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# OEA BYLAWS

## **ARTICLE I. MEMBERSHIP AND DUES**

### **Section 1. Affiliation and Qualifications**

The Oregon Education Association is an affiliated organization of the National Education Association with all the rights, benefits, privileges and responsibilities which apply.

Any person who is actively engaged in the profession of teaching or other educational work, or any other person interested in advancing the cause of education shall be eligible for membership in the Oregon Education Association, hereinafter referred to as the OEA. Any person joining the OEA shall agree to subscribe to its purposes and objectives, to abide by the provisions of these Bylaws and to join the National Education Association, hereinafter referred to as the NEA, and, where available, a local association. All members shall abide by the rules of the Association including the Code of Ethics in all activities related to Education and the Association. An application for membership shall be subject to review, and may be rejected, by the OEA Board of Directors.

### **Section 2. Classifications**

There shall be five classes of membership in OEA: active, aspiring educator, retired, substitute, and Community Ally. The fifth category, Community Ally is for those who are not eligible for regular membership but wish to support the mission, vision and core values of OEA. A person who is eligible for more than one (1) category shall join the Association in the membership category that provides the greatest degree of participation in Association governance.

### **Section 3. Active Members**

#### **A. Requirements**

Any person who is actively engaged in or who is on a leave of absence or laid off due to Reduction In Force (RIF'd) from professional educational work, either paid or unpaid, or any person who is serving as a released officer of the OEA shall be eligible to become an active member of the OEA, with full privileges under standards prescribed by the OEA Board of Directors. Except as provided by these bylaws, persons qualifying for active membership must join in that category and pay the appropriate dues rates for their classification.

#### **B. Continuation of Membership**

- 1) Persons who were active members of the OEA for the previous membership year will be considered continuing active members of OEA as long as they meet the requirements for active membership (Article I, Section 3, A) A member may withdraw from membership at any time by notifying the OEA President of their withdrawal, in writing. To withdraw from a continuing dues-payment obligation, one must notify the OEA President, in writing, between September 1 and September 30 of the membership year for which the dues-payment authorization is to be cancelled.
- 2) Persons who were active aspiring educator members of OEA for the previous membership year shall be considered continuing active members of the Aspiring Educator OEA as long as they have not accepted employment with a district having employees represented by the OEA.
- 3) An OEA member who is a military reservist called to active duty will have dues suspended when his/her salary is terminated, and dues will remain suspended until the school salary is resumed.

#### **C. Change in Membership**

A member who is removed from the bargaining unit due to change of status to supervisor shall be allowed to terminate association membership effective the month of the actual change of status.

#### **D. Rights**

An active member shall be entitled to all rights and privileges of the OEA and the NEA, which shall include the OEA and NEA publications and the right to vote, serve as a delegate, and to hold elective or appointive office.

## E. Dues & Assessments

All OEA members are also members of NEA. NEA dues are set by NEA, collected by OEA and transferred to NEA. In addition to NEA dues, OEA dues are assessed using the following classifications:

### 1) Certified and Community College

#### a. Full-Time

The annual dues for each active member in a certified bargaining unit shall be .00939 times the teacher average salary (any fractional dollar shall be raised to the nearest whole; this computation shall be made by the OEA). Teacher average salary will be determined by averaging the last 5 years of actual Oregon teacher average salary as provided by the Oregon Department of Education and compiled by NEA Research.

In addition, full-time active members pay full assessments per 3) a-e. below.

#### b. For purposes of the OEA dues component the following shall apply:

##### Less Than Full-Time

#### 1. Dues for part-time pre-K-12 active members in a certified bargaining unit, contracted community college faculty, or tutor active members who work less than full-time shall pay dues according to the following:

50%-99% pay one-half dues

Less than 50% but more than 25% pay one-fourth dues

25% or less pay one-eighth dues.

#### 2. Dues for part-time/adjunct community college faculty/tutors shall pay dues according to the following:

a. part-time/adjunct community college faculty/tutors whose annual salary is equal to or greater than the teacher average salary shall pay one-quarter OEA dues;

b. part-time/adjunct community college faculty/tutors who earn one-half, but less than the teacher average salary shall be assessed three-sixteenths OEA dues;

c. part-time/adjunct community college faculty/tutors who earn one-fourth but less than one-half the teacher average salary shall be assessed one-eighth OEA dues;

d. part-time/adjunct community college faculty/tutors less than one-fourth of the teacher average salary shall be assessed one-sixteenth OEA dues.

