

**APTA By-Laws and Constitution  
As of May 2010**

**Article I: Name**

Section 1: The name of this organization shall be the Averill Park Teacher's Association.

**Article II: Purpose**

Section 1: The purpose of this Association shall be to:

- Promote the interests of public education.
- Promote better understanding of educational problems.
- Promote professional advancement.
- Promote with the School District workable terms and conditions of employment.
- Promote mutual assistance and cooperation with other organizations.

**Article III: Membership**

Section 1: All those regularly engaged in teaching in the schools of this District, teaching assistants and other members as identified in Article I, recognition of the collective bargaining agreement, are eligible for membership upon payment of annual dues. Members employed on a part-time basis will pay part of the local, state, and national dues. Special dues-free membership (without voting rights) in the organization shall be open to retired members.

Section 2: The Executive Committee shall recommend the amount of local dues for the ensuing year upon consideration of the Association's needs. This is subject to the approval of the membership at the final executive meeting.

Section 3: APTA dues may be payable in the manner prescribed in the Teacher's Agreement or, for those who do not elect to have dues payable by payroll deduction, one-half of the total dues are payable during the month of October of the current school year, with the other half of the dues payable during the month of January.

Section 4: Any person making agency fee payments to the Association in lieu of dues under agency fee provisions in the Association's Bargaining Agreement shall have the right to object to the expenditures of his/her portion of any part of such agency fee deduction which represents the employee's pro-rated share, if any, of expenditures by the Association in aid of activities or cause of a political or ideological nature only incidentally related to terms and conditions of employment.

Such objections shall be made, if at all, by the objector individually notifying the union president of his/her objection by registered or certified mail, during the period between September 1 and September 15 of each year.

The approximate proportion of service fee spent by the Association for such purposes shall be determined annually at the end of the Association's fiscal year. Rebate of a pro-rated portion of his/her service fee corresponding to such proportion shall thereafter be made to each individual who has timely filed a notice of objection, as provided above.

### **Appeals**

If an objector is dissatisfied with the proportional allocation that has been determined on the ground that it assertedly does not accurately reflect the expenditures of the Association in the defined area, an appeal may be taken by such person to a committee of the Association composed of the President, Vice President and Treasurer within thirty (30) days following receipt of such rebate or receipt of notice of such allocation. This committee shall render a decision on such appeal thirty (30) days following its receipt. If the objector remains dissatisfied, he/she may file an appeal there from to the Executive Committee by lodging the appeal with the President of the Association within thirty (30) days following receipt of this committee's decision, which appeal shall be heard at the next regular meeting of the Executive Committee.

The Executive Committee shall render a decision within thirty (30) days after hearing the appeal.

### **Article IV: Officers**

Section 1: The officers of the Association shall be: President, Vice-President, Secretary, Treasurer and NYSUT and AFT Delegates.

Section 2: The officers shall be elected following the May general meeting and shall assume office July 1 of that year.

Section 3: All officers are elected for a two-year term. Elections for the President, Secretary, and NYSUT delegates shall be held in even-numbered years. Elections for Vice-President, Treasurer, and AFT delegates shall be held in odd-numbered years.

Section 4: If the office of the President becomes vacant, the Vice-President shall assume the office of the President, until the annual election.

Section 5: Vacancies for all offices except that of President shall be filled by:

- a. The Executive Committee, acting as a nominating committee, shall solicit nominations from the membership to fill said office(s).
- b. Upon receiving nominations, the Executive Committee shall by secret ballot select a member to fill the unexpired terms.

Section 6: Vacancies in all other elected offices shall be filled in the manner prescribed in Section 5.

Section 7: Nominations for all offices may be made from the floor at the May meeting, as outlined in Article VIII, Section 6.

Section 8: Elections shall be by secret ballot cast in each building, following the May general meeting but before June 15, in accordance with the provisions of the Landrum-Griffin Act. If all positions are unopposed, the secretary will cast one ballot to elect the slate of officers at the June executive meeting.

