

CONSTITUTION

of the New Jersey Education Association



Article I – Names

The Association shall be known as the NEW JERSEY EDUCATION ASSOCIATION.

Article II – Objects

This Association is established to promote the educational interests of the State; to promote equal educational opportunity for all students; to secure and maintain for the office of teaching its true position among the professions; to promote and guard the interests of employees who are in employment categories eligible for membership.

Article III – Membership

Section 1. Active Professional Members.

Any person

- (1) who is regularly employed in a professional education capacity in a public school, college, university, institution, or agency operating under the laws of the State of New Jersey and
- (2) who if in a position which requires a certificate issued by the State Board of Examiners holds such a certificate or if not in a position which requires such certificate holds an earned bachelor's degree, or any person employed in a professional capacity by this Association and
- (3) where eligible, is a member of the appropriate affiliated local and county associations and of the National Education Association,

may become an active professional member of this Association, by payment of the annual dues.

In addition, any other person employed in the public or private sector may become an active professional member of this Association by payment of the annual dues, provided, however, that such person is included in an employment category that, if related to the general educational

community of interest, has been authorized by the Executive Committee as eligible for active professional membership, or if not related to the general educational community of interest, has been authorized by the Delegate Assembly as eligible for active professional membership.

Active professional membership is limited to those persons who, where eligible, maintain membership in the appropriate affiliated local and county associations and the National Education Association.

Active professional members shall have the right to vote, hold office, and receive services of the Association.

Section 2. Active Supportive

Members. Any person employed in other than a professional education capacity in a public or State school, college, university, or other institution or agency operating under the laws of the State of New Jersey, and who, where eligible, is a member of the appropriate affiliated local and county associations and of the National Education Association, may become an active supportive member of this Association by payment of the annual dues.

In addition, any other person employed in the public or private sector may become an active supportive member of this Association by payment of the annual dues, provided, however, that such person is included in an employment category that, if related to the general educational community of interest, has been authorized by the Executive Committee as eligible for active supportive membership, or if not related to the general educational community of interest, has been authorized by the Delegate Assembly as eligible for active supportive membership.

Active supportive membership is limited to those persons who, where eligible, maintain membership in the appropriate affiliated local and county associations and the National Education Association.

Active supportive members shall have the right to vote, hold office, and receive

services of the Association.

Section 3. General Professional

Members. Any person engaged in any professional education capacity in New Jersey other than those specified in Section 1 may become a general professional member of this Association by payment of the annual dues. General professional members shall have the right to receive such services of the Association as the Delegate Assembly shall determine.

Section 4. Student Members. Any student in any New Jersey college or university preparing for teaching may become a student member by payment of the annual dues. Student members shall have the right to receive such services of the Association as the Delegate Assembly shall determine.

Section 5. Retired Members. Active members upon retirement may continue to enjoy all rights and services, including the right to vote, but not to be elected to office, by payment of the annual dues as a retired member. Any other retired member except a subscribing member shall continue to enjoy such rights and services to which original membership entitled that member upon payment of annual dues as a retired member. Retired membership is limited to those persons who, where eligible, maintain membership in NEA-Retired, an affiliate of the National Education Association.

Section 6. Subscribing Members. Any other person interested in advancing the cause of public education in New Jersey may become a subscribing member of the Association by payment of the annual dues. Subscribing members shall have the right to receive such publications as the Delegate Assembly shall determine and to attend the Annual Convention.

Section 7. Life Members. Persons qualifying for active membership may become life members pursuant to regula-

tions adopted by the NJEA Executive Committee. No more than 1,000 persons shall be life members at any one time. A life member shall have all the rights and privileges of an active member for life.

Section 8. Honorary Members. Honorary members may be elected by a vote of three-fourths of the Delegate Assembly, provided that nominations for such honorary memberships shall have been approved by a three-fourths vote of all the members of the Executive Committee. Honorary members shall enjoy all the privileges of the Association except those of voting and holding office, and shall be exempt from the payment of dues.

Section 9. Qualifications. Any person joining the Association shall agree to subscribe to its purposes as stated in Article II and to abide by the provisions of the Constitution and Bylaws.

Section 10. Code of Ethics. The Association, by vote of its Delegate Assembly, shall establish a Code of Ethics and such other reasonable standards of conduct as members of the profession shall be expected to follow.

Section 11. Expulsion and Reinstatement of Members. Any member may be censured, suspended, or expelled for just cause, after due notice and hearing.

There shall be a hearing committee consisting of nine members, none of whom are employees of NJEA, elected by the Delegate Assembly for terms of two years, provided that in the first year of implementation of this section four shall be elected for a term not to exceed one year and five for a term not to exceed two years.

Vacancies shall be filled by the president, with the advice and consent of the Executive Committee, for the unexpired terms.

The composition of the hearing committee shall include at least one member from each of the following groups: active professional members who are classroom teachers, as the term "classroom teacher" is defined in the Bylaws; active professional members who are other than classroom teachers, and active supportive members.

No more than one member of the hearing committee shall be from any unit of representation established pursuant to Article V of the Constitution.

At least one member of the hearing committee so constituted shall be an ethnic-minority person.

The hearing committee shall have

the power to hold hearings and make a recommendation to the Executive Committee for determination for each case arising under this section, subject to such standards as may be established.

The determination of the Executive Committee may be appealed to the Delegate Assembly which shall have the power to make a final determination.

No member of the Delegate Assembly who serves on the hearing committee or as an alternate on the Executive Committee when the matter is considered shall have a vote in the final determination by the Delegate Assembly nor participate in the debate on the appeal, except under such procedures as apply to all members of the hearing committee.

The Delegate Assembly shall have power to reinstate any suspended or expelled member.

The Executive Committee, with the approval of the Delegate Assembly, shall establish such standards and procedural requirements as it deems appropriate for the implementation of this section.

Article IV – Officers

Section 1. Officers. The officers of this Association shall be a President, a Vice-President, and a Secretary-Treasurer, who shall be elected for terms of two years and may not succeed themselves after serving two full terms in office. They shall be simultaneously elected as state delegates to the Representative Assembly of the National Education Association. No officer shall serve simultaneously as a member of the Delegate Assembly or as a Delegate Assembly Alternate.

The Officers shall assume the duties of their offices on September 1 following their election, and shall hold office within their terms as long as they ethically perform the duties of their office and until their successors take office, provided, that the Secretary-Treasurer before assuming office, shall give a bond approved by the Executive Committee. Vacancies in the office of Vice-President or Secretary-Treasurer which occur more than 200 days before the end of the term shall be filled by election; vacancies in the office of Vice-President or Secretary-Treasurer which occur 200 days or less before the expiration of the term shall be filled by the Executive Committee. The Executive Committee shall appoint an acting Vice-President or acting Secretary-Treasurer until a vacancy is filled.

Section 2. Duties of Officers. The President shall call meetings of the Executive Committee and the Delegate Assembly, shall preside at such meetings, shall be an ex-officio member of all committees, and shall perform such other duties as shall devolve upon that office.

The Vice-President, in the absence of the President, shall perform all the duties and enjoy all the privileges of that office. Should the President of the Association die or resign, the Vice-President shall become President. The Vice-President shall be ex-officio a member of all committees.

The Secretary-Treasurer shall collect and have custody of all the funds of the Association, shall pay out such funds only on orders authorized for payment in accordance with rules and regulations recommended by the President and the Executive Director and approved by the Delegate Assembly, shall keep the accounts of the Association, and shall make an annual itemized report in writing of such accounts, keep the seal of the Association, shall be ex-officio a member of all committees, and shall perform such other duties as shall devolve upon that office.

Article V – Executive Committee

Section 1. Membership. There shall be an Executive Committee consisting of the officers, one member from each unit of representation for each five percent, or major fraction thereof, of the state total of active members of the New Jersey Education Association in the unit of representation, provided, however, that each unit of representation shall have at least one member, and there shall be alternates; and provided further that no unit of representation shall have more Executive Committee members from any one school district, college, university, institution, or agency operating under the laws of the State of New Jersey than one for each five percent of the state total of active members of the New Jersey Education Association, or major fraction thereof, within that unit of representation and school district, college, university, institution, or agency.

The members of the Executive Committee and alternates shall be elected by the active members of the New Jersey Education Association in their respective units of representation.

Upon completion of one full term in office, the immediate past president of the Association shall be a non-voting ex-officio member of the Executive Committee for two years.