#### 3. Dues for members who work five credit hours or less per week, or twelve contract hours or less per week, shall be considered one-quarter time or less and pay one-eighth dues.

#### 4. Dues for certified intern teachers shall be one-half dues.

#### 5. Dues for those who receive no contractual salary, or are substitute teachers not working full time, shall be one-fourth dues.

#### 6. Dues for those who work less than a full school year shall be the annual OEA dues multiplied by the percentage of the membership year worked.

### 2) Education Support Professional

The annual dues for each active member in an education support professional bargaining unit or working in an education support position shall be based on their annual salary using the following formula:

a. education support professionals whose annual salary is equal to or greater than the teacher average salary shall pay full OEA dues;

b. education support professionals who earn one half the teacher average salary or greater, but less than the teacher average salary shall be assessed one-half OEA dues;

c. education support professionals who earn one-quarter, but less than one half the teacher average salary shall be assessed one-quarter OEA dues;

- d. education support professionals who earn one-eighth but less than one-quarter of the teacher average salary shall be assessed one-eighth OEA dues;
  - e. education support professionals who earn less than one-eighth of the teacher average salary shall be assessed one-sixteenth OEA dues.
- 3) Assessments: In addition to the OEA dues described above, all classifications of active members pay the following assessments:
- a. \$2.00 per member annually to acquire, improve and maintain office facilities. The assessment will be increased to \$5.00 annually, beginning with the 2021-2022 OEA fiscal year, for a period of five fiscal years, unless the OEA Representative Assembly acts to extend the increase. If the OEA Representative Assembly does not extend the increase after the five-year period, the assessment will revert to the \$2.00 annual assessment;
  - b. \$20.00 per member annually for the OEA Legal Defense Program;
  - c. \$10.00 per member annually for the Center for Great Public Schools;
  - d. \$25.00 per member annually for OEA Collective Bargaining Fund, the fund established for ballot measure campaigns;
  - e. \$5.00 per member annually shall be assessed in order to promote the interests of public education; and
  - f. \$10.00 per member annually for the Relief Fund if the Relief Fund value falls below \$10 million. This assessment will remain in effect until the fund value is \$10 million or more determined on a date specified by the Board.
- 4) Dues Adjustments
- a. If a member has paid a full cash payment prior to terminating employment, the OEA shall, upon written request, return a pro-rata amount of the dues for each full month remaining in the contracted school year. However, no dues shall be returned if the member has worked the full school year.
  - b. Special membership projects for purposes of organizing may be approved by the OEA Board of Directors with dues prorated for specified periods of time. Reports of any such projects shall be made to the OEA Board of Directors.
  - c. Members who are laid off due to school budget failures, or who are locked out, may continue as members. Their dues shall be prorated at the number of days worked (rounded to the nearest multiple of ten) divided by 190 days. For members who strike, the policy will be implemented after the tenth working day of the strike.
  - d. Members who are Reduced In Force (RIF'd) may continue as members. Their dues will be waived, but they will continue to pay OEA assessments. Such eligibility shall continue as long as such persons are eligible to be recalled or for three years, whichever is longer.
  - e. Members who are on an unpaid leave of absence will have dues waived but will continue to pay OEA assessments. Such eligibility shall continue as long as the member is on unpaid leave of absence.

#### **Section 4. Community Ally**

- A. Any person who is not eligible for active membership may join as a Community Ally.
- B. Dues for Community Ally shall be determined by the OEA Board of Directors.
- C. Community Ally membership shall be available to but not be limited to, the following:
  - 1) Lay persons interested in the advancement of education in Oregon
  - 2) Staff employees of the OEA
  - 3) Non-certificated intern teachers compensated for their services

- D. A Community Ally shall be entitled to receive OEA publications and other benefits authorized through the Board of Directors.
- E. Community Ally membership does not include:
  - 1) The right to vote or to hold elective or appointive office.
  - 2) The right to be included in the count for determining the quota for association delegates to the OEA Representative Assembly.
  - 3) The right to receive funds of OEA, LDP or OEARF for expenses arising out of an employment relations dispute.
  - 4) Rights or privileges not specifically granted by the OEA Board of Directors.