## **Article V: Duties of Officers**

### Section 1: President

1. There can only be one President at any given time.
2. Shall call for, preside at, prepare and distribute agendas prior to all meetings of the Association.
3. Shall call for and preside at all Executive Committee meetings.
4. Shall alternate the duty of attending Board of Education meetings with the Vice-President or other assigned designees.
5. Shall attend or delegate representation at all NYSUT meetings on the state, county, regional and local level, and any and all meetings related to the professional well-being of the teachers in this Association.
6. Shall name all committees necessary and chairpersons thereof including negotiations and grievance chairpersons, with final approval of the Executive Committee. Each committee shall submit a written summary of their actions except where otherwise stated in this document.
7. Shall be custodian of the records of the Association.
8. Shall be the professional leader of the teachers of this Association to foster and secure the well-being of the membership with the following objectives:
  - a. Promote good fellowship among teachers.
  - b. Keep teachers informed.
  - c. Promote professional growth of teachers.
  - d. Strive to improve teacher welfare.
  - e. Gain public understanding and support for the schools and strengthen relationships with the community.
  - f. Assist the state and national associations in gaining good legislation.
  - g. Establish good working relations with the Superintendent of Schools and members of the Board of Education.

### Section 2: Vice-President

1. Shall assume all the duties of the president in the absence or resignation of the president.
2. Shall assist the President in the performance of duties, as requested.
3. Shall assist and coordinate with the chairpersons of the negotiations and social committees.
4. Shall present an overview of APTA and NYSUT to new members during orientation each year.
5. Shall share the duty of attending Board of Education meetings with the President or shall coordinate representation at said meetings.
6. Shall attend all Executive Committee meetings.
7. Shall attend Suburban Council Meetings or shall coordinate representation at said meetings.
8. Shall coordinate with the treasurer on membership registration and maintaining accurate and up-to-date lists of membership.

### Section 3: Secretary

1. Shall record and keep on file the minutes of all APTA meetings.
2. Shall distribute to all members a copy of the meeting's minutes of the Association and of the Executive Committee following each meeting.
3. Shall keep a record of the attendance of members attending Association and Executive Committee meetings.

4. Shall keep on file an accurate, up-to-date list of members, as supplied by the Vice President and Treasurer.
5. Shall keep on file a list of committee members, appointed by the President, and a record of their actions.
6. Shall attend all Executive Committee meetings as a voting member.

Section 4: Treasurer

1. Shall keep an itemized record of all receipts and expenditures for the Association.
2. Shall receive all funds and make all disbursements for the Association by check.
3. Shall disburse all funds by authorization of the Executive Committee and noted in the minutes thereof.
4. Shall disburse funds only when evidenced by an invoice or bill (voucher) or by order of the Executive Committee.
5. Shall prepare a statement of income and expenses annually and distribute to each member of the Association at the fall meeting.
6. Shall distribute the final approved budget of the Association to each member within 1 week of its approval.
7. Shall serve as a member of the Finance Committee.
8. Shall prepare the Federal Income Tax Form, if required.
9. Shall prepare the annual report for the Education Department and the Secretary.
10. Shall keep payroll records of members receiving honoraria.
11. Shall be available for inspection of the records by interested members of the Association.
12. Shall maintain and coordinate with the Vice President on membership registration, and maintain accurate and up-to-date lists of membership.

Section 5: NYSUT Delegates (3)

1. Shall attend or have a designee attend all Election District #10 meetings.
2. Shall attend or have a designee attend the NYSUT Representative Assembly and submit a written report upon return.
3. Shall keep the officers, Executive Committee and membership informed of important actions of the AFT either by direct or written communication.
4. Shall keep membership informed of the state legislation which may affect the membership.
5. Shall submit to the Executive Committee budget requests for expenses connected in attending official meetings.

Section 6: AFT Delegates (2)

1. Shall attend the AFT National and submit a written summary.
2. Shall keep the officers, Executive Committee and membership informed of important actions of the AFT either by direct or written communication.
3. Shall keep the membership informed of national legislation that might affect the membership.
4. Shall attend the monthly AFL-CIO Labor Council meetings for the purpose of reporting to the membership pertinent issues should APTA be a member of this council.
5. Shall submit to the Executive Committee budget requests for expenses connected in attending official meetings.

## Section 7: Building Representatives

1. Shall be elected by individual building members as their representative to the Executive Committee. Each representative shall be responsible for a minimum of fifteen (15) members and a maximum of thirty-five (35) members.
2. Shall be the person to be contacted in instances when building members have questions concerning contract interpretation and possible grievance.
3. Shall distribute all Association materials to the members in their building.
4. Shall solicit volunteers to serve on committees.
5. Shall be or select a member of the building to be a member of the Nominations Committee.
6. Shall keep the Executive Committee informed of any problems occurring in their building.
7. Shall assist the Treasurer during the membership registration.
8. Shall conduct all necessary building elections.
9. Shall attend all Executive Committee meetings as a voting member.
10. Shall conduct other duties as requested by the President or Executive Committee.

## **Article VI: Meetings**

Section 1: There shall be two (2) general meetings of the Association. The first shall be held in the fall and the second shall be held in the spring at the hour and place designated by the President.

Section 2: Special meetings may be called by the President as the need arises or by petition of one-third of the membership of the Association.

Section 3: Nominations for office may be made from the floor at the May meeting only. In the event there is no one offered to fill a particular office, the Executive Committee shall be empowered to select someone to fill said office, until the next Annual meeting.

Section 4: At the Spring Annual Meeting, the Nominating Committee presents its slate of nominees, and a budget for the coming year will be submitted and approved. Annual reports should be given by the President and any standing committee.

Section 5: A quorum for all meetings of the Association shall consist of a minimum of three voting members, of which one must be either the President or Vice-President.

## **Article VII: Executive Committee**

### Section 1: Voting Membership

1. Four current officers.
2. Elected building representatives and/or alternates based on membership population.
3. Teaching Assistant Representative.
4. Grievance Chairperson.

### Section 2: Non-Voting Membership

5. NYSUT, AFT, and Teacher's Retirement System Delegate.
6. Chairpersons or representatives of the current committees.
7. Retirees.

### Section 3: Meetings

The President shall call a meeting of the Executive Committee before each General meeting. He/she may also call meetings of the Executive Committee as the need arises.

### Section 4: Duties of the Executive Committee

1. Approve appointments of standing committee chairpersons, as appointed by the President
2. Fill all vacancies in any of the elective offices.
3. Assist the Treasurer to prepare an annual budget and recommend the dues for Association membership.
4. Shall approve any expense over \$100 not specifically allocated by a line item in the budget.
5. Shall act upon all grievances at Stage 4 level.

## **Article VIII: Committees and Chairpersons**

### Section 1: Negotiating Committee

1. The appointed Negotiations chair shall lead the committee, and shall automatically become a member of the Negotiating Table Team.
2. Shall be made up of volunteer representatives from all buildings of the district.
3. The building representatives shall seek representation from each level (K-5, 6-8, 9-12), as well as a variety of curricular areas. This should not exceed 2 from each elementary building (total of 8), 4 from the middle school, and 4 from the high school.
4. Shall solicit items of interest for negotiations from their building members.
5. Shall be formed as early in the Fall as practical.
6. Shall have the negotiations proposals completed prior to the opening date of formal negotiations as stated in the contract.
7. The committee shall choose its negotiating table team from among its members, with final approval by the Executive Committee.
8. Shall research and recommend items for the negotiating table team concerning improvement in the areas of salary, leaves, insurance, general working conditions and other benefits.
9. The term of the Negotiations Committee shall expire upon the completion of negotiations and approval of a new contract by the membership at large.

### Section 2: Negotiating Table Team

1. The Executive Committee shall approve those members recommended by the Negotiations Committee to serve on the team.
2. Shall consist of no more than a maximum of 6 members.
3. Shall recommend its chief negotiator to the Executive Committee for approval.
4. Shall formulate the wording for all proposed items to be included in the negotiations package.

### Section 3: Chief Negotiator's Duties

1. Has a thorough understanding of the current contract.
2. Reviews contract and wording with NYSUT field representative.
3. Works on the Negotiations Committee, preparing new proposals and developing new packages.
4. Conducts negotiation team meetings prior to negotiation session with district representatives.
5. Has responsibility of making the final judgments on strategy to be used at negotiations sessions.
6. Guides negotiations team members to agreement on strategy and counter proposals.
7. Consults with NYSUT periodically on various matters.
8. Informs and consults with the Association President.
9. Sits as a nonvoting member of the Executive Committee, for purposes of providing information and advice.
10. Reports and informs membership at regular or special meetings called by the President.
11. Consults with negotiators of other area schools.
12. Attends NYSUT meetings that deal with negotiations.
13. Acts as spokesperson at all negotiation sessions.
14. Keeps informed of current happenings that affect negotiations by reading news items, PERB rulings provided by NYSUT, studying District's financial and budget reports.
15. Meets with District Business Manager and Superintendent to obtain financial information and interpretations where helpful.
16. Has the responsibility of making final judgment on priorities of contract proposals.
17. Prepares counter proposals to be discussed at negotiating sessions.
18. Makes final decisions on acceptance or rejection of Board's counter proposals.
19. Prepares himself for each negotiating session by studying and analyzing previous meetings and deciding on a course of action.
20. Keeps notes, tapes, and written records to aid in assessment of concluded negotiating sessions.
21. Assigns team or Association members to prepare statistical material and information.
22. Makes final decisions on all tentative agreements and on entire negotiated agreement. Recommends rejection or acceptance of the contract. Has the sole responsibility of presenting the tentative agreement to the membership.
23. Works with Superintendent on finalizing wording for all contractual changes and/or additions until the contract has been ratified.

### Section 4: Finance Committee

1. Shall be composed of the Treasurer and at least two (2) APTA members approved by the Executive Committee.
2. Shall prepare a budget for the Association for submission and approval at the spring general meeting.
3. May submit additional requests for funding for the current fiscal year to the Executive Committee.
4. Shall prepare the reporting form for expenses for Executive Committee approval.

### Section 5: Audit Committee

Effective September 1, 2003 and each year thereafter, the Association shall convene a committee of at least three (3) members at-large to conduct an internal financial review according to a format recommended by the New York State United Teachers and the AFT Executive Council. In the alternative, the Association may contract for an outside annual audit that meets the standards of generally accepted accounting practices. Either of these reviews must be made available to the membership of the Association by January 15 of each year.

### Section 6: Nominations Committee

1. The Nominations Committee shall consist of one building representative from each of the district buildings.
2. The Nominations Committee shall present a slate of Executive Officers prior to the spring general meeting. Members must submit names of those wishing to run for office to the committee prior to the April executive committee meeting.
3. Nominations will only be accepted from the floor in the absence of nominations for that particular office by the April meeting.

### Section 7: N.Y.S. Retirement Delegate

1. Attends all meetings and conferences related to the N.Y.S. Retirement System.
2. Plans the retirement party.

### Section 8: Retirement Liaison Representatives (one member and one retiree)

1. Contact all retirees.
2. Maintain communication to share information with retirees.
3. Hold meetings to expand membership and utilize expertise of retirees.

### Section 9: Public Relations Coordinator to the Committees and Chairpersons

1. Will take care of all advertising.
2. Will submit articles to newspapers.
3. Will publish the APTA newsletter.
4. Will set up and maintain a web page.

### Section 10: Additional Committees

Additional committees may be needed to conform to conditions of the contract. The Executive Committee will decide how the members of these committees will be selected.

## **Article IX: Parliamentary Authority**

Section 1: Roberts Rules of Order, Revised, shall be the authority on all questions of procedure not specifically stated in this Constitution.

Section 2: The president may appoint a parliamentarian whose term shall be concurrent with that of the president's.



**Article X: Amendment of Constitution**

Section 1: Amendments may be introduced in writing at any annual meeting and shall be voted upon at the annual election by secret ballot in each building.

Section 2: Amendments shall become part of this Constitution when approved by a vote of two-thirds of the voting members.

**Article XI: Contract Ratification**

Section 1: The President will call a meeting of the general membership once a tentative agreement has been reached, for the purpose of disseminating to the membership. The Negotiations Table Team shall be present to make the presentation and address questions and concerns raised by the membership.

Section 2: The Association shall ratify, within 5 school days of the general membership presentation, by secret ballot, the tentative Agreement. This Agreement shall be ratified by a simple majority of the voting members.

Section 3: Voting must take place on the same day at all buildings, and each member is entitled to a single vote.

Section 4: The members of the Averill Park Teachers Association shall have a new tentative contract proposal in hand for consideration for no less than five (5) school days prior to a ratification vote being taken.

Section 5: The Averill Park Teacher's Association Constitution will be an Appendix to the printed ratified contract.