Except for service by virtue of office,

a person who has completed three full consecutive three-year terms on the Executive Committee from a unit of representation, or the equivalent thereof for service as an at-large member hereinafter provided, may not again serve until three years thereafter.

The units of representation shall be as follows:

- (1) twenty-one units of representation, one for each county, representing the active members of the Association, excluding the active members represented by other units of representation, principally employed in each county, respectively;
- (2) such other units of representation as may be authorized and designated in the Bylaws.

The members of the Executive Committee other than the Officers shall be elected for terms of three years, in such a manner that the terms of approximately one-third of the members, excluding the Officers, shall expire each year.

Except to fill an unexpired term, units of representation with fewer than four members of the Executive Committee shall elect no more than one member of the Executive Committee in any year, and units of representation with four or more members of the Executive Committee shall elect their members of the Executive Committee in such a manner that the number of members of the Executive Committee to be elected from that unit of representation in any year shall not exceed the number to be elected in any other year from the same unit of representation by more than one.

In the event the number of members on the Executive Committee, to which a unit of representation is entitled, decreases in any year, as of the date specified in the Bylaws for determining the membership of the Executive Committee, a number of members of the Executive Committee, from that unit of representation, such as is necessary to decrease the membership on the Executive Committee, from that unit of representation, to the correct number for that year, shall vacate their positions on the Executive Committee at the end of their term of office.

In the event the number of members on the Executive Committee, to which a unit of representation is entitled, increases in any year, as of the date specified in the Bylaws for determining the

membership of the Executive Committee, a number of members shall be elected to the Executive Committee, from that unit of representation, such as is necessary to increase the membership on the Executive Committee, from that unit of representation, to the correct number for that year and their terms shall commence on September 1 of that year, and the Elections Committee shall establish the initial terms for such positions in such a manner that the intent of this Section of this Article with respect to the expiration of terms, and the limiting of the number of members of the Executive Committee which may be elected in any year from a unit of representation, shall be implemented, but such initial terms shall not exceed three years.

The alternates shall be the members and alternates of the Delegate Assembly elected in their respective units of representation.

No member of the Executive Committee shall serve simultaneously as a member of the Delegate Assembly or as a Delegate Assembly Alternate.

Members of the Executive Committee shall assume the duties of their office on September 1 following their election and may serve in their terms as long as they ethically perform the duties of their office and, unless retired, so long as they remain employed in the unit of representation from which they were elected, subject to all of the provisions of this Section of this Article, provided, however, that persons who retire on or before January 15 of a fiscal year may serve until August 31 of that fiscal year, and persons who retire after January 15 may serve until the expiration of their terms or until August 31 of the next succeeding fiscal year whichever shall come first.

The Executive Committee shall meet on the call of the President or on the written request of one-third of its members. A member of the Executive Committee who is unable to be present at a meeting may designate an elected alternate from the same unit of representation to act in the place of that member.

When recorded roll-call votes are taken of the Executive Committee as a whole, which shall be done upon request of any member of the Executive Committee, each unit of representation shall be allocated a vote, the value of which shall be determined by rounding to the nearest tenth the number produced by multiplying the state total of active members of

the New Jersey Education Association by 0.05 and dividing this product into the number of active members of the New Jersey Education Association included in the unit of representation.

The aforementioned allocation of votes shall be determined annually by utilizing the enrollment as of the date specified in the Bylaws for determining the membership of the Executive Committee, and the allocation of votes so determined shall take effect September 1 of that year.

Where a unit of representation is entitled to more than one member of the Executive Committee, the aforementioned allocation of votes to the unit of representation shall be divided equally among the positions, including vacancies, on the Executive Committee to which the unit of representation is entitled.

When the aforementioned allocation of votes to a unit of representation cannot be divided equally among the positions, including vacancies, on the Executive Committee to which the unit of representation is entitled, the allocation of votes shall be divided among the members of the Executive Committee from that unit of representation in such a manner that one member of the Executive Committee from that unit of representation shall have a vote equal in value to 0.1 less than the value of the vote of each of the other members of the Executive Committee from that unit of representation, each of whom shall have votes of equal value; this procedure shall be repeated as many times as is necessary to effect the division in the aforementioned manner of the unit of representation's vote allocation among the positions, including vacancies, on the Executive Committee to which the unit of representation is entitled, and shall be applied first to vacant positions on the Executive Committee from that unit of representation before it is applied to any person filling an Executive Committee position from that unit of representation.

Every vote assigned by virtue of dividing a unit of representation's vote allocation pursuant to this Section of this Article shall have a value equal to a multiple of 0.1.

When one member of the Executive Committee from a unit of representation is assigned a vote the value of which is 0.1 less than the value of votes of each of the other members of the Executive Committee from that unit of representation, in

the aforementioned manner, that member shall be the person with least seniority as a member of the Executive Committee from that unit of representation, except if the person with the least seniority, as a member of the Executive Committee from that unit of representation, has been elected to the Executive Committee in a simultaneous election with one or more other members of the Executive Committee from the same unit of representation, the person assigned the lower vote shall be the person elected in that simultaneous election to the Executive Committee by the lowest number of votes.

The Officers of the Association shall each be allocated a vote equal in value to 1.0.

Members of the Executive Committee, if duly appointed and serving as members of any other committee of the Association or of any subcommittee of the Executive Committee, shall each be entitled to a vote equal in value to every other member of that committee or subcommittee, their units of representation on the Executive Committee notwithstanding.

If, following an election and subject to any exclusions provided hereinafter, the percentage of persons who are to be on the Executive Committee the following September 1, or if after September 1, who were on the Executive Committee as of September 1 immediately following the election, and who are ethnic-minority persons, is less than the percentage of identified ethnic-minority persons who are active members of the Association as of the date specified in the Bylaws for determining the membership of the Executive Committee, the Delegate Assembly shall elect, annually at one of its regular meetings, from the active membership of the Association, ethnic-minority persons of such a number as is necessary to increase the percentage of ethnic-minority members of the Executive Committee so that it is not less than the percentage of identified ethnic-minority persons who are active members of the Association as of the date specified in the Bylaws for determining the membership of the Executive Committee, as at-large members of the Executive Committee (and an equal number of alternates) for terms which, if elected by the Delegate Assembly following a regular Executive Committee election and prior to September 1 of any year, shall commence on September 1 of that year and shall expire August 31 of the following year, or if elected at any

other time, shall commence immediately upon their election and shall expire on August 31 immediately following their election, provided, however, that at least one such at-large member shall be elected to the Executive Committee by the Delegate Assembly for every 1.5 votes, or fraction thereof, allocated to such at-large members by the procedure specified below for determining the value of the total vote allocated to such at-large members, except that the provision guaranteeing a minimum vote equal in value to 0.1 for each such at-large member shall not be utilized for determining the minimum number of such at-large members to be elected to the Executive Committee by the Delegate Assembly.

These at-large members shall have the rights and privileges, during their terms, of the other members of the Executive Committee, and, for the purpose of taking recorded roll-call votes of the Executive Committee as a whole, shall be allocated a total vote the value of which shall be determined by rounding to the nearest tenth the number produced by multiplying the state total of active members of the New Jersey Education Association by 0.05, dividing this product into the state total of identified ethnic-minority persons who are active members of the Association, and subtracting from the quotient the total value of the votes allocated to all those members of the Executive Committee who are ethnic-minority persons and who are not such at-large members of the Executive Committee (nor who are serving in any other category of at-large members of the Executive Committee which may be provided for hereinafter), provided, however, that each such at-large member of the Executive Committee shall be allocated a total vote equal in value to no less than 0.1.

Where there is more than one such at-large member of the Executive Committee, the aforementioned allocation of votes to such at-large members of the Executive Committee shall be divided among such at-large positions on the Executive Committee, including vacancies in such positions, in the same manner as is provided for the division of votes among members of the Executive Committee from a unit of representation.

The aforementioned allocation of votes to such at-large members of the Executive Committee shall be determined annually by utilizing the enrollment as of the date specified in the

Bylaws for determining the membership of the Executive Committee, and the allocation of votes so determined shall take effect September 1 of that year.

The determination of the number of such at-large members to be added to the Executive Committee each year and their vote allocations shall be based on the anticipated or actual membership of the Executive Committee on September 1 as provided above, but shall not include consideration of any person serving in any other category of at-large membership on the Executive Committee which may be provided for hereinafter.

The Bylaws shall define the term "Ethnic-Minority Persons."