### **Section 5. Aspiring Educator Members**

- A. Any undergraduate or full-time graduate student enrolled in, or preparing for, a teacher education program in a college or university may become an aspiring educator member of the OEA by joining an Aspiring Educator Oregon Education Association chapter. An AEOEA member may also join a local association of OEA and must also be an aspiring educator member of NEA. Anyone who has been an active member of any NEA state affiliate is ineligible for AEOEA membership. Membership shall include the right to vote, serve as a delegate and to receive OEA publications.
- B. Dues for each aspiring educator member shall be set by the AEOEA at its annual meeting and shall include Aspiring Educator NEA dues. In the event no Aspiring Educator OEA annual meeting is held, the dues will be set by the OEA Board of Directors. The dues shall be reviewed annually and reported in the Budget proposal: Programs and Services for Members.

### **Section 6. Retired Members**

- A. Any retired teacher, retired employee of a school district, college or university, or other institution devoted primarily to educational work may become a member of the OEA-Retired. Membership shall include the right to vote, serve as a delegate, hold elective or appointive positions, and receive the OEA and NEA publications.
- B. Dues for OEA-Retired members shall be unified with the NEA-R and shall be set by NEA and OEA-Retired.
- C. Any member retiring before September 1, 1986 may continue membership with no dues charge and receive the OEA magazine if current address information is maintained.

### **Section 7. Substitute**

- A. Education employees employed on a day-to-day basis shall have the option of joining the Association. Substitute members shall be eligible to receive membership benefits and services provided through the OEA and NEA as authorized by the Board of Directors.

Education employees employed on a day-to-day basis who are included in a bargaining unit shall be active members, provided they pay active dues.

### **Section 8. Reserve Members**

Reserve membership is open to: 1) a part-time/adjunct community college faculty/tutor who has not worked in qualifying employment for a period of at least seven months; or 2) a member whose employment in qualifying employment has ended by termination or resignation and is receiving or entitled to receive assistance through the OEA Legal Defense Program. Reserve membership does not include the right to vote or to hold elective or appointive office. Reserve Members will not be included in the yearly January 15 count for representation or election purposes, or for the purpose of determining weighted voting at the OEA Board of Directors. Reserve Members must pay full yearly OEA assessments and required NEA dues.

### **Section 9. Membership Year**

The membership year shall be from September 1 through August 31. Members are classed as delinquent when they fail to pay or make arrangements to pay full dues for which they committed themselves in any given year. If these delinquencies are not taken care of within a grace period of 30 days beyond the due date of the last filing, the members will be notified by the OEA of cancellation of membership.

## **Section 10. Expulsion and Reinstatement of Members and Adherence to the Code of Ethics**

After due notice and hearing, the OEA Board of Directors or Review Boards drawn from the Judicial Panel shall have power to censure, suspend, or expel any member for cause, including violation of the Code of Ethics of the Teaching Profession, and shall have the power to reinstate any suspended or expelled member.

## **Section 11. Cessation of Property Interest**

All right, title, and interest, both legal and equitable, of a member in and to the property of the OEA shall cease and desist in the event of any of the following.

- A. Suspension, expulsion, or dropping from membership.
- B. Death or resignation.

## **Section 12. Special Assessments**

Special assessments may be considered in regular or special session of the OEA Representative Assembly. Upon passage by two-thirds of those certified delegates voting at a regular or special session, such assessment shall be included in the OEA dues amount for the ensuing year.

## **ARTICLE II. FAIR SHARE FEE PAYERS**

There shall be no fair-share fee payers in OEA bargaining units.

## **ARTICLE III. OEA REPRESENTATIVE ASSEMBLY**

### **Section 1.**

The authority to establish the policies of the OEA shall be vested in the OEA Representative Assembly. Interim policy may be established by the OEA Board of Directors, to be reviewed and voted upon at the next meeting of the OEA Representative Assembly.

