

**BY-LAWS OF THE  
POWAY FEDERATION OF TEACHERS**  
Amended June 2014

**ARTICLE I – DUTIES OF OFFICERS**

- 1.1 The PRESIDENT shall: preside at all meetings of PFT's Executive Council, Representative Council and any general Membership meeting which may be called by the President, Representative Council, or Membership; be an ex-officio member of all committees of PFT; sign all necessary papers and documents; represent the PFT when and where necessary; act as the executive officer of PFT and assume all responsibilities commonly attendant upon such position; subject to ratification by the Executive Council and the Representative Council, determine those Elected Officers and/or committee chair duties which warrant the payment of a stipend and the amount and duration of such stipend.
- 1.2 Presidential Disability and Succession  
If President leaves office before his/her term expires, the Executive Council shall appoint an interim President within 10 teacher work days. The Executive Council's appointment is to be ratified within 30 teacher work days by a majority vote (50% plus 1) of the PFT Reps. If, following the ratification of the appointed interim President, there are fewer than 90 teacher days before the next scheduled election for PFT President, the new president shall serve the remainder of the former president's term. If there are more than 90 teacher workdays before the next scheduled election for PFT President, the new President shall serve until a special election by the full PFT membership is held. The special PFT Presidential election shall be held no later than 40 teacher work days after the PFT Representatives ratification vote.
- 1.3 Duties of PFT VICE PRESIDENTS shall include, but not be limited to, having a clear understanding of their respective educational levels and the vertical and horizontal coordination/interactions of grade/subject levels; working to coordinate Special Education/General Education needs; attending monthly meetings of curriculum councils as needed. The Vice Presidents shall attend weekly Exec Board meetings and shall be a first line of communication for ideas from teachers to PFT. The Vice Presidents shall be versed in the PFT budget, visit schools, attend district and /or union social & recognition functions for their level. The Vice Presidents shall participate in appropriate site/district conversations specific to PFT related issues and support PFT site meetings as needed.
- 1.4 The SECRETARY shall keep a permanent record of all minutes and shall be responsible for all correspondence under the direction of the President. The seal and charter of PFT shall be charged to the care of this officer, and it shall be his/her responsibility to maintain a complete and accurate record of all policies of PFT as promulgated by the Representative Council, together with the policy implementation decisions of the Executive Council. All PFT files shall be kept in the PFT office.
- 1.5 The TREASURER shall;
- 1) Receive, record and deposit in the name of PFT all monies;
  - 2) Keep adequate records available for the Representative Council, Executive Council, and the independent auditor and keep the general Membership apprised of PFT's financial position by means of periodic reports to the Executive Council, Representative Council and Membership;
  - 3) Pay all bills authorized by the budget, retaining a voucher or invoice for each. Bills not authorized by the budget must be approved by the Representative Council for authorization to pay;

- 4) Keep and maintain a current, complete, and accurate list of Members;
- 5) Be cognizant of and abide by the financial agreements that PFT maintains with its affiliates and other organizations; and
- 6) Assist with the PFT audit as specified in Article VIII, section 8.4.

1.6 Site Representatives shall serve as the representative of PFT at the site at which they are employed. They shall serve as a liaison between the Members employed at the site and the PFT. Where there is more than one Site Representative for a site, they shall be co-equal in authority but they shall select their own Chair to facilitate liaison between the PFT and site administration.

## **ARTICLE II – STANDING COMMITTEES**

- 2.1 The President, subject to ratification by the Representative Council, shall appoint the Chairs and Membership of standing committees.
- 2.2 The PFT COPE shall have two primary areas of responsibility;
  - 1) To direct PFT's own COPE, to serve as a liaison with the San Diego-Imperial Counties Labor Council's COPE, the California Federation of Labor's COPE, the California Federation of Teacher's COPE and the American Federations of Teachers' COPE.
  - 2) To serve in a professional advocacy function including representing professional concerns to Members of the Board of Education and other persons and institutions in the community served by the Poway Unified School District.
- 2.3 The Negotiating Committee shall be selected by the President from among members of the Elected–Officers, full time release staff and PFT Members. The Chair of the Negotiating Committee shall coordinate PFT's collective bargaining efforts, make necessary arrangements with management for the negotiating sessions, appoint the team's spokesperson for those sessions and, in short, shall execute, subject to the direction of the Executive Council, PFT's policies in the manner of negotiating the collective bargaining agreement with representatives of the Board of Education.
- 2.4 A Chair of Internal Operations and Elections shall be appointed by the Executive Council. He/She shall not be an Elected Officer. He/she shall be responsible for serving as an ombudsman to receive from any Member a complaint of misconduct in the performance or failure to perform any duty or responsibility of any Elected Officer, Appointed Officer, Site Representative or Chair or Member of any standing committee. Upon completion of a thorough and objective investigation the Chair of Internal Operations and Elections shall prepare a written report setting forth a comprehensive description of the investigation conducted, facts found based upon that investigation and conclusions regarding misfeasance or nonfeasance by the subject of the complaint. The Chair of Internal Operations and Elections shall forward the report, together with his/her recommendations to the Representative Council, which shall, during a meeting closed to the Membership consider the report, direct such further investigation by the Chair of Internal Operations and Elections as it believes appropriate and act upon the recommendations of the Chair. The Chair of Internal Operations and Elections is authorized to consult, at PFT expense, with PFT counsel to obtain whatever assistance he/she deems necessary to perform his/her duties.
- 2.5 The Grievance Committee shall consist of all Members of the Executive Council and such other Members as the President may appoint. The Chair of the Grievance Committee shall execute PFT's grievance policy by;

- 1) Interviewing each grievant to determine the nature of the grievance;
  - 2) Reviewing the collective bargaining agreement with the grievant in order to determine whether a violation of contract has in fact occurred;
  - 3) Requesting from the Executive Council authorization to proceed to various levels of the grievance procedure provided for in the Agreement.
  - 4) Providing representation to the grievant at each level as appropriate;
  - 5) Requesting from the Executive Council approval to seek professional counsel or advance a case to mediation or arbitration. Grievant shall have a right to appeal such Executive Council decisions to the Representative Council by filing a written notice of appeal with the Representative Council within two working days of receipt of written notice of intent of the Executive Counsel not to pursue mediation or arbitration.
  - 6) Making timely reports to the Executive Council and the Representative Council concerning any pending grievance cases.
- 2.6 It is not the intent of this By-Law to limit the number of either standing or ad-hoc committees. The Representative Council may establish such committees to serve on either a standing or ad-hoc basis, as it determines necessary. Chair and Members of each such committee shall be appointed as provided for by these By-Laws. The chair of each standing committee described by these By-Laws or created by the Representative Council shall be voting Members of the Representative Council by virtue of their status as chair or by virtue of their election to office but shall have only one vote.
- 2.7 The President is empowered to remove the chair or any member of ad hoc committees and to dissolve ad hoc committees, subject to the approval of the Representative Council.
- 2.8 Members of Standing Committees, whether such committees are those identified by this Article or provided for by provisions of the Collective Bargaining Agreement between PFT and the District, shall be appointed for one year terms. At least thirty (30) days prior to appointment or reappointment of members of Standing Committees PFT shall furnish its Membership in Good Standing a list of all committees to which appointments will be made during the school year and invite any Member in Good Standing to provide a request for appointment together with a statement of qualifications and experience to support such request. Appointments shall be made by the President, as provided in these By-Laws, from among those Members submitting such request or members of the committee during the previous year.

### **ARTICLE III – MEETINGS**

- 3.1 The Executive Council shall meet weekly, unless rescheduled by a majority vote of the Executive Council. The President may call special sessions of the Executive Council.
- 3.2 The Representative Council shall meet monthly, unless rescheduled by a majority vote of the Representative Council. The President may call special sessions of the Representative Council.
- 3.2.1 Upon petition of at least of ten percent (10%) of the Membership, the President shall call a special meeting of the general Membership for the purposes declared in the petition after due notice has been given.
- 3.3 For the purpose of this Article, the term “due notice” shall mean information which has been distributed to all PFT Members via the District mail system or the U.S. Mail.

## **ARTICLE IV – QUORUM**

- 4.1 No action shall be taken by the Executive Council or the Representative Council at any meeting unless a quorum of the voting Members is present. A quorum of either the executive counsel of the Representative Council shall consist of no less than fifty percent (50%) of the Members of the council.

## **ARTICLE V – DUES**

- 5.1 The dues of PFT for regular Membership for all Members shall be set by 55% of votes cast by union members.
- 5.2 COPE monies shall only be used for non-partisan voter registration drives, Poway Unified School District Board of Education elections, state ballot propositions, or to assist in the organizing activities of the California federation of Teachers, American Federation of Teachers or the San Diego-Imperial Counties Labor council.
- 5.3 Dues shall increase in an amount equal to the amount of increase in per capita payments imposed by the American Federation of teachers at any national convention and/or by the California Federation of Teachers at any state convention or by the California or national AFL-CIO at their respective state or national convention.

## **ARTICLE VI – ELECTIONS**

- 6.1 The Chair of Internal Operations and Elections shall serve as chair of the Nominations and Elections Committee. Neither the Chair nor any Member of the Nominations and Elections Committee shall be a candidate for office, nor a current Elected Officer. This Committee shall consist of no less than three (3) and no more than seven (7) Members. It shall be the responsibility of this Committee to prepare a written ballot of nominees for all elected offices which is to be presented to the Representative Council as specified in Article X of the Constitution.
- 6.2 An official copy of the PFT's Membership list which will be used during the election shall be made available to any candidate who requests. One set of home address mailing labels of all Members shall be made available to any candidate who requests. The requesting candidate will be billed by PFT for the cost of these labels. Requests for any labels must be submitted thirty (30) days prior to the requested date of delivery of the labels.
- 6.3 Elected Officers shall be elected at large from among all PFT Members. All PFT members vote for the offices of President, Secretary and Treasurer. The Vice Presidents are elected by their respective group. For SPED, this will include all itinerant SPED teachers, Speech and Language Pathologists, nurses, adult education teachers and all SPED teachers regardless of assignment.
- 6.4 A secret ballot election, referendum or recall, called for by the Constitution or these By-Laws may be accomplished by distributing and collecting ballots electronically or by distributing and collecting paper ballots.
- 6.5 The determination to use electronic balloting or paper balloting for any PFT elections will be made by a majority vote of the members of the Representative Council in attendance at a scheduled Representative Council Meeting with the recommendation of the Executive Board.
- 6.6 In the event that the Representative Council does not make the determination regarding electronic balloting vs. paper balloting the default balloting process will be to distribute and collect all ballots using paper balloting.

- 6.7 Electronic balloting will only be used with the approval of the Representative Council and only if there is reasonable assurance that individual ballots cast by members will be secure, secret, not duplicated, and accurately tabulated.
- 6.7.1 If the Executive Council determines that there is a reasonable suspicion that any electronically distributed ballots were not secure, not secret, duplicated or inaccurately tabulated then the election results will be declared null and void and new election will be held using paper balloting only.
- 6.8 Paper balloting may be accomplished by distribution in person or by placing a ballot in each Member's site mail box which ballot must be deposited by the Member, by the close of the date of the election, in an object which serves as a ballot box which shall be located at the site and be under the supervision of a member of the Nominations and Election Committee.
- 6.8.1 It shall be the responsibility of the Nominations and Elections Committee to prepare, print, distribute, mail, receive and count ballots. The Committee shall report the results of the election to the Representative Council and the general Membership and shall retain the ballots for examination by any PFT Member for a period no less than ninety (90) days, this period beginning with the day following the official calendar deadline for receipt of ballots.
- 6.8.2 Ballots must be counted within a period of no more than fifteen (15) days after the date of the close of the election.
- 6.8.3 After a district-wide vote is tabulated at the PFT office,(6.5), a copy of the site-by-site election results from all sites shall be sent to all the reps.
- 6.8.4 All ballots become the permanent property of PFT and are in the custody of the PFT President.
- 6.9 A candidate for President must be a PFT Member in good standing throughout the two (2) year period preceding the date of the election. Candidates for all other elected offices must be a PFT Member in good standing throughout the one (1) year period preceding the date of the election.
- 6.10 Nominations for delegates to the annual conventions of the American Federation of Teachers, California Federation of Teachers, California Federation of Labor, California Federation of Labor's COPE and for such other convention delegates or representatives as deemed necessary shall be made by the Representative Council. Notice of such nominations will be made to the Membership via District or U.S. Mail at least fifteen (15) days prior to the date of the next meeting of the Representative Council. Additional nominations for such delegates or representatives may be made by written petition of exactly ten (10) PFT Members in good standing presented to the next meeting of the Representative Council following that at which the Representative Council made nominations. Election of such delegates and representatives shall be by the voting Members of the Representative Council at the first meeting of the Representative Council after the Membership has had the opportunity to present written petitions of nomination. Elected Officers of PFT may serve as delegates without participating in the election procedure specified in this paragraph.
- 6.11 In those cases where a single delegate is to be elected, a simple majority of those voting is needed to elect. In cases of a tie, provisions shall be made for a run-off election. In those cases where more than one (1) delegate or representative is to be elected, those nominees receiving the greatest plurality of votes shall be declared the regular delegates until all such positions have been filled. Alternate delegates shall be elected in descending order according to the number of total votes each Member has received.

## **ARTICLE VII – INSTALLATION OF OFFICERS**

- 7.1 It shall be the responsibility of the Chair of Internal Operations and Elections to arrange and schedule an installation of elective office ceremony no later than thirty (30) days following the conclusion of the election of all officers. The Chair or designee shall administer the oath of office for all officers, to be taken by each prior to exercising the prerogatives of the office.

## **ARTICLE VIII – BUDGET AND FINANCE**

- 8.1 An annual budget shall be prepared by the Executive Council at the beginning of each fiscal year and submitted to the Representative Council for consideration and approval.
- 8.2 Expenditures outside of those authorized by the budget must be approved by the Representative Council.
- 8.3 A quarterly revenue and expense report shall be presented for approval to the Representative Council.
- 8.4 An independent professional CPA firm shall be hired each year to conduct an audit or review of the PFT's financial statements and prepare a report of such audit or review. The report will be presented for approval at the regularly scheduled Representative Council meeting following receipt of said report.

## **ARTICLE IX – COLLECTIVE BARGAINING AGREEMENT RATIFICATION**

- 9.1 Following a majority vote of the negotiating team members' tentative ratification, any changes in the collective bargaining agreement shall be made the President. Final ratification shall be by majority vote of the Representative Council followed by a majority vote of all Members who vote by secret ballot at specially held ratification meetings. Secret ballot ratifications shall take place no sooner than ten (10) days following the availability of the new agreement for inspection by Members and must take place during the regular school year.

## **ARTICLE X – GRIEVANCE ARBITRATION**

- 10.1 The Executive Council, after considering recommendation from the PFT counsel shall decide by a majority vote at a regularly scheduled meeting whether or not to request grievance arbitration. The President, in conjunction with the grievance chair, may call a special Executive Council decision to make that decision should circumstances warrant (i.e. during the summer months).

## **ARTICLE XI – COMMITTEE ON POLITICAL EDUCATION (COPE)**

- 11.1 PFT's political action committee shall be known as the Poway Federation of Teachers Committee on Political Education (COPE).
- 11.2 The COPE Executive Council shall consist of a COPE Chair, COPE treasurer, and COPE secretary, each appointed by the President as provided by ARTICLE I, section 1.1 of the By-Laws, in addition to all Executive Council Members.
- 11.3 COPE meetings shall be held as needed at regularly scheduled Executive Council meetings.
- 11.4 A quarterly COPE revenue and expense report shall be presented for approval at a Representative Council meeting which shall also serve as a COPE Committee meeting.
- 11.5 Any stipend which is paid to the Director of PFT's COPE shall be paid from COPE funds and not the general budget of PFT.