In the event at least one active professional member or at least one active supportive member is not serving on the Executive Committee as of September 1 each year (subject to any exclusions provided hereinafter), the Delegate Assembly shall elect annually at one of its regular meetings from the active professional or active supportive membership of the Association one person in the appropriate membership category as an at-large member of the Executive Committee (and one person as an alternate) so as to result in at least one Executive Committee member in each of these membership categories.

The term for this at-large member (and alternate) shall commence upon election and shall expire the following August 31.

This at-large member shall have the rights and privileges, during the member's term, of the other members of the Executive Committee, and for the purpose of taking recorded roll-call votes of the Executive Committee as a whole, shall be allocated a vote equal in value to the smallest vote allocated for that year to a unit of representation or 0.1, whichever is greater.

The determination as to whether or not such an at-large position shall be added to the Executive Committee in any year shall be based on the membership of the Executive Committee on September 1 as provided above, but shall not include consideration of any person serving in any other category of at-large membership on the Executive Committee provided for herein.

Vacancies occurring in any at-large positions on the Executive Committee elected by the Delegate Assembly shall be filled in the same manner as is pro-

vided for the filling of other vacancies and such persons shall serve as if elected by the Delegate Assembly for that term in which the vacancies occur.

The term “at-large,” referring to positions on the Executive Committee, as used in this Section of this Article, shall not be construed to include the Officers of the Association or any other Executive Committee positions which may be established in any other Section of this Constitution.

Section 2. Duties. It shall be the duty of the Executive Committee to execute the policies approved by the Delegate Assembly; to transact other business of the Association at all times except during meetings of the Delegate Assembly; to propose policies for the consideration of the Delegate Assembly; to establish an administrative office of the Association; to authorize expenditures within the limits of the budget; to authorize the transfer of funds from surplus accounts to deficiency accounts within the limits of the total budget, after May 15 and before August 31; to cause to be examined, by a certified public accountant, the accounts of the Secretary-Treasurer and have this audit submitted to the Delegate Assembly by the first regular meeting following each Annual Convention; to determine, with the approval by a two-thirds vote of all its members, legislative policies of the Association so long as these are not inconsistent with policies established by the Delegate Assembly; to approve the time, place and program of the Annual Convention; to issue an official publication; and to make available a copy of the Constitution and Bylaws to any member who requests it.

The Executive Committee shall have the power to relieve from the duties of office any officer or member of the Executive Committee for cause, after due notice and hearing. A committee on professional ethics may also hold hearings and recommend to the Executive Committee appropriate action when an officer or member of the Executive Committee shall violate the Association’s Code of Ethics.

Article VI – Delegate Assembly

Section 1. Membership. There shall be a Delegate Assembly, the members and alternates of which shall be elected by the active members of the New Jersey Education Association.

Each unit of representation shall be entitled to one delegate and one alternate for each one percent of the state total

of active members of the New Jersey Education Association or major fraction thereof, provided, however, that each county unit of representation shall have in addition as a delegate the president of the affiliated county association, at least one other delegate, and at least two alternates; and provided further, that, except for the president of the affiliated county association, or other person serving in the place of the president as hereinafter provided, no unit of representation shall have more delegates or more alternates from any one school district, college, university, institution, or agency operating under the laws of the State of New Jersey than one for each one percent of the state total of active members of the New Jersey Education Association, or major fraction thereof, within that unit of representation and school district, college, university, institution, or agency.

In the event that the president of the affiliated county association is or becomes a member of the NJEA Executive Committee, the county association executive committee shall choose one of the members of its executive committee to serve on the NJEA Delegate Assembly in the place of its president.

The units of representation shall be as follows:

- (1) twenty-one units of representation, one for each county, representing the active members of the Association, excluding the active members represented by other units of representation, principally employed in each county, respectively;
- (2) such other units of representation as may be authorized and designated in the Bylaws.

If, following an election and subject to any exclusions provided hereinafter, the percentage of persons who are to be on the Delegate Assembly the following September 1, or if after September 1, who were on the Delegate Assembly as of September 1 immediately following the election, and who are ethnic-minority persons, is less than the percentage of identified ethnic-minority persons who are active members of the Association as of the date specified in the Bylaws for determining the membership of the Delegate Assembly, the Delegate Assembly shall elect, annually at one of its regular meetings, from the active membership of the Asso-

ciation, ethnic-minority persons of such a number as is necessary to increase the percentage of ethnic-minority members of the Delegate Assembly so that it is not less than the percentage of identified ethnic-minority persons who are active members of the Association as of the date specified in the Bylaws for determining the membership of the Delegate Assembly, as at-large members of the Delegate Assembly (and an equal number of alternates) for terms which, if elected by the Delegate Assembly following a regular annual election and prior to September 1 of any year, shall commence on September 1 of that year and shall expire August 31 of the following year, or if elected at any other time, shall commence immediately upon their election and shall expire on August 31 immediately following their election.

The determination of the number of such at-large members to be added to the Delegate Assembly each year shall be based on the anticipated or actual membership of the Delegate Assembly on September 1 as provided above, but shall not include consideration of any person serving in any other category of at-large membership on the Delegate Assembly which may be provided for hereinafter.

In the event at least five active professional members or at least five active supportive members are not serving on the Delegate Assembly as of September 1 each year (subject to any exclusions provided hereinafter), the Delegate Assembly shall elect annually at one of its regular meetings from the active professional or active supportive membership of the Association the number of persons in the appropriate membership category as at-large members of the Delegate Assembly (and an equal number of alternates) necessary to produce a total of at least five Delegate Assembly members in each of these membership categories, provided, however, that no more than one such at-large member (or more than one such alternate) shall be from the same county.

The terms for these at-large members (and alternates) shall commence upon their election and shall expire the following August 31.

The determination as to the number of such at-large members to be added to the Delegate Assembly in any year shall be based on the membership of the Delegate Assembly on September 1 as provided above, but shall not include consideration of any person serving in any other

category of at-large membership on the Delegate Assembly provided for herein.

All at-large members of the Delegate Assembly shall have the rights and privileges, during their terms, of the other members of the Delegate Assembly.

Vacancies occurring in any at-large positions on the Delegate Assembly shall be filled in the same manner as is provided for the filling of other vacancies and such persons shall serve as if elected by the Delegate Assembly for that term in which the vacancies occur.

The term "at-large," referring to positions on the Delegate Assembly, as used in this Section of this Article, shall not be construed to include the presidents of the affiliated county associations or any other Delegate Assembly positions which may be established in any other Section of this Constitution.

Section 2. Terms of Office. Members and alternates of the Delegate Assembly shall be elected for terms of two years, approximately one-half of the members and alternates elected each year.

In the event the number of delegates, to which a unit of representation is entitled, decreases in any year, as of the date specified in the Bylaws for determining the membership of the Delegate Assembly, and an insufficient number of Delegate Assembly terms will be expiring August 31 of that year from that unit of representation to permit appropriate adjustment of that unit of representation's delegate allocation, a number of delegates from that unit of representation, such as is necessary to decrease the membership on the Delegate Assembly, from that unit of representation, to the correct number for that year, shall vacate their positions on the Delegate Assembly on August 31 of that year, and any person vacating a position on the Delegate Assembly for this purpose shall be that person with the least seniority as a member of the Delegate Assembly from that unit of representation, except if the person with the least seniority, as a member of the Delegate Assembly from that unit of representation, has been elected to the Delegate Assembly in a simultaneous election with one or more other members of the Delegate Assembly from the same unit of representation, the person vacating the position on the Delegate Assembly shall be the person elected in that simultaneous election to the Delegate Assembly by the lowest number of votes; the same procedure shall apply to alternates.

No member of the Delegate Assembly

may serve simultaneously as an Officer or member of the Executive Committee.

In order that approximately one-half of the membership of the Delegate Assembly from each unit of representation may be elected each year, the President of the New Jersey Education Association, after consultation with the members of the NJEA Delegate Assembly and the NJEA Executive Committee from the unit of representation involved, may direct the election of one or more members or alternates of the Delegate Assembly from a unit of representation for a one-year term.

The members and alternates of the Delegate Assembly shall take office on September 1 following their election and may serve in their terms as long as they ethically perform the duties of their office and, unless retired, so long as they remain employed in the unit of representation from which they were elected, subject to all of the provisions of Article VI, Sections 1 and 2, provided, however, that persons who retire on or before January 15 of a fiscal year may serve until August 31 of that fiscal year, and persons who retire after January 15 may serve until the expiration of their terms or until August 31 of the next succeeding fiscal year whichever shall come first.

A person who has completed three full consecutive two-year terms on the Delegate Assembly from a unit of representation, or the equivalent thereof for service as an at-large member, may not again serve until two years thereafter, provided, however, that this provision shall not be construed to include the period of service on the Delegate Assembly by virtue of being the president of an affiliated county association.

A member of the Delegate Assembly who is unable to be present at a meeting may designate an elected alternate from the same unit of representation to act in the place of that member.

Section 3. Duties. The Delegate Assembly shall meet at the Annual Convention, and at least three other times during the school year and on call of the President, the Executive Committee, or on request of one-fourth of its members.

It shall fix and determine the policies of the Association, approve a budget for the Association, and shall receive and act upon reports of the Officers, Executive Director, and all Standing Committees.

The Delegate Assembly may by a two-thirds vote approve borrowing funds. Legislative policies shall require the approval of

two-thirds of all members of the Delegate Assembly. By open nominations, secret ballot and majority of those voting, the Delegate Assembly shall elect New Jersey representatives to the Board of Directors of the National Education Association.

The Delegate Assembly shall have the power to relieve from duty of office any member of the Delegate Assembly for cause, after due notice and hearing. A committee on professional ethics may also hold hearings and recommend appropriate action when a member of the Delegate Assembly shall violate the Association's Code of Ethics.

Section 4. Retired Members. The New Jersey Retirees' Education Association shall be entitled to one voting delegate and one alternate to the Delegate Assembly for every 10,000 retired members, or major fraction thereof, of the New Jersey Education Association eligible to vote as of the date specified in the Bylaws for determining the number of delegates and alternates to which the New Jersey Retirees' Education Association is entitled. However, irrespective of the number of retired members, in no event shall the New Jersey Retirees' Education Association be entitled to more than four voting delegates and four alternates. These delegates and alternates shall be selected by that organization and certified by its president. This entitlement shall be determined by the New Jersey Education Association on an annual basis. Terms shall commence September 1 following the determination of the annual entitlement. Nothing in any other section of this Constitution shall contravene this entitlement.

Section 5. NEA State Directors. The NEA State Directors for New Jersey shall designate annually from among themselves one person who will serve as a voting member of the Delegate Assembly.

This person shall not simultaneously serve as a member of the Executive Committee nor otherwise as a member of the Delegate Assembly nor as a Delegate Assembly Alternate. If no person is eligible or willing to serve in this position, it shall not be filled. This designation shall take place after completion of any regularly scheduled elections for the position of NEA State Director for New Jersey for terms commencing or continuing through the following September 1 and, if this designation takes place prior to September 1, the NEA State Directors for New Jersey shall be

deemed to include only those persons serving in terms continuing through September 1 or elected to terms commencing September 1. The term of office for this NEA State Director designee shall commence on September 1 or upon designation to this position, whichever is later, and shall expire the following August 31. There shall be no limit on the number of consecutive terms a person may serve in this capacity nor shall there be any alternate for this position. The NEA State Directors for New Jersey shall fill any vacancy which may occur in this NEA State Director designee position with an eligible person who shall serve for the remainder of the term, eligibility being subject to all the conditions of this paragraph.

Article VII – Elections

Section 1. Nominations for Officers.

Nominations for the offices of President, Vice-President, and Secretary-Treasurer shall be made only by petition on forms prescribed by the Elections Committee. Petitions for nomination for President, Vice-President, and Secretary-Treasurer shall contain at least three hundred signatures of active members of the Association, with at least ten such signatures from each of eleven counties.

Section 2. Elections Committee. The President of the Association, with the advice and consent of the Executive Committee, shall appoint an Elections Committee. This committee shall consist of one member from each county and one member from each unit of representation not confined within one county that has representation in the Delegate Assembly.

No officer of the Association, member of the Executive Committee, or member of the Delegate Assembly shall be a member of this committee.

The committee shall set up standards and procedures for all elections under this Constitution and standards and procedures governing the conduct and eligibility of candidates for elective office, subject to such general policies as the Delegate Assembly shall adopt.

The Elections Committee shall provide for a secret ballot, provided that, in any election where there is but one candidate for any office or position, the chairperson of the Elections Committee shall declare that candidate elected.

No person shall simultaneously seek election as an Officer of the Association,

member of the Executive Committee, member of the Delegate Assembly, or Delegate Assembly Alternate.

An elective position shall be declared vacant when a person holding such elective position assumes another elective position.

Section 3. County (or Unit)

Constituencies. Active members shall be entitled to vote in the county (or other unit of representation) in which they maintain membership.

Section 4. Retired Members. Upon furnishing the Association with the relevant information, those retired members who enjoy the right to vote shall be entitled to vote in that county (or other unit of representation) in which they were active members at the time of their retirement.

Section 5. Vacancies. Vacancies in county (or other unit of representation) elective positions shall be filled in accordance with such procedures as may be provided in the Bylaws.

Section 6. Unit Size & Vote Assignment.

In the event the number of members representing a unit or representation on the Executive Committee or Delegate Assembly is decreased pursuant to Articles V or VI under circumstances where other provisions of the Constitution do not provide a method for determining the person or persons who shall vacate their positions, the Elections Committee shall make the determination by lot, unless otherwise provided in the Bylaws.

This Section shall also apply to determinations pursuant to Article V, Section 1, with respect to dividing a unit of representation's Executive Committee vote allocation among the unit of representation's Executive Committee positions, under circumstances where the vote allocation cannot be equally divided among the positions involved.

Section 7. Composition of Elective Bodies as to Places of Employment.

The determination of the number of members eligible to serve on the Executive Committee, Delegate Assembly, or as Delegate Assembly Alternates, from the various school districts, colleges, universities, institutions, and agencies for each unit of representation shall be in accordance with such procedures as may be provided by the Elections Committee, subject to the general policies of the Delegate Assembly.

The provisions of the Constitution

which place a limit on the number of persons who may serve as Executive Committee members, Delegate Assembly members, or Delegate Assembly Alternates from the same place of employment for each unit of representation shall not be construed to require any duly elected members of these elective bodies to vacate their positions prior to the expiration of the terms of office for which they have been elected.

Persons appointed to fill vacancies in elective positions, however, shall be required to vacate their positions, if necessary to comply with such provisions of the Constitution.

Section 8. Provisional Elections for At-Large Members and Alternates of the Executive Committee and Delegate Assembly.

In lieu of the provisions in Article V, Section 1, and Article VI, Section 1, concerning the election of at-large members of the Executive Committee and Delegate Assembly (and their alternates), the Delegate Assembly may provide in its rules for the conduct of provisional elections to fill such at-large positions.

Such rules may provide for the conduct of provisional elections for at-large members of the Executive Committee or Delegate Assembly or their alternates or any combination thereof.

Such provisional elections shall be conducted in advance of September 1 each year to fill an anticipated number of at-large positions, as follows:

The number of positions to be filled in the provisional elections shall be equal to the greatest number of at-large Executive Committee and Delegate Assembly positions, respectively, actually filled in any of the preceding five years (including the year in which the provisional elections are held) or such other reasonable number as the Delegate Assembly shall determine.

When the determination as to the number of actual at-large positions which need to be filled pursuant to the provisions of Article V, Section 1, and Article VI, Section 1, has been finalized based on the actual composition of the Executive Committee and Delegate Assembly as of September 1, persons elected in the provisional elections shall fill these positions in order of votes received, or, if uncontested, in an order determined either by lot or by a balloting of the Delegate Assembly, or by a combination thereof, whichever proce-

dure the Delegate Assembly selects.

No person shall take office until the determination as to the number of at-large positions to be filled is rendered on or after September 1.

Terms of office shall take effect immediately upon filling the positions and shall expire the following August 31.

If an insufficient number of persons has been provisionally elected to fill the required number of positions, the respective alternates shall fill the positions and the Delegate Assembly shall then fill any remaining positions by election. In the event the number of at-large positions to be filled is less than the number of persons provisionally elected to such positions, alternate positions shall be filled first by the excess persons elected to the regular positions with the remaining alternate positions filled by those persons elected as alternates.

Persons may be provisionally elected to more than one position provided, however, that, upon assumption of an actual at-large position, all rights to any other at-large position shall be relinquished.

The determination of the number of at-large positions to be filled, vote allocations for the at-large Executive Committee members, and the filling of vacancies in at-large positions shall be in accordance with the provisions of Article V, Section 1, and Article VI, Section 1, relating to at-large members of the Executive Committee and the Delegate Assembly (and their alternates).

Article VIII – Executive Director

Section 1. Executive Director. An Executive Director shall be employed by the Executive Committee.

Section 2. Duties. The Executive Director shall advise and assist the Officers, Executive Committee, the Delegate Assembly and the Committees of the Association to execute the program of the Association in cooperation with the Officers as prescribed by the Executive Committee under the policies established by the Delegate Assembly. The Executive Director shall have the right to be present and to be heard, but not

to vote, at all meetings of the Executive Committee and the Delegate Assembly.

Article IX – Committees

Standing Committees, as authorized by the Bylaws, and Special Committees shall be appointed by the President with the advice and consent of the Executive Committee. Members of Standing Committees shall hold office until their successors are appointed.

At least one member of each Standing Committee shall be chosen from the membership of the Delegate Assembly.

Article X – Affiliated Groups

This Association shall include such affiliated groups as shall be authorized and recognized by the Delegate Assembly, provided, however, that there shall be no more than one affiliated county association in any county. Groups once affiliated may later be disaffiliated by the Delegate Assembly.

Article XI – Annual Convention

The Association shall hold an Annual Convention at such time and place as the Executive Committee may determine, provided, however, that due to war or other conditions relating to the public welfare, the Executive Committee may determine whether the Annual Convention shall be held.

If it is decided that the Convention shall not be held, the Executive Committee shall fix a place, and the time between November 1 and November 15 when the Delegate Assembly shall meet in lieu of the Convention meeting, and such meeting of the Delegate Assembly shall constitute an Annual Convention insofar as the Annual Convention affects any of the provisions of the Constitution and Bylaws.

Article XII – Association Records

The records and accounts of the Association and of its officers and committees shall be kept in books provided by the Association which shall be the property

of the Association and open at all times to the inspection of any active member.

Every officer, member or employee of the Association having funds, papers, books, records or property of any description belonging to the Association shall give up the same on demand to the next successor in office or to the person authorized by the Delegate Assembly or the Executive Committee to receive same.

Article XIII – Quorum

A majority of all the members of the Delegate Assembly shall be necessary to constitute a quorum for the transaction of business.

A majority of all the members of the Executive Committee shall constitute a quorum, provided, however, that such majority shall have been allocated a majority of the total votes allocated to all of the members of the Executive Committee as specified in Article V, Section 1.

Any committee shall have a quorum if a majority of its members are present.

Article XIV – Amendments to Constitution

Amendments to the Constitution may be proposed for consideration by a majority vote of the Delegate Assembly, or may be proposed by a petition signed by not less than 500 active members of the Association.

Amendments so proposed shall be published in full in the Official Publication of the Association and shall then be submitted by ballot to the active members of the Association under the provisions governing the election of officers (Article VII).

Voting on amendments may take place regardless of whether the election of officers is also taking place.

A two-thirds vote of all the ballots cast on the amendment shall be necessary for its adoption.

as amended May 2007

BYLAWS

of the New Jersey Education Association



1. Dues – The annual dues of members shall be as follows:

(a) Active Professional Members – The amount produced by increasing the dues of the preceding fiscal year (excluding the amount dedicated to funding the public relations campaign specified below) by the percent that the average salary has increased from the second school year preceding the fiscal year in which the dues so calculated shall be in effect to the school year preceding the fiscal year in which the dues so calculated shall be in effect for persons who were Active Professional Members during that period plus an amount that shall be dedicated to funding a public relations campaign to enhance the image of public education and respond to attacks on the NJEA, its members, and public education and that shall equal the amount produced by increasing the amount dedicated for this purpose in the preceding fiscal year by the percent that the average salary has increased from the second school year preceding the fiscal year in which the dues so calculated shall be in effect to the school year preceding the fiscal year in which the dues so calculated shall be in effect for persons who were Active Professional Members during that period, and shall, where eligible, pay dues as members of:

- (1) the appropriate affiliated local association, and
- (2) the appropriate affiliated county association, and
- (3) the National Education Association;

(b) Active Supportive Members – The amount produced by following the same procedure utilized to compute the dues of Active Professional Members, except that in substitution for the phrase “Active Professional Members”, the phrase “Active Supportive Members” shall be used in lieu thereof, and shall, where

eligible, pay dues as members of: (1) the appropriate affiliated local association, and (2) the appropriate affiliated county association and (3) the National Education Association;

(c) General Professional Members – Two hundred-fifty (\$250) dollars;

(d) Student Members – Seventeen (17) dollars plus an amount equal to the dues for the Student National Education Association, which shall include membership in Student National Education Association and Student New Jersey Education Association;

(e) Retired Members – For the 1990-91 fiscal year, twenty-five (\$25) dollars, which shall be increased for each succeeding fiscal year by applying the appropriate Social Security cost-of-living factor to the preceding year’s dues and rounding the resulting amount to the nearest dollar, of which twenty-eight percent (28%) rounded to the nearest dollar shall be remitted to the New Jersey Retirees’ Education Association in accordance with a unified dues agreement between the NJEA and the NJREA, and provided that a member receiving an annual retirement allowance of less than five thousand (\$5,000) dollars not be required to pay annual dues; and provided further that, upon payment in full of the amount to the nearest dollar produced by multiplying the dues for retired members as established above by fifteen (15) the member shall be a retired member for life, with twenty-eight percent (28%) of this amount rounded to the nearest dollar remitted to the New Jersey Retirees’ Education Association in accordance with a unified dues agreement between the NJEA and the NJREA; commencing with the 2004-05 fiscal year, the dues for active supportive members who retire shall be reduced to bear the same proportion to the dues paid by other retired members as the

dues paid by active supportive members bear to the dues paid by active professional members in the year that payment is made, rounded to the nearest dollar, provided that the person was at no time serving in an employment position that made that person eligible for active professional membership, unless the person demonstrates that the majority of the time spent in an employment position eligible for active membership was in the active supportive membership category. This provision for reduced dues shall apply only to persons who were active supportive members at the time of their retirement.

In addition to the amounts specified above, dues shall include the amount required for membership in the appropriate county retired education association, in those instances where the person is eligible for membership in the county retired education association and the county retired education association requires NJEA and NJREA membership as a condition of membership in its association for that person. Persons enrolled as retired members for life (retired or pre-retired) prior to September 1, 2012, shall be exempt from the requirements of this paragraph. Persons for whom NJREA does not require county retired education association membership shall also be exempt from the requirements of this paragraph. The Executive Committee, in consultation with NJREA, shall adopt such standards and procedures as it deems appropriate for the implementation of this paragraph.

(f) Subscribing Members – Two hundred-fifty (\$250) dollars; and

(g) Life Members – Payment in full – an amount equal to twenty (20) times the current annual dues for active professional members;

(h) Installment Payments – Six (6) equal annual installments totaling twen-

ty-one (21) times the current annual dues of active professional members at the time of payment of the first installment;

Twelve (12) semi-annual equal installments totaling twenty-two (22) times the current annual dues of active professional members at the time of payment of the first installment.

The date(s) of such installment payments to be fixed by regulations of the Executive Committee. Following retirement, the NJEA shall remit annually to the New Jersey Retirees' Education Association on behalf of each Life Member a sum equal to the amount required to be remitted on behalf of each regular retired member as established in section (e) above.

After November 1, no person shall be considered a member, shall vote, or be entitled to any right or privilege of membership until dues for the current fiscal year are paid.

Any person authorizing complete payment of dues as part of an approved deferred payment or payroll deduction plan under standards established by the Executive Committee shall be considered a paid-up member.

Only persons who are active members of the Association, and who, where required for NJEA membership, pay dues as members of:

- (1) the appropriate affiliated local association, and
- (2) the appropriate affiliated county association, and
- (3) the National Education Association, by November 1 may be candidates for an elective position in the Association.

The determination of average salaries, percentages, and other computations specified in this bylaw shall be based on procedures utilized by the NJEA Research Division. In computing average salaries for Active Professional Members, only those persons who are employed on a full-time basis pursuant to the NJEA Bylaws in New Jersey public elementary or secondary schools shall be utilized. In computing average salaries for Active Supportive Members, only those persons who are employed on a full-time basis pursuant to the NJEA Bylaws in New Jersey public elementary or secondary schools or New Jersey public colleges or universities or

other New Jersey public institutions or agencies shall be utilized. Dues calculations shall be rounded to the nearest dollar. Percentages shall be rounded to the nearest tenth. In those situations where complete data for computations is not available following a reasonable attempt to obtain it, the NJEA Research Division shall utilize such procedures as it deems appropriate to render a reasonable determination.

(i) Thresholds for calculating dues –

- (1) **Hours worked** – The dues for persons determined eligible for active professional or active supportive membership, who under standards and procedures established by the Executive Committee, are considered to be part-time employees and who are employed for less than 25 hours per week, shall be one-half of the full dues for their respective active membership category.
- (2) **Leaves of absence** – The dues for persons eligible for active professional or active supportive membership, for whom it is determined, under such standards and procedures as may be established by the Executive Committee, that they are on an approved leave of absence for a full school year and are receiving one-half or less of their regular salary, shall be one-half of the full dues for their respective active membership category.

The dues for persons eligible for active professional or active supportive membership, for whom it is determined, under such standards and procedures as may be established by the Executive Committee, that they are on an approved unpaid leave of absence for less than a school year, shall be, for the period of their leave, one-half of the full dues for their respective active membership category.

- (3) **Low annual earnings** – The dues for persons eligible for active membership, for whom it is determined, under the standards and procedures as may be established by the

Executive Committee, that their total annual income deriving from employment which renders them eligible for active membership is less than \$18,500 shall be, for active professional members, 20 percent of the full active-professional-member dues and, for active supportive members, 20 percent of the full active-supportive-member dues, provided that, in each fiscal year following the 2015-2016 fiscal year, the \$18,500 amount specified above shall be increased by applying the growth in NJEA active supportive dues, as determined by the growth in salaries of active supportive members. This method should continue until the total income reaches \$25,000 at which time the threshold shall be re-evaluated by the budget committee thereafter.

(j) Membership start date and dues for individuals joining after Sept. 1

– For individuals joining after Sept. 1, the dues shall be calculated from the first of the month in which the application is signed and shall be based on the proportionate amount owed for the remaining portion of the fiscal year.

Upon resignation, retirement, or termination of employment, an active member's dues obligation and active membership shall terminate following the last month of paid employment, unless the member elects to pay dues for the remaining balance of the fiscal year.

2. The Fiscal Year – The fiscal year of the Association shall begin September 1 and end August 31.

3. Duties of the Secretary-Treasurer

– The Secretary-Treasurer shall deposit the funds of the Association in institutions approved by the Executive Committee, shall be ex-officio a member of the NJEA-NEA Membership Committee and shall give a receipt, countersigned by a representative of such committee, to each member of the Association for payment of dues. Checks on accounts of the Association shall be signed by the Secretary-Treasurer, or by such member of the staff of the Association other than the Executive

Director as may be designated for this function by resolution of the Executive Committee on recommendation of the Secretary-Treasurer to serve during the term of such Secretary-Treasurer. The Secretary-Treasurer shall make accounts available for an annual audit and shall make, in addition to an annual report, such other reports as the Executive Committee or the Delegate Assembly shall require.

4. Bonding – The Secretary-Treasurer, Executive Director, and other employees who handle Association funds shall give bonds in amounts fixed by the Executive Committee to equal no less than 10% of the funds handled during the prior fiscal year by such Secretary-Treasurer, Executive Director, or employees, and the cost of such bonds shall be paid by the Association.

5. Vacancies – The President of the Association shall fill, until the following annual election period, all vacancies in county or unit elective positions, after consultation with elected representatives (NJEA Executive Committee members, Delegate Assembly members including, for vacancies in county units, the president of the appropriate affiliated county association, and Delegate Assembly Alternates) of the county or unit in which the vacancy exists.

The President of the Association may designate an individual within the county or unit who shall be responsible for coordinating the consultative process.

Appointments to the Delegate Assembly where possible shall be from among those who already hold office as Delegate Assembly Alternates.

In the absence or incapacity of the Executive Director or Secretary-Treasurer, the Executive Committee may appoint an Acting Executive Director or an Acting Secretary-Treasurer.

6. Terms for Appointees Filling Vacancies – Any person appointed to fill a vacancy which existed on or before January 15 in a county or unit representative position for an unexpired term under the provisions of Bylaw 5, shall serve until August 31.

Any person appointed to fill a vacancy occurring after January 15 shall serve until the expiration of the term or until August 31 of the next succeeding year whichever shall come first.

If, on September 1 following an election, a unit of representation, by virtue of an appointment previously made to fill a vacancy has more members on the Executive Committee or on the Delegate Assembly (or as Delegate Assembly Alternates) from the same school district, college, university, institution, or agency than are allowed under the provisions of the Constitution and Bylaws, the person who was appointed to fill the vacancy shall vacate the position.

If the number of appointees in this category exceeds the number of positions to be vacated, the President of the Association shall determine which appointees shall vacate their positions so as to render the composition of the respective body consistent with the Constitution and Bylaws. Such positions shall then be filled with eligible persons in accordance with the established procedures for filling vacancies.

7. Executive Committee – Vote Allocations in Filling Vacancies – In the event a vacancy on the Executive Committee is filled by appointment, the Chairperson of the NJEA Elections Committee (or designee) shall allocate the appropriate vote to the person filling the vacancy, and, if appropriate, to the other members of the Executive Committee from the same unit of representation (or to the other at-large members of the Executive Committee, if the vacancy is in the at-large membership of the Executive Committee), based upon available information at the time and in accordance with Article V, Section 1, of the Constitution.

Disputes regarding such determination must be submitted in accordance with the established rules of the NJEA Elections Committee.

8. Petitions – Petition forms for nomination for officers shall be available from the administrative offices of the Association starting September 1 of the fiscal year during which officer elections are to be held. Petition forms for amendments to the Constitution shall also be available from any office of the Association at any time.

All petitions, except those for President, Vice-President, or Secretary-Treasurer, shall be filed at such offices on or before March 7.

Petitions for President, Vice-President, and Secretary-Treasurer shall be filed at such offices on or before October 15.

All petitions must be filed on or before 5:00 p.m. of the date designated.

9. Executive Committee Units of Representation – The units of representation for the Executive Committee shall be as follows:

- (1) twenty-one units of representation as established in the Constitution, one for each county, representing the active members of the Association, excluding the active members represented by other units of representation, principally employed in each county, respectively;
- (2) one unit of representation for higher education, representing all of the active members of the Association principally employed in colleges and universities; and
- (3) one unit of representation for non-classroom teachers, representing all of the active professional members of the Association principally employed in other than classroom teacher capacities.

10. Terms for New Executive Committee Units – When a new unit of representation for the Executive Committee has been duly authorized and designated in the Bylaws, the Elections Committee shall establish the initial terms for such positions in such a manner that the intent of Article V of the Constitution with respect to the expiration of terms, and the limiting of the number of members of the Executive Committee which may be elected in any year from a unit of representation, shall be implemented, but such initial terms shall not exceed three years.

11. Delegate Assembly Units of Representation – The units of representation for the Delegate Assembly shall be as follows:

- (1) twenty-one units of representation as established in the Constitution, one for each county, representing the active members of the Association, excluding the active members represented by other units of representation, principally employed in each county, respectively;

- (2) one unit of representation for higher education, representing all of the active members of the Association principally employed in colleges and universities; and
- (3) one unit of representation for non-classroom teachers, representing all of the active professional members of the Association principally employed in other than classroom teacher capacities.

12. Elections – Balloting for the election of NJEA officers, on Constitutional amendments, and of members of the Executive Committee, Delegate Assembly, and Delegate Assembly Alternates shall commence on April 1, and no ballot shall be counted which arrives in the New Jersey Education Association office later than noon on April 15.

However, the Elections Committee may establish a different location or address, in lieu of or in combination with the NJEA office, at which ballots must be received in order to be counted and may establish a different balloting period of no less than fourteen (14) days in length, provided that members receiving ballots are notified of the correct address and deadline for receipt of ballots.

In determining membership of the Delegate Assembly, Executive Committee, or other elective positions based on Association membership, the enrollment of the preceding January 15 shall be used as a basis.

13. Standards for NJEA Officer

Campaigns – Candidates for the office of NJEA President, Vice-President, or Secretary-Treasurer shall comply with such campaign standards and requirements as may be established by the Delegate Assembly.

14. Determination of Allocations and Petition Requirements for Elective Office

– The Elections Committee shall determine annually the number of positions allocated to each unit of representation for NJEA elective office, the vote allocation to such units of representation, petition signature requirements for such units of representation, and, where appropriate, the initial terms of office for members of the Executive Committee, in accordance with the relevant provisions of the Constitution and Bylaws, and Election Rules.

In determining the allocation of positions and votes to units of representation, and petition signature requirements, retired members who are to be sent ballots pursuant to Article VII, Section 4, of the Constitution shall be considered as active members in the local affiliate and county (or other unit of representation) in which they were active members at the time of their retirement.

After the results of an election to the Executive Committee for a unit of representation are known, the Elections Committee shall allocate votes to the members who will serve on the Executive Committee September 1 following the election, in accordance with Article V of the Constitution.

The Elections Committee shall determine annually the number of delegates and alternates on the Delegate Assembly to which the New Jersey Retirees' Education Association is entitled, pursuant to Article VI, Section 4, of the Constitution, based on the preceding January 15 membership enrollment.

15. Executive Committee and Delegate Assembly Composition as to Places of Employment

– In determining the number of members eligible to be elected to the Executive Committee, Delegate Assembly, or as Delegate Assembly Alternates, from the various school districts, colleges, universities, institutions, and agencies for each unit of representation, the membership enrollment and the composition of the respective body on the January 15 preceding the election shall be used as a basis.

The places of employment and units of representation of only those members of the Executive Committee, Delegate Assembly, or Delegate Assembly Alternates on January 15 serving in terms continuing into the next succeeding year shall be utilized for this purpose.

This determination shall also apply to the filling of vacancies which may arise at any time during the full fiscal year (September 1 – August 31) which follows the January 15 date. However, in filling any vacancy, the places of employment of those members of the Executive Committee, Delegate Assembly, or Delegate Assembly Alternates from the same unit of representation who are currently serving at the time that the vacancy is filled shall be utilized to determine the eligibility of a prospective appointee to fill such vacancy.

16. County (or Unit) Constituencies

– Under the provisions of Article VII, Section 3, of the Constitution, active members of the Association shall be considered to maintain their membership in the county (or other unit of representation) in which they principally perform the duties of their employment, except, in county elections, if they are employed by a school district which crosses county lines, they shall vote in that county containing the largest number of active members from that school district.

17. Election of Officers – The names of and facts about all candidates for State office shall be published in the Official Publication of the Association according to a form determined by the Elections Committee. The NJEA shall make available without cost to each candidate for statewide NJEA office equal space in its publications for each respective office. The rules for implementing this Bylaw shall be adopted by the Elections Committee.

18. Executive Committee Alternates

- (1) Alternates for the Executive Committee representing counties shall be the members of the Delegate Assembly elected in their respective counties and who are also eligible to be elected to the Executive Committee from their respective counties according to educational position.
- (2) Alternates for the Executive Committee representing higher education shall be the members of the Delegate Assembly elected in the higher education Delegate Assembly unit of representation.
- (3) Alternates for the Executive Committee representing non-classroom teachers shall be the members of the Delegate Assembly elected in the non-classroom teacher unit of representation.
- (4) Alternates for the at-large members of the Executive Committee shall be elected by the Delegate Assembly in the same manner and for the same terms as the Delegate Assembly elects the at-large members of the Executive Committee.

19. Executive Committee Vote Assignment

– When one member of the Executive Committee from a unit of representation is assigned a vote the value of which is 0.1 less than the value of the votes to each of the other members of the Executive Committee from that unit of representation, pursuant to Article V, Section 1, of the Constitution, under circumstances where Article V, Section 1, of the Constitution does not provide a method for determining the person who shall be assigned the lower vote, the Elections Committee shall determine by lot the person who shall be assigned the lower vote.

20. Preservation of Voting Rights – If in any year the members in a unit of representation for an elective body under the Constitution and Bylaws are of an insufficient number to entitle that unit of representation to a non-zero vote allocation in such elective body, as specified in the Constitution and Bylaws, in order that they may vote for representatives to such elective body, the members of such unit shall be deemed to hold membership for this purpose in the county (or unit) in which they would vote if their unit of representation were non-existent.

21. Resolution of Disputes – Disputes regarding the eligibility of any candidate for elective office, the appropriateness of any unit of representation, the results, conduct or appropriateness of any election, the allocation of votes, the appropriateness of a member’s inclusion in a specific unit of representation (as opposed to another unit of representation), the allocation of representatives to any unit of representation, or the determination of the number of persons to be elected as at-large members of the Executive Committee or Delegate Assembly, under the terms of the Constitution and Bylaws, shall be determined by the NJEA Elections Committee, whose determination shall be conclusive.

22. Elections Calendar – Whenever dates specified in these bylaws as elections deadlines fall on a Saturday, Sunday, or holiday during which the NJEA offices are closed, the business day following shall be regarded as fulfilling the requirements of the calendar.

23. Definition of “Ethnic-Minority Persons” – Ethnic-minority persons shall mean those persons designated as ethnic-minority by statistics published by the United States Bureau of the Census. This designation shall specifi-

cally include Black/African-American, Mexican-American (Chicano), other Spanish-speaking groups, Asian-American, and Indian (First American).

24. Definition of “Classroom Teacher” – A classroom teacher shall mean any person who is certified, where required, and a major part of whose time is spent in direct contact with students or who performs allied work which places that person on a local salary schedule for teachers.

25. Delegate Assembly Records – A stenographic record of all meetings of the Delegate Assembly shall be made, with a copy available in the administrative office for inspection by any member of the Association. Minutes of such meetings prepared by the Executive Director and based on that record shall be printed in the Official Publication as soon as possible after each meeting.

26. Executive Committee Records – Detailed minutes of all meetings of the Executive Committee shall be kept in the administrative office of the Association, and copies thereof shall be mailed as soon as possible after each meeting to the officers and members of that committee.

27. Executive Director – The Executive Director shall keep all minutes and records of the Association, act as Secretary to the Executive Committee and the Delegate Assembly, keep a list of members of the Association, countersign such orders on the Secretary-Treasurer as may be required by rules and regulations approved by the Delegate Assembly, direct the activities of all Association employees, and perform such other duties as shall be assigned.

28. Committee Membership – All efforts shall be made to insure representation on all Association committees of individuals that reflect the diversities of the total membership of the Association, and the President of the Association, with the advice and consent of the Executive Committee, may appoint such additional persons to any Association committee as at-large members as is necessary to comply with this bylaw, any provision of these bylaws to the contrary notwithstanding.

29. Standing Committees – The Standing Committees shall be:

- Affiliation
- Budget
- Certification, Evaluation, & Tenure
- Constitution Review
- Editorial

- Educational Support Professionals
- Government Relations
- Human & Civil Rights
- Instruction
- Leadership
- Membership
- Minority Leadership and Recruitment
- Pension Policy
- Professional Development
- Professional Rights & Responsibilities
- Public Relations
- School Finance
- Urban Education
- Working Conditions

30. Committees – Minutes of the proceedings of each committee shall be filed in the administrative office of the Association. All committees shall report to the Delegate Assembly in writing as the need arises. Vacancies in all committees except the Executive Committee shall be filled by the President of the Association.

31. Delegate Assembly – Privilege of the floor and of speaking on all motions before the Delegate Assembly is extended to all officers and other members of the Executive Committee, and to all committee chairpersons when problems pertaining to their respective committees are under consideration.

In addition, such privilege of the floor and of speaking on all motions before the Delegate Assembly is extended to the president of the respective appropriate county education association in each county as may be affiliated under the provisions of Article X of the Constitution and the standards established thereby by the Delegate Assembly, and to one representative from each of the following organizations: the New Jersey Retirees’ Education Association, the New Jersey Student Education Association, the non-classroom teacher representative(s), and the Higher Education representative(s).

Subject to the rules adopted by the Delegate Assembly for the conduct of its business, any member of the Association shall be granted the privilege of the floor to participate in discussions and to propose policies to the Delegate Assembly.

The Delegate Assembly may provide in its rules for the seating of alternates.

32. Affiliates – The Delegate Assembly shall establish standards for local, county, and special interest affiliates. Upon application and a determination that the or-

ganization will comply with the adopted standards, affiliation of the organization with NJEA shall be authorized by the Delegate Assembly.

The Delegate Assembly shall also establish procedures under which affiliation of a local, county or special interest association may face disciplinary action for cause following written charges and a hearing if deemed necessary.

NJEA may intervene in an affiliate association for the purpose of

- (i) Correcting corruption or financial malpractice;
- (ii) Assuring the performance of collective bargaining agreements or other duties of the bargaining representative.;
- (iii) Restoring democratic procedures;
- (iv) Or otherwise carrying out the legitimate objectives of such labor organization.

Further action to place an affiliate group in Receivership or to Disaffiliate shall require a two-thirds vote by the Delegate Assembly. The Delegate Assembly may also establish a voluntary Trusteeship of a local or county association after which affiliation of a local or county association may be reinstated.

33. Affiliation Committee –

The Affiliation Committee shall

- (i) Review, investigate, and make recommendations on the applications of local, county, and special interest associations to affiliate with NJEA;
- (ii) Periodically review affiliation standards, and other documents related to affiliations;
- (iii) Review problems involving affiliate associations which may require recommendations for disciplinary action;
- (iv) Make recommendations for appropriate action to the Delegate Assembly.

34. Budget Committee – The Budget Committee shall consist of not less than five members. With the advice of the Officers, Executive Committee, and Executive Director it shall propose to the Delegate Assembly for action a budget for the Association. Members of the Budget Committee shall have full and complete access to all financial and other

records of the Association pertinent to the preparation of the annual budget.

35. Certification, Evaluation, and Tenure Committee – The Certification, Evaluation and Tenure Committee shall consist of not less than five members. It shall

- (1) study, report on, and make recommendations concerning programs and problems in pre-professional education, certification, evaluation, and tenure,
- (2) monitor activities of the State Board of Examiners, State Board of Education, State Board of Higher Education, and other agencies related thereto, and
- (3) work in conjunction with the Instruction and Professional Development Committees to disseminate such information among the profession.

36. Constitution Review Committee –

The Constitution Review Committee shall consist of not less than five members. It shall review and make recommendations to the Delegate Assembly concerning any proposed amendments to the Constitution or Bylaws.

37. Editorial Committee – The Editorial Committee shall consist of not less than five members. It shall supervise the Official Publications of the Association and such other publications as may be placed under its supervision, within the framework of policy laid down by the Delegate Assembly or the Executive Committee.

38. Educational Support Professionals Committee – The Educational Support Professionals Committee shall consist of one member from each unit of representation, with representation from educational support professional and teaching staff members. It shall:

- a. examine and make recommendations on active supportive member needs, services, and programs;
- b. recommend activities and programs to organize support staff groups not yet affiliated with NJEA;
- c. review efforts to develop inclusive local organizations;
- d. gather, review, and report on data related to anti-privatization initiatives;
- e. develop and initiate training opportunities for school personnel.

39. Government Relations Committee –

The Government Relations Committee shall consist of at least one member from each unit of representation and a Chairperson who shall be selected at large. It shall carry out the legislative policy of the Association.

40. Human & Civil Rights Committee –

The Human and Civil Rights Committee shall consist of not less than five members. It shall study and make recommendations on how members and their associations can contribute to equal opportunities and to improved human relations.

41. Instruction Committee – The Instruction Committee shall consist of one member from each unit of representation. It shall

- (1) study, report on, and make recommendations concerning programs and problems in instruction,
- (2) monitor activities of Educational Improvement Centers and other agencies related thereto,
- (3) stimulate research and proven innovations in its areas of interest,
- (4) consider long-range problems and policies affecting the profession and the Association, and
- (5) disseminate such information among the profession.

42. Leadership Committee – The Leadership Committee shall consist of not less than five members. It shall (1) assess training needs of NJEA affiliates and leaders, and (2) make recommendations concerning development, evaluation, and revision of leadership training programs.

43. Membership Committee – The Membership Committee shall consist of not less than one member from each county. This committee shall secure, promote, maintain, and coordinate Association membership and shall review and make recommendations concerning procedures and programs relating thereto.

44. Minority Leadership and Recruitment Committee – The Minority Leadership and Recruitment Committee shall consist of at least 11 members. It shall:

- a. encourage multi-ethnic members to become active in all levels of association work;

- b. recruit multi-ethnic members for Association involvement;
- c. identify and recommend ways to attract multi-ethnic members to the school employee professions;
- d. develop and initiate training opportunities for school personnel.

45. Pension Policy Committee – The Pension Policy Committee shall consist of not less than five members and shall study and report on problems relating to member retirement.

46. Professional Development

Committee – The Professional Development Committee shall consist of not less than five members, it shall

- (1) initiate and promote activities in the areas of continuing professional education, in-service professional development and professional standards,
- (2) stimulate research and proven innovation in its areas of interest,
- (3) consider long-range problems and policies thereon affecting the profession and the Association, and
- (4) disseminate such information among the profession.

47. Professional Rights & Responsibilities Committee –

The Professional Rights and Responsibilities Committee shall consist of not less than six members. It shall have the power to investigate the legal status of school employees and others eligible for representation who are in contest with regard to their rights and responsibilities as employees and citizens and to recommend appropriate action to the Executive Committee.

48. Public Relations Committee –

The Public Relations Committee shall consist of not less than five members. It shall advise

- (1) on NJEA's statewide advertising and public relations programs;
- (2) on affiliate organizations' public relations projects and programs;
- (3) on programs to improve the external public's perception of public schools, school staff, NJEA, and professional organizations as transmitted by the media – newspapers, radio, magazines, television, and films;
- (4) on media materials and organizational efforts to involve

members and affiliate leaders in public relations, community action, and Association campaigns for reaching parents and other citizens; and

- (5) on training opportunities for school personnel in public relations and community organizing.

49. School Finance Committee – The School Finance Committee shall consist of not less than five members. It shall study and make recommendations designed to improve the financing of all forms of public education in the state.

50. Urban Education Committee – The Urban Education Committee shall consist of at least 11 members. It shall:

- a. identify solutions to improve educational equity issues in urban school districts;
- b. study pertinent data and members' needs in order to elevate the voices of all of the stakeholders in urban education to build long-term sustainability that impacts systemic issues;
- c. study strategies and programs needed to address the barriers that prevent students in urban settings from receiving opportunities suitable for all students to achieve their potential;
- d. develop relationships with other entities that support NJEA's goals in urban education;
- e. collaborate with other appropriate NJEA committees.

51. Working Conditions Committee – The Working Conditions Committee shall consist of not less than five members. It shall study and make recommendations concerning members' salaries, salary schedules, working conditions, and other compensation policies designed to improve the employment status of persons eligible for membership in the Association.

52. Rules of Order – Robert's Rules of Order shall govern the meetings of the Delegate Assembly, Executive Committee, and all special and standing committees, insofar as those rules are not inconsistent with the Constitution and Bylaws of the New Jersey Education Association.

53. Association Employees – After the completion of thirty-six consecutive months of full-time employment, no

employee of the Association shall be dismissed or be subject to a reduction in salary except by a vote of two-thirds of all the members of the Executive Committee, after the employee has been informed in writing of the reasons for the proposed action and has been given an opportunity to appear before and be heard by the Executive Committee.

54. Employee Security –

- A. Procedure** – After the completion of thirty-six consecutive months of full-time employment, no employee of the Association shall be dismissed or be subject to a reduction in salary except for inefficiency, incapacity, conduct unbecoming an employee or other just cause, following written notice of such reasons and a hearing before and determination by a two-thirds vote of all of the members of the Executive Committee finding that such cause does, in fact, exist and is sufficient for such reduction in salary or dismissal. Any employee not satisfied by the determination of the Executive Committee may submit the matter to arbitration in the same manner and to the same extent as is provided for arbitration of grievances by the Agreement between the NJEA and the representative of the unit of its employees which includes the employee in question.
- B. Seniority** – In any necessary reduction of the staff, an employee with greater service and similar qualifications shall be given preference over an employee with less service to retain employment. Any employee whose services are so terminated shall be notified at least thirty (30) days in advance in writing by the NJEA. Any employee whose services are so terminated, who has the most seniority, and who is qualified for the position reopened shall be recalled first.
- C. The provisions of Bylaws 53 and 54** are applicable only to persons who are regularly employed in full-time positions and not to persons who serve

or are retained or employed as advisors, consultants, interns or in other part-time or temporary positions.

55. Amendments to Bylaws – Amendments to the Bylaws may be proposed by a majority vote of the Executive Committee or by a majority vote of the

Delegate Assembly. Amendments so proposed shall be submitted to the Constitution Review Committee for review and recommendation and shall be published in full in the Official Publication of the Association. A three-fourths vote of all the members of the Delegate Assembly shall then be necessary for the adoption of such amendments.

*as amended March 17 and May 19, 2012
effective Sept. 1, 2012
effective March 15, 2014
effective Sept. 1, 2017
effective May 19, 2018
effective Sept. 1, 2020*



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