### **Section 2.**

- A. Allocation of local association delegate credentials shall be based on the ratio of 1:40 active members or major fraction thereof with each local being guaranteed one delegate. For the purpose of allocation, members employed by more than one district shall be counted in the district utilizing the largest percentage of their time. Delegates shall be chosen from the active membership by a secret ballot distributed to all members within the local.
- B. Allocation of ethnic representation shall be at least equal to the proportion of identified ethnic membership of the local association. Delegates from the local association to the OEA Representative Assembly shall be in proportion to the ethnic membership of the local association as long as the person of identifiable ethnic groups are available as delegates. To determine the number of ethnic representatives, the percentage of ethnic members in the local shall be multiplied by the number of delegates, and if the product is over .5 (rounded to the nearest whole), that mandates the number of ethnic delegates. All delegates will be elected by the total membership.
- C. Allocation of the OEA-Retired delegate credentials shall be based on the ratio of 1:40 OEA-Retired members or major fraction thereof with the OEA-Retired being guaranteed one delegate. These delegates shall be chosen from the all-inclusive state membership by secret ballot distributed to all members of the OEA-Retired.
- D. Allocation of the Aspiring Educator Oregon Education Association delegate credentials shall be based on the ratio of 1:40 aspiring educator members or major fraction thereof with the aspiring educator OEA being guaranteed one delegate. The delegate(s) shall be chosen from the all-inclusive state membership rolls by a secret ballot mailed to all members of the AEOEA. Delegate credentials shall be based upon March 1 membership rolls.

### **Section 3.**

Active members within a Board district who are not members of an existing affiliate shall have representation. The district director shall call a meeting of those members to elect a delegate(s), from among those members, on the basis of a ratio of 1:40 active members or major fraction thereof, with all such unaffiliated members in a Board district being guaranteed one delegate.



#### **Section 4.**

The OEA Board of Directors shall be members of the OEA Representative Assembly without voting rights, unless a Director is an OEA Representative Assembly delegate elected by a local association.

#### **Section 5.**

There shall be no OEA election paraphernalia allowed to be worn by any member while at the dais (head table) during the Representative Assembly.

### **ARTICLE IV. MEETINGS OF THE OEA REPRESENTATIVE ASSEMBLY**

#### **Section 1.**

The annual meeting of the OEA Representative Assembly shall be held at the time and place determined by the OEA Board of Directors.

#### **Section 2.**

Special meetings of the OEA Representative Assembly may be called by the OEA Board of Directors or by petition approved by a majority vote from two-thirds of the UniServ Councils.

#### **Section 3.**

A majority of the voting members of the OEA Representative Assembly shall constitute a quorum for the transaction of business.

### **ARTICLE V. GENERAL MEETINGS OF THE ASSOCIATION**

#### **Section 1.**

A convention of the OEA may be held at a time and place determined by the OEA Board of Directors.

#### **Section 2.**

The OEA Board of Directors shall have general supervision over the plans and programs for the convention.

### **ARTICLE VI. ELECTED OFFICERS**

#### **Section 1.**

The elected officers of the OEA shall be a President, a Vice President, three Regional Vice Presidents, state-elected senior NEA Directors or designee, ESP Director, Equity Director, and Community College Director.

#### **Section 2.**

The duties of the officers shall be such as their titles imply and the OEA Bylaws and Policies state. They shall perform any other duties prescribed for them by the OEA Board of Directors or the OEA Representative Assembly.

#### **Section 3.**

The President shall be a full-time officer of the OEA. The OEA president shall serve as the first alternate NEA Director. The duties and compensation shall be established by the OEA Board of Directors.

#### **Section 4.**

The Vice President shall be a full-time officer of the OEA. The Vice President shall serve as the second alternate NEA Director. The Vice President shall serve as OEA's representative in the absence of the President. The Vice President shall serve as chair of the Program Budget Committee. In the absence of the President, the Vice President shall chair the Executive Committee. The Vice President shall perform other duties as assigned by the President. The compensation shall be established by the OEA Board of Directors.

#### **Section 5.**

The Equity Director shall be a full-time officer of the OEA. The duties and compensation shall be established by the OEA Board of Directors, with input from CORE (the Committee on Racial Equity) and HCRC (the Human and Civil Rights Committee).

#### **Section 6.**

Regional Vice Presidents shall serve as the OEA President's representative in the region from which elected, will assume equal responsibilities delegated by the OEA President, shall serve on the Program Budget Committee and the Executive Committee, and perform equal duties as established by the OEA Board of Directors and OEA Policies.

### **Section 7.**

- A. All elected officers shall take office on July 10 of the year their term begins, with the exception of state-elected NEA Directors.
- B. The term of office of the President shall be two years, or until a successor is inducted into office. A President may be elected to a maximum of one additional term.
- C. The term of office of the Vice President shall be two years or until a successor is inducted into office. The election cycle of the Vice President will coincide with the election cycle of the president. A Vice President may be elected to a maximum of one additional term.
- D. The term of office of the Equity Director shall be two years, or until a successor is inducted into office. An Equity Director may be elected to a maximum of one additional term.
- E. The term of office of each Regional Vice President shall be for two years. The first year of that term shall coincide with the second year of the term of the office of the president. Regional Vice Presidents may be elected to a maximum of one additional term.
- F. The terms of office and any limitations for NEA Directors shall be determined by the NEA. Terms of office for NEA Directors shall not be concurrent.

## **ARTICLE VII. ELECTION OF OFFICERS, DIRECTORS AND DELEGATES**

### **Section 1. Notification**

The OEA Executive Director shall notify the officers of each local association in the October issue of the official publication of the OEA each year as to the number of the various OEA officers and directors, NEA Directors, and state NEA Representative Assembly State Delegates which may be nominated and elected from that area that year.

### **Section 2. Nominations**

The filing deadline for the OEA Board of Directors, NEA State Delegates and Student Leadership Conference/NEA Delegates shall be January 15. If the nomination deadline for materials falls on a weekend or federal holiday, nomination materials must be postmarked or received by the next business day, including electronic (fax/email) submission. Persons nominated for officer, director, delegate, or student delegate positions shall be active members as defined in Article I., Section 3. In nomination-by-petition scenarios, member signatures may be handwritten or electronic.

#### A. President

Nominations for the President shall be made by a direct vote of the members in a local association or UniServ Council. Nominations may also be made by petition of 25 OEA members, or the number of OEA members which constitutes the equivalent of 5% of the candidate's active local association membership, whichever is less. A local association or UniServ Council may nominate only one member. An officer of a local association or UniServ Council shall report the name of the nominee in writing, along with a statement of qualifications, to the OEA President on or before sixty days (60) prior to the meeting of the OEA Representative Assembly that will elect the President. Nominations by petition need not be reported or signed by an officer of a local association or UniServ Council but should include a statement of qualifications. A statement of qualifications of each nominee, if available, shall be sent to all delegates, OEA local associations, and UniServ Councils two weeks prior to the meeting of the OEA Representative Assembly that will elect the President. The nominations shall be reported to the OEA Representative Assembly at its election meeting. In addition, nominations may be made from the floor of the OEA Representative Assembly meeting. The OEA President shall be simultaneously nominated to a concurrent term as the first alternate NEA Director.

#### B. Vice President

Nominations for the Vice President shall be made by a direct vote of the members in a local association or UniServ Council. Nominations may also be made by petition of 25 OEA members, or the number of OEA

members which constitutes the equivalent of 5% of the candidate's active local association membership, whichever is less. A local association or UniServ Council may nominate only one member. An officer of a local association or UniServ Council shall report the name of the nominee in writing, along with a statement of qualifications, to the OEA President on or before sixty days (60) prior to the meeting of the OEA Representative Assembly that will elect the President. Nominations by petition need not be reported or signed by an officer of a local association or UniServ Council but should include a statement of qualifications. A statement of qualifications of each nominee, if available, shall be sent to all delegates, OEA local associations, and UniServ Councils two weeks prior to the meeting of the OEA Representative Assembly that will elect the Vice President. The nominations shall be reported to the OEA Representative Assembly at its election meeting. In addition, nominations may be made from the floor of the OEA Representative Assembly meeting. The Vice President shall be simultaneously nominated to a concurrent term as the second alternate NEA Director.

#### C. Regional Vice Presidents

Nominations for Regional Vice Presidents shall be made by a direct vote of the members in a local association or UniServ Council within the designated region. Nominations may also be made by petition of 25 OEA members within the designated region, or the number of OEA members within the designated region which constitutes the equivalent of 5% of the candidate's active local association membership, whichever is less. A local association or UniServ Council may nominate only one member. An officer of a local association or UniServ Council shall report the name of the nominee in writing along with a statement of qualifications, to the OEA President on or before sixty days (60) prior to the meeting of the OEA Representative Assembly that will elect the Regional Vice Presidents. Nominations by petition need not be reported or signed by an officer of a local association or UniServ Council but should include a statement of qualifications. A statement of qualifications of each nominee, if available, shall be sent to all delegates, OEA local associations, and UniServ Councils in the appropriate region prior to the meeting of the OEA Representative Assembly that elects Regional Vice Presidents. The nominations shall be reported to the OEA Representative Assembly at its election meeting. In addition, nominations may be made from the floor, provided that any such nominee is from the region for which the office is designated to serve.

#### D. Board of Directors

Nominations for OEA district directors shall be made by direct vote of the members in a local association or UniServ Council. Nominations may also be made by petition of 25 OEA members within the designated district, or the number of OEA members within the designated district, which constitutes the equivalent of 5% of the candidate's active local association membership, whichever is less. A local association or UniServ Council may nominate only one member per position. An officer of a local association or UniServ Council shall report the name of the nominee in writing, along with a statement of qualifications to the OEA President, postmarked or received on or before January 15.

Nominations for the Equity Director and Education Support Director shall be made by direct vote of the members in a local association or UniServ Council. Nominations may also be made by petition of 25 OEA members, or the number of OEA members which constitutes the equivalent of 5% of the candidate's active local association membership, whichever is less. An officer of a local association or UniServ Council shall report the name of the nominee in writing, along with a statement of qualifications, to the OEA President on or before sixty days prior to the meeting of the OEA Representative Assembly.

Nominations by petition need not be reported or signed by an officer of a local association nor UniServ Council. A statement of qualifications of each nominee, if available, shall be published in an official publication of the OEA.

#### E. NEA Directors for Oregon

Nominations for NEA Director shall be made by a direct vote of the members in a local association or UniServ Council. Nominations may also be made by petition of 25 OEA members, or the number of OEA members which constitutes the equivalent of 5% of the candidate's active local association membership, whichever is less. A local association or UniServ Council may nominate only one member per position. An officer of a local association or UniServ Council shall report the name of the nominee in writing along with a statement of qualifications, to the OEA President on or before sixty days (60) prior to the meeting of the OEA Representative Assembly that will elect the NEA Director. Nominations by petition need not be reported or signed by an officer of a local association or UniServ Council but should

include a statement of qualifications. A statement of qualifications of each nominee, if available, shall be sent to all delegates, OEA local associations, and UniServ Councils two weeks prior to the meeting of the OEA Representative Assembly that will elect the NEA Director. The nominations shall be reported to the OEA Representative Assembly at its election meeting. In addition, nominations may be made from the floor of the OEA Representative Assembly meeting.

F. NEA Representative Assembly State Delegates

Nominations for NEA Representative Assembly State Delegates shall be made by direct vote of the members in a local association or UniServ Council within the designated region. Nominations may also be made by petition of 25 OEA members within that region, or the number of OEA members within that region which constitutes the equivalent of 5% of the candidate's active local association membership, whichever is less. A local association or UniServ Council may nominate only one member per position. An officer of a local association or UniServ council shall report the name of the nominee in writing, along with a statement of qualifications, to the OEA President, postmarked or received on or before January 15. Nominations by petition need not be reported or signed by an officer of a local association or UniServ Council.

G. Nominations for Aspiring Educator Conference

Nominations for Aspiring Educator Conference/NEA Delegate Nominations for Aspiring Educator Conference/NEA Delegate shall be made by the direct vote of the members of the Aspiring Educator Oregon Education Association or by petition of 10 Aspiring Educator NEA members. The Aspiring Educator Membership Committee of OEA shall report the names of the nominees postmarked or received on or before January 15. The report shall be in writing with a statement of qualifications to the OEA President. The term for Aspiring Educator Conference NEA Delegate shall be for (one) 1 year.

**Section 3. Election Districts and Regions**

**The election districts and regions are outlined in OEA Policy 2550.**

**Section 4. Elections**

A. Credentials Committee

A Credentials Committee member, appointed for a three-year term by the OEA President, may serve one additional appointment. The Credentials Committee shall act as an elections committee, construct election rules for approval by the OEA Board of Directors, make recommendations to the OEA Board of Directors prior to the OEA Representative Assembly and to the OEA Representative Assembly during its session on the enforcement of election rules wherein the penalty can be disqualifications; count ballots, certