

## **Bylaws of San Juan Professional Educators Coalition**

### Article I – Name and Purpose

#### 1. Name

San Juan Professional Educator Coalition (SJPEC) is the name of this employee organization.

#### 2. Purpose

The purpose of SJPEC is to advocate for and represent its members pursuant to the Educational Employment Relations Act, commencing with Section 3540 of the Government Code (EERA), and to operate as a labor organization within the meaning of Section 2370a of the California Revenue and Taxation Code.

#### 3. Nonprofit Status

SJPEC does not contemplate pecuniary gain or profit to its members and is organized for nonprofit purposes.

#### 4. Limit on the Scope of Activity

Notwithstanding, any other provision of these Bylaws, SJPEC shall not, except to an insubstantial degree, engage in any activity or exercise any powers that are not in furtherance of the specific purposes of SJPEC.

### Article II – Membership and Annual Membership Dues

#### 1. Membership Eligibility

Each employee of the San Juan Unified School District (district) represented by SJPEC is eligible to become a member. For the purpose of these Bylaws, the term “represented” means SJPEC is the exclusive representative of the employee pursuant to the EERA, or is seeking to become the exclusive bargaining representative of the employee pursuant to the EERA.

#### 2. Becoming a Member

To become a member of SJPEC, the eligible employee shall complete a standard SJPEC

##### a. Authorization for Payroll Deduction of Annual Membership Dues

The SJPEC membership authorization includes authorization for the district to deduct the annual membership dues of SJPEC from the pay of the employee who joins as a member, and to do so in the amounts and in manner required by SJPEC. SJPEC receives notification of deduction.

##### b. Payment Sequence for Annual Membership Dues

The annual membership dues shall be deducted from the pay of each member by the district in equal monthly installments, September through June each fiscal year.

##### c. Amount of Annual Membership Dues

Annual membership dues for SJPEC are five hundred dollars. Notwithstanding any other provisions of these Bylaws, dues for a member in a position that is less than a full time equivalent position, shall be based on the percentage that less than full time equivalent position bears on a full time equivalent position.

##### d. Exclusive Recognition of SJPEC – Payment of Dues

Notwithstanding any other provision of these Bylaws, dues of the SJPEC shall not be due and payable to SJPEC from any member until SJPEC is recognized pursuant to the EERA (Educational Employment Relations Act) as the exclusive bargaining representative of a bargaining unit in the district in which the member is employed, and when that recognition occurs, the dues of the member for that fiscal year only shall be pro-rated on a month to month basis in relation to the full dues for that fiscal year.

e. Full Payment of Dues Required

Except as otherwise expressly allowed in these Bylaws, each member shall pay full dues each fiscal year or portion thereof he or she is a member.

f. SJPEC Fiscal Year

The fiscal year of SJPEC is July 1 of the calendar year through June 30 of the next calendar year.

g. Maintaining Membership

Each member shall maintain his or her membership pursuant to the EERA, and pursuant to any collective bargaining agreement (agreement) that may be in effect between SJPEC and the district.

h. Membership in Good Standing

As long as a member continues to have his or her dues deducted from his or her pay by the district, and/or unless charges have been filed and sustained against the member pursuant to these Bylaws, the membership of the member shall remain in good standing.

i. Leaving the SJPEC Bargaining Unit

When a member leaves the bargaining unit exclusively represented by SJPEC he or she shall, nevertheless, pay the full dues of SJPEC for the fiscal year in which he or she leaves the bargaining unit.

j. Dropping Membership

A member can only drop his or her membership in SJPEC during the express thirty calendar days immediately following the expiration date of any agreement between SJPEC and the district, and pursuant to the EERA. Any notice to drop membership shall be signed and dated by the member seeking to drop his or her membership, and shall be presented in writing by the member to both SJPEC and the district within that thirty calendar day period, otherwise the membership shall continue uninterrupted thereafter.

k. Associate Membership

Affiliate membership is available to individuals who possess a current Administrative Services Credential, or those who have completed their Tier 1 Administrative Services Credential. The Board of Directors will determine the annual dues for affiliated members.

l. Retired Membership

All members in good standing at the time of retirement may continue as retired members of SJPEC. The officially recognized retirees' association shall be known as SJPEC – Retired and all retirees are eligible to join. The Board of Directors will determine the annual dues for retirees.

### Article III – Meetings

#### 1. General Membership Meetings

##### a. Regular General Membership Meetings

Regular general membership meetings shall be held once each fiscal year.

##### b. Special General Membership Meetings

Special general membership meetings may be called by the president, a majority of the directors on the Board of Directors, or by a petition filed with the president signed by thirty percent of the members in good standing.

#### 2. Board of Directors

##### a. Regular Meetings of the Board of Directors

Regular meetings of the Board of Directors shall be held monthly, September through June of each fiscal year.

##### b. Special Meetings of the Board of Directors

The president or majority of the members of the board may call a special meeting of the board upon twenty-four hours written notice to all members of the board, exclusive vacant positions.

#### 3. Quorum

##### a. General Membership Meeting

A quorum for all meetings of the SJPEC shall consist of all members present at any regularly scheduled meeting or at any called meeting, provided all members have been notified of the called meeting not less than five (5) days in advance.

##### b. Board of Directors Meeting

A majority of the directors and officers, excluding vacancies, must be present at a meeting of the Board of Directors in order for the Board of Directors to take official action on a matter that is properly before it.

#### 4. Meeting Notices

##### a. General Membership Meetings

The Board of Directors shall notify the general membership of the regular and special general membership meetings not less than five regular workdays prior to those particular meetings being called to order; for the purpose of these Bylaws the term “workdays” means Monday through Friday exclusive of any day the district headquarters office is not open for regular business.

##### b. Board of Directors Meetings

The Board of Directors shall notify the general membership of the regular meetings of the Board of Directors not less than five regular workdays prior to those particular meetings being called to order, and not less than twenty-four hours before any special meeting of the Board of Directors is called to order.

##### c. Procedure at Meetings

Robert's Rules of Order, revised, shall be the guide in all cases to which they are applicable and are not in conflict or inconsistent with these Bylaws.

d. Required Meeting Attendance of Directors and Officers

Should a director or officer fail to attend two meetings of the Board of Directors and/or general membership during the fiscal year without an acceptable excuse, he or she shall be automatically removed from his or her director position or office, whichever the case may be, effective the first meeting of the Board of Directors following the second such unexcused absence, and the Board of Directors shall determine what constitutes such an acceptable excuse.

Article IV – Board of Directors and Officers

1. Board of Directors

The Board of Directors consists of the directors and the officers.

2. Directors (Representatives)

The jurisdiction, selection and term of directors shall be in accordance with the following:

a. Elementary Schools and K-8 Schools

One director shall be elected from the elementary school principals, elementary VPs and K-8 schools in the district at the rate of one director for each 15 members within that group.

b. Middle

One director shall be elected from the principals from the middle in the district.

c. High Schools

One director shall be elected from the high school and adult (school) administrators in the district at the rate of one director for each 15 members within that group.

d. Program Specialist/ECE Administrators

One director shall be elected from the group of Program Specialists/ECE Administrators to include: Categorical Programs, Employee Training, Multi/Ling/Cultural Ed, Health Services, PE/Athletics, Special Ed, and School to Career at the rate of one director for each 15 members within that group.

e. Psychologists

One director shall be elected from the group of psychologists at the rate of one director for each 15 members within that group.

f. Rate of Representation

Each represented group shall elect representative based upon the rate of one director for each 15 members represented within that group.

g. Term of a Director

The term of each director is one year from July 1 immediately following his or her election to the position, through June 30 of the second consecutive year immediately following that July 1.

Nothing herein shall be deemed to prohibit a director from seeking election to additional terms in the position.

h. Election of Directors

Each director shall be elected from and by the members in the particular jurisdiction he or she is designed to serve pursuant to these Bylaws.

### 3. Officers (Executive Board)

#### a. Composition

The officers consist of a president, past president, president-elect, vice president of communications, secretary, and treasurer.

#### b. Jurisdiction and Selection of Officers

Officers are elected from and by the general membership.

#### c. Term of Officers

The term of an officer for the vice president of communication, secretary and treasurer is two consecutive years from July 1 immediately following his or her election to the office, through June 30 of the second consecutive year immediately following that July 1. Nothing herein shall be deemed to prohibit an officer from seeking election to additional terms in the office. The office of president-elect will be filled every two years, with that person moving into the position of president and then president moving on to past president.

## Article V – Nominations, Elections and Vacancies

### 1. Nominations

All nomination for directors and officers shall occur at the general membership meeting in the applicable election year.

#### a. Making a Nomination

Only a member in good standing may nominate himself or herself, or another member in good standing, for election to a director position or an office due for election in the year the nomination is made.

#### b. Opening and Closing Nominations

Upon a quorum of members being established and the meeting being called to order, pursuant to the published agenda of the meeting, the president shall open nominations from the floor for each director position and office due to be elected that year. Upon the second call for nominations from the floor for the particular director position or office, the president shall close nominations for the director position or office, and once such nominations are closed, no other nominations will be accepted for that director position or office for election that year. Each person nominated, when nominated, shall be given the opportunity to decline the nomination by the president, and any nominee who declines his or her nomination shall not have his or her name placed on the election ballot.

#### c. Record of Nominees

The name of each nominee who does not decline the nomination and the title of the particular director position or office the nominee was nominated for shall be recorded by the secretary for placement on the election ballot.

### 2. Elections

The election of directors and officers shall be held within 20 workdays following the close of the general membership meeting, subject to the following:

a. Voting

(1) All voting may be done by online ballot, mail ballot, or at one or more central polling locations, as determined by the Board of Directors and noticed to the members eligible to vote prior to the election.

(2) Each member may vote for one nominee for the director position that represents his or her jurisdiction pursuant to these Bylaws.

(3) Each member may vote for one nominee for each office due for election in the particular election year pursuant to these Bylaws.

(4) The election committee shall be responsible to distribute and collect all paper ballots cast.

b. Election Committee

The president shall appoint an election committee comprised of members in good standing who are not seeking election in the particular election year, to administer and supervise the election.

c. Ballot Format

The election ballot shall include the name of each person nominated for a director position or an office, with the name of the member(s) listed under the title of the particular director position or office the member was nominated for, and it shall include a blank space next to each nominee named for use by members to vote for the nominee of their choice if they choose to do so.

d. Counting Ballots

(1) Collection and Counting

The election committee shall use the results of the online ballot or paper ballot to determine the results of the election.

(2) Observers

The location and time of the counting of the ballots shall be the subject of advance notice to the general membership who, if they choose to do so, may observe the counting of the ballots.

(3) Election Results

Upon determining the results of the election for each director position and each office, the members of the election committee shall each sign and date the written results from counting the ballots cast, thus certifying the election results, and then shall submit all such results to the SJPEC president and the SJPEC secretary, immediately thereafter; each election committee member shall maintain a copy of the certified election results for a period of not less than ninety calendar days after the certification of those election results, and shall provide a copy of those results to the Board of Directors upon written request to do so.

(a) Tie Vote

In the event of a tie vote among candidates receiving the most votes in the election for any director position or office, the election committee shall conduct another vote for tied candidates

and such vote shall be completed within five workdays of counting the ballots where the tie vote was discovered.

(b) Announcement of Election Results

Results of elections shall be announced to the general membership by the SJPEC president immediately following the results of the election being certified.

3. Vacancies

a. Directors

If a director position becomes vacant during his/her term, or if no candidate is nominated for election to the director position at the general membership meeting in the appropriate year, the president may, with the express prior approval of the Board of Directors, appoint a member in good standing from the jurisdiction of the particular director position, to fill the un-expired term.

b. Officers

If an office becomes vacant during its term, or no candidate for the office is nominated at the general membership meeting in the appropriate year, the president may, with the express prior approval of the Board of Directors, appoint a member in good standing to fill the un-expired term.

(1) Appointment of a Director to an Office

When a director is appointed to fill the un-expired term of an office, the director shall automatically be resigned from his or her director position upon the appointment to the office being effective.

Article VI – Duties of Officers

1. President

The president shall preside at all meetings of SJPEC, except scheduled committee meetings, be an ex-officio member of all SJPEC committees, and in every way endeavor to promote the interests and purposes of SJPEC. The President shall appoint all chairpersons of special committees, shall call meetings of the Board of Directors, suggest policies and plans for all standing and special committees and shall be held responsible for the progress and work of SJPEC. The president will report to the general membership at each general membership meeting and to the Board of Directors at each meeting of the Board of Directors, regarding the progress and standing of SJPEC and his or her official actions. The president will be paid a stipend of \$5000/year, paid monthly, for duties performed outside of the work day.

2. President-Elect

The president-elect shall assist the president in the work of the president at the request of the president, fulfill duties of the president in the absence of the president, fill the office of president if the office becomes vacant during the term of office, serve on the Executive Committee, serve as chair of the Budget committee, present the calendar for the upcoming year, and perform other duties as assigned by the president and/or Board of Directors. The president-elect will be paid a stipend of \$2500/year, paid monthly, for duties performed outside of the work day.

### 3. Past President

The Past President will serve as the chair of the negotiations committee, election committee, and chair social events and perform other duties as assigned by the president and will receive a stipend of \$1500/year, paid monthly, for those duties performed outside of the work day.

### 4. Vice President of Communications

The vice president of communications is responsible for the ongoing communication with membership in SJPEC. He or she is responsible for maintaining the SJPEC website and publishing four SJPEC newsletters per school year. He/she is responsible for reviewing the SJUSD school board agendas. If there were any matters that are to be brought before the board that directly affect SJPEC membership, the Vice President of Communications would be expected to attend the board meeting or find a suitable replacement. He/she will also assist with the online voting process. The vice president of communications and will receive a stipend of \$2000/year, paid monthly, for those duties performed outside of the work day.

### 5. Secretary

The secretary shall keep an accurate record of the proceeding of all meetings of the Board of Directors and the general membership including, proceedings at special meetings, carry on the official correspondence of the SJPEC except as the Board of Directors may deem otherwise, act as custodian of the official records of the SJPEC placed in such custody by the Board of Directors, and perform other duties as assigned by the president and/of Board of Directors. The secretary will be paid a stipend of \$2000/year, paid monthly, for duties performed outside of the work day.

### 6. Treasurer

The treasurer shall receive and receipt all monies of SJPEC, deposit all money so received in the name of the SJPEC in a financial institution selected by the Board of Directors, and money so deposited shall be withdrawn only by check signed by the President, President-elect, Past President, or Treasurer, if approved by the Board of Directors, prepare and sign checks for such purposes as are required by these Bylaws or are authorized by the general membership or the Board of Directors, keep accurate records of receipts and disbursements and, at each regular meeting of the Board of Directors, submit to the Board of Directors a monthly operating statement and balance sheet of the financial transactions of SJPEC since the previous report, cause an annual audit of the directors and report the results of the audit to the Board of Directors at the first meeting of the Board of Directors after the audit has been completed, cause all reports required by the EERA to be prepared and filed in a timely manner, cause all federal and state tax reporting forms to be prepared and filed in a timely manner, chair the SJPEC finance committee, and perform other duties as assigned by the president and/or Board of Directors. The treasurer and will receive a stipend of \$2000/year, paid monthly, for those duties performed outside of the work day.

### 6. Executive Director



An Executive Director shall be employed by the Board of Directors for such contract periods as are mutually agreed upon by the Executive Director and Board and under such conditions of employment as are stipulated in the contract and description of the position for Executive Director. In general, the Executive Director shall be responsible to the Board of Directors for such duties and responsibilities as are determined by the President and Board of Directors. The Executive Director shall represent SJPEC on the District Health and Benefits Committee.

#### 7. Director – Representative

Each director shall be responsible to communicate in a timely manner to the president, all requests for representation from employees represented by the SJPEC within the Jurisdiction of the director, pursuant to any agreement between SJPEC and the district, and to communicate with members within his or her jurisdiction on matters discussed and/or decided upon by the Board of Directors and/or the general membership affecting such members, and to perform other duties assigned by the president and/or Board of Directors.

#### 8. Authorization and Limits

##### a. Authorization of the President

Between meetings of the Board of Directors, the president has authority to represent SJPEC in such matters that affect the policies, aims and means of accomplishing the purpose of SJPEC subject to the approval of the Board of Directors.

##### b. Limits

Except to the extent expressly specified in these Bylaws, no officer of SJPEC has the power to act as agent for and bind SJPEC in any way whatsoever, except to the extent specifically authorized in writing and in advance by the Board of Directors, and no member or group of members or other person or persons has the power to act on behalf of or otherwise bind SJPEC except to the extent, specifically authorized in writing and in advance by the Board of Directors.

### Article VII – Committee

#### 1. Committee Appointments

Members in good standing shall be appointed to serve on a committee, and except for committee chairpersons designated by these Bylaws, committee appointments shall be made by the president with prior approval of the Board of Directors.

#### 2. Standing Committees

Standing committees of the SJPEC are bylaws, finance, negotiating, and representation. The chairpersons of these standing committees are:

- a. Bylaws – SJPEC secretary
- b. Finance – SJPEC treasurer
- c. Negotiating – SJPEC president-elect
- d. Representation – SJPEC president-elect

#### 3. Special Committees

The president and/or Board of Directors may create special committees upon prior approval of the Board of Directors, and all members of such committees shall be subject to such prior approval. The chairperson of a special committee shall be one of the directors appointed by the president with prior approval of the Board of Directors.

#### 4. Attendance Requirement for Committees

Any committee member having two unexcused absences from committee meetings may, upon recommendation of the committee chairperson to the Board of Directors, and upon action by the Board of Directors to do so, be removed from the committee assignment upon written notice of such removal being served upon that member, with the date upon said notice serving as the date the member is removed from the committee.

### Article VIII – Discrimination Prohibited

SJPEC shall comply with the applicable federal and state law regarding the prohibition of discrimination in all aspects of its organization and operation.

### Article IX – Hearings and Appeals

#### 1. Charges

Any member including directors and officers may be charged with the following:

- a. Violating, any provision of these Bylaws;
- b. Gross disloyalty or conduct unbecoming a member;
- c. The wrongful taking or retaining of money, books, papers, records, or any other property belonging to SJPEC, or the wrongful destruction, mutilation or erasure of any books, papers, records, bills, receipts, vouchers or other property of SJPEC;
- d. Bringing false charges against any member of SJPEC without good faith or with malicious intent.

#### 2. Filing Charges

Only a member or members in good standing may file charges against any other member(s). Charges filed against any member(s) shall be filed with the SJPEC secretary in writing, and be signed and dated by the member(s) filing such charges, and shall be served either personally or by “certified” U.S. Mail on the member(s) charged, to the last known mailing address of the accused at least ten workdays before the hearing on the charges is held.

#### 3. Hearings

All official hearings of SJPEC regarding charges filed against a member shall be conducted fairly in accordance with the following:

##### a. Hearing Body

The Board of Directors shall act as the hearing body however, should a director or officer be accused, that director or officer shall not act as part of the hearing body.

##### (1) Impartial Hearing Officer

Notwithstanding any other provision of these Bylaws, the Board of Directors may choose to have an impartial party hear the matter, and if this occurs, the Board of Directors shall take action as a hearing body upon the written recommendation on this matter of that impartial party, with the cost of the impartial party borne by SJPEC.

b. Appearances by the Accused at the Hearing

The accused may appear in-person and with witness to answer the charges and shall be afforded a fair hearing. If the accused is unable or unwilling to be present at any hearing provided for herein, his or her defense may be presented in writing prior to the start of the hearing on the charges filed against him or her. In default of appearance or defense by the accused member(s), the hearing body shall proceed with the hearing regardless of the absence of the accused.

c. Representation

(1) Accused

The accused may select a member or an attorney to represent him or her in the presentation of his or her defense. The total cost of any attorney and/or other person representing the accused shall be borne by the accused.

(2) SJPEC

SJPEC may select an attorney to represent in such matters and the cost of such an attorney and/or other person representing the SJPEC shall be borne by SJPEC.

d. Hearing Date, Location and Time

The date, location and time of such a hearing shall be determined by SJPEC and communicated in writing to the accused in a timely manner.

4. Outcome of Hearing

a. Charges Not Sustained

If the charge is not sustained it shall be dismissed.

b. Charges Sustained

If the charge or any portion thereof is sustained, then the Board of Directors shall render judgment and impose disciplinary action as provided for in these Bylaws.

5. Disciplinary Action Imposed by the Board of Directors

All disciplinary action imposed upon a member found guilty of any charge or portion thereof, shall relate to the rights and duties of membership in SJPEC and may, as the case requires, consist of reprimand, suspension, expulsion, deprivation of privileges or benefits of membership, or commands to do or perform, or refrain from doing or performing specific acts, removal from an office or director position or suspension from that office or director position, and limits on eligibility as a candidate for such an office or director position in the future.

6. Appeal

The appeal of any decision of the Board of Directors regarding charges against a member may be taken to the next regular or special meeting of the general membership, whichever comes first, subject to the following:

a. Filing the Appeal

Such an appeal shall be filed in writing with the secretary within five calendar days of the decision of the Board of Directors pertaining to the charges(s) being issued to the accused.

b. Pending Appeals

When such appeals are pending the appealed decision of the Board of Directors on the charge(s) shall remain in full force and effect.

c. Hearing Body for Appeal

The appeal shall be made to the members present at a general membership meeting and in the same manner as it was made to the Board of Directors, originally.

(1) Decision of the Hearing Body Regarding the Appeal

The members in attendance at the general membership meeting where the appeal is presented shall decide on the appeal by voting by secret ballot at the meeting, and the outcome of that vote shall be final and binding on the parties. The president shall appoint an election committee from among the member present at that meeting to distribute, collect and count the ballots cast, and the membership status of each member voting at the meeting shall be checked prior to providing that member with a ballot, i.e., only a member in good standing shall vote.

7. Exhausting Remedies in these Bylaws

Subject to the provision of applicable statutes, every member against whom charges have been preferred and disciplinary action taken as a result thereof or whom claims have been aggrieved as a result of adverse rulings or decisions rendered against him or her, agrees as a condition of his or her membership in SJPEC and the continuation of that membership, to exhaust all remedies provided for in these Bylaws and further, agrees not to file or prosecute any action in court, tribunal, or other agency until remedies have been exhausted.

Article X – Consultants and Staff

The Board of directors is vested with the authority to hire consultants and/or staff for services necessary to carry out the purpose of SJPEC, at rates customary for such services.

Article XI – Collective Bargaining

The Board of Directors is vested with the authority to exercise the collective bargaining relationship between SJPEC and the district, to the full extent allowed by law, and to expend such funds, secure such resources, and take such action deemed necessary by the Board of Directors, to fulfill that undertaking.

Article XII – Amendments and Policies

1. Amendments to the Bylaws

When an amendment is proposed to these Bylaws it shall be read and voted upon by the general membership at the first general membership meeting held immediately following its presentation to the Board of Directors at a regular or special meeting of the Board of Directors, subject to the following:

a. Submitting a Proposed Amendment

Each proposed amendment shall be signed and dated by the member(s) proposing it, not more than thirty calendar days prior to the meeting of the Board of Directors at which the proposal is presented and shall include a clear, concise and complete description of the proposed amendment and purpose thereof. Amendments to the Bylaws may be proposed by: a majority vote of the Board of Directors, a petition signed by 10% of the membership, or the immediate Past President.

b. Notice to Amend

These Bylaws may be amended at any regular or called meeting of SJPEC, by mail or email, provided the proposed amendment has been sent to members by the President at least 15 days before the vote is taken. Ratification of any amendment requires a two-thirds (2/3) vote of the members present, or if the vote is by mail or email, such ratification shall require a two-thirds (2/3) vote of those ballots cast.

c. Presentation of the Proposed Amendment

When the proposed amendment is presented to the general membership to be voted upon, every member present at the general membership meeting at which such vote is taken shall be provided a written copy of the proposal not later than upon the meeting being called to order.

d. Collective Bargaining

Notwithstanding any other provision of these Bylaws, amendments to these Bylaws, required in order that these Bylaws conform to existing laws governing collective bargaining and any agreement between the SJPEC and the district shall not require ratification by the SJPEC membership except to the extent expressly required by such law(s).

2. Administrative Policies and Regulations

The Board of Directors is vested with the authority to enact such administrative policies and regulations it deems necessary to implement the provisions of these Bylaws, and the enactment of such policies and administrative regulations shall be done at regular or special meetings of the Board of Directors, with adequate written notice given to the members attending such meeting not later than when the meeting is called to order. Such policies and administrative regulation shall not be contrary to the terms and conditions of these Bylaws, and upon enactment shall be considered as official policies and/or administrative regulations of SJPEC, and have full force and effect on the membership.

Article XIII – Miscellaneous

1. Budget

Prior to the close of the fiscal year, the Board of Directors shall adopt the annual budget for the SJPEC for its next fiscal year.

a. Finance Committee

The finance committee shall prepare written recommendations for said annual budget and submit them to the Board of Directors prior to the last regular meeting of the Board of Directors held during the fiscal year.

b. Expenditures

Expenditures during the fiscal year shall adhere to the financial allocations contained in the adopted budget for that fiscal year, and funds shall not be moved from one budget category to another without prior approval of the membership to do so.

c. Political Action

All political activity conducted by the SJPEC shall be pursuant to the EERA and in accordance with the SJPEC policy and administrative regulation related to such activity.

d. Affiliation

Affiliation of SJPEC with any other organization requires a two-thirds vote of members voting at a regular or special membership meeting, adequate notice given to such members prior to the meeting being called to order.

e. Charter Members and First Directors and Officers

The charter members of SJPEC first met February 2005, adopted these Bylaws and elected the first directors and officers from among those charter members, and notwithstanding any other provision of these Bylaws, the membership of those charter members, the adoption of these Bylaws by those charter members, and the election of the first directors and officers by those charter members shall be valid and shall serve terms subject to the following:

(1) Directors

One director elected in each jurisdiction described in these Bylaws shall serve an initial term commencing upon being elected, and continuing through June 30 of the second consecutive full fiscal year after being elected. One director elected in each jurisdiction described in these Bylaws shall serve an initial term commencing upon being elected, and continuing through June 30 of the first full fiscal year after being elected.

(2) President and Secretary

The first president and the first secretary elected shall each serve an initial term commencing upon being elected, and continuing through June 30 of the second consecutive full fiscal year after being elected.

(3) Vice President and Treasurer

The first vice president and the first treasurer elected shall each serve an initial term commencing upon being elected, and continuing through June 30 of the first full fiscal year after being elected.

(4) Membership of Charter Members and Other Members Prior to Exclusive Recognition

Each charter member of SJPEC, and each member who joins subsequent thereto, but prior to SJPEC being recognized as exclusive bargaining representative of such members pursuant to the EERA shall, nevertheless, have the full privilege of membership subject to the limits placed on SJPEC by the EERA prior to such exclusive recognition.

(5) Representation Prior to Exclusive Recognition

SJPEC shall provide representation to its members prior to being recognized as the exclusive bargaining representative of a bargaining unit in the district pursuant to the EERA.

2. Legal Contingency

There is hereby established a Legal Contingency Reserve in an amount to be set by the Board of Directors in the event it should become necessary to provide members with legal assistance. (See Legal Assistance)

Article XIV – Standing Rules

The Board of Directors may adopt, amend or rescind any or all Standing Rules provided such action is approved by majority of the Board of Directors members. No Standing Rule may conflict with another rule previously adopted or with the Constitution or Bylaws.

1. At the beginning of the term of office, each member of the Board of Directors shall be given a copy of the Bylaws and shall be responsible for making a thorough study of the document.

2. The Board of Directors, in adopting the annual budget, authorizes delegates to attend conferences and special meetings and authorizes payment of budgeted expenses. Transportation costs of SJPEC members traveling outside the district for approved activities, when authorized by the Board of Directors, or in emergency situations by the President, shall be reimbursed as follows:

A. Actual cost of airline, railroad or bus transportation when used;

B. When a private automobile is used for transportation, reimbursement shall be at the same rate as the District pays for the round trip and for any other necessary driving at the site of the activity, or at verified airline round trip costs, whichever is lower.

C. The President shall be compensated for all expenses specifically related to the execution of the office and shall be able to attend all SJPEC function at no cost.

3. In determining whether the Board of Directors will respond to requests from individuals or organizations for financial contributions, the following criteria will be used as guidelines:

The project or request must be of a nature that complements the goals of SJPEC and is nonpartisan in nature.

4. The primary goal of the Nominating Committee:

For the office of the President, President-Elect, and Directors (Representative) – is to recommend the best possible member of SJPEC for each office. When selecting all officers, the Committee shall use as the basic criterion the predicted ability of the member to perform in the office for which nominated.

A. Insofar as it might indicate capacity to perform in the particular position;

B. To maintain the practice of rotating the presidency among the elementary, middle, secondary, and central office levels.

5. A President's Executive Committee advises the President and Directors of SJPEC. The Committee will meet at the call of the President, or as directed by the Board of Directors. The following rules apply for membership and functions:

A. Members of the Committee will be the President, President-elect, Immediate Past President, Secretary, Treasurer, Executive Director, and other SJPEC member as named by the President.

B. The President's Executive Committee's functions are to:

i. Advise the President and Board of Directors of matters affecting SJPEC,

ii. Act for and in the place of the Board of Directors when directed by the Board of Directors to carry out its policies,

iii. Approve expenditures from the Legal Contingency reserve as detailed in Standing rules, Legal Assistance Section 1, 2, and 3.

iv. Authorize expenditures when acting on behalf of the Board of Directors.

6. Affiliate membership is available to individuals who possess a current Administrative Services credential, or to those who have completed their Administrative Services credential and to regular members who have been reassigned through no fault of their own, they shall pay tenths dues as specified by the Board of Directors. Dues commence the month of acceptance as an affiliate member. Affiliate members may:

Attend all general meetings and activities of SJPEC; receive all publications; participate actively in all standing and special committees except the Salary and Benefits Committee; be able to maintain their membership in any insurance programs in which they are already participating.

The privileges of holding office, voting on general membership questions, applying and receiving mini-grants and scholarships, enrolling in any new programs, and being represented by SJPEC regarding individual personnel and personal concerns are reserved for regular members.

7. Professional and Legal

A. In the event that a member of SJPEC needs assistance involving a legal question pertaining to the following: breach of employment contract, tenure rights, credential problems, dismissal, demotion, salary policy disputes, suspension, criminal charges related to performance of professional duties, or matters relating to the contract, he or she may contact the Executive Director.

B. If, in the opinion of the Executive Director, circumstances warrant assistance, he/she will handle the matter and recommend what course of action should be taken. In some instances the matter can be resolved through administrative remedies; however, if it is necessary to involve legal counsel, the Executive Director will obtain approvals from the Executive Committee.

C. Criteria for legal assistance are as follows:

i. Due process – the extent to which the member has not been afforded due process. The primary goal of the SJPEC legal assistance program is to assure that each member is afforded due process of law in connection with employment-related problems set forth above.

ii. Professional significance – the extent to which a member's problem significantly affects SJPEC members as a whole.



- iii. Appropriateness of the legal remedy given the circumstances of the case.
  - iv. Member's conduct – the extent to which the member has acted in accordance with the acceptable behavior and ethics.
  - v. Eligibility – the applicant shall have been a regular member of SJPEC in good standing at the time his/her problem arose and must make application promptly thereafter. This waiting period is waived for persons who, within 30 days of becoming eligible, become regular members. His/her application shall include a full and truthful statement of fact regarding the problem and shall indicate that he or she is unable to obtain satisfactory assistance from the district. Waiting period may be waived at the discretion of the Executive Committee.
- D. If the Executive Director determines that a member's problem meets the criteria for legal assistance, and if the Executive Committee give approval, the following procedures shall apply:
- 1. Selection of attorney – The Executive Director must approve the attorney selected. If there is a difference of opinion between the member and the Executive Director, the Executive Committee will resolve the issue
  - 2. Timing – Attorney costs incurred by a member before the date of Executive Committee approval are the sole responsibility of the member.
  - 3. Preliminary consultation – The first two (2) hours of approved legal assistance up to a maximum of five hundred dollars (\$500.00) will be provided to the member. Legal assistance to members who are involved in a common concern shall be limited to two (2) hours for the group, to a maximum of five hundred dollars (\$500.00).

## LEGAL ASSISTANCE

### 1. Legal Assistance

Legal assistance beyond the two (2) hours require the approval of the Executive Director and the concurrence of the Executive Committee of approved costs to a maximum of one thousand dollars (\$1,000.00). When such additional assistance is authorized, the member shall make arrangements with a mutually agreed upon attorney for the payment of the member's share of all costs and fees. The attorney shall submit a total billing to the SJPEC stipulating that portion to be paid by the member. The member and SJPEC shall be responsible for making their respective payments directly to the attorney. The member shall assume responsibility for all legal fees and cost that exceed the amount authorized by the Executive Committee. In no event shall SJPEC bear any additional costs of legal assistance attributable to a payer for punitive damages; the attorney shall bill the member for all such additional costs and the member shall be responsible for full payment of all such additional costs.

### 2. Protracted legal assistance

If one thousand dollars (\$1,000.00) has not been sufficient to solve the problem, the member may petition the Executive Committee for an additional SJPEC commitment of up to one thousand dollars (\$1,000.00) with said member paying fifty percent (50%) of all costs above and beyond the initial commitment of the SJPEC.

### 3. Exceptional cases

The Executive Director may determine that a case has such exceptional significance to the membership that allocation of SJPEC funds beyond two thousand dollars (\$2,000.00) is appropriate and necessary. In such cases, the Executive Director shall make a recommendation to the Executive Committee for additional funding. Should the Executive Committee concur, the Committee shall make a recommendation to the Board of Directors citing the exceptional significance of the case. The Board of Directors shall have sole discretion in the approving of additional funds for exceptional cases and in deciding the manner in which costs will be shared with the member.

### 4. Contingent reimbursement plan

In the event the member obtains a successful resolution by way of a monetary reward or by way of a settlement, whether or not designated as a sum payable for attorney fees, the member shall reimburse SJPEC fifty cents (\$.50) of each dollar received to a maximum of the total monetary assistance provided by SJPEC. If the sum payable for attorney fees is granted, the member shall reimburse SJPEC to a maximum of the total monetary assistance provided to the member by SJPEC.

### Adoption of Bylaws

These Bylaws are hereby, amended, by the members of the SJPEC assemble in Carmichael, California, May 18, 2017.

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Suzanne Bender, SJPEC President

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Tanya Baker, SJPEC Secretary