Centers may be nominated and run for Vice President of Career and Technical Education. Members in those centers will vote for this position.
- b. Any active member working in Special Education may be nominated and run for Vice President of Special Education. Members working in the special education realm will vote for this position.

c. The Committee on Elections shall report all nominations to the Board of Directors. The Committee on Elections shall be responsible for all active members receiving a nomination form and for collecting the forms as well.

d. After the Committee on Elections has reported nominations to the Board of Directors, the President shall call a general membership meeting to entertain nominations submitted from the floor.

e. The Committee on Elections shall publish to the membership brief information on each candidate.

Section 3- Elections shall occur by June 15th, of each school year. Active members shall vote for offices by ballot in accordance with procedures developed by the Committee on Elections, who shall report the results to the President in a timely fashion. The President shall publish the results in a timely fashion. New officers shall take office July 1st.

Article X- Authority

Robert's Rules of Order Revised shall be the Parliamentary authority for the Association and By-Laws, and such standing rules as the Board of Directors may adopt.

A *Parliamentarian* is appointed by the president for a one-year term. The Parliamentarian may be reappointed for succeeding one year terms. The Parliamentarian should be the final arbiter in all matters pertaining to parliamentary procedure at meetings of the Board of Directors and general membership. Due to the need for impartiality, the Parliamentarian does not have a vote on any matters before the Board of Directors.

Article XI- Amendment

These By-Laws and Constitution may be amended by majority vote at a regular meeting of the Board of Directors, provided that proposed amendments have been previously studied by the Executive Committee and that copies have been sent to Board of Directors Representatives two calendar weeks in advance of the meeting.

Revised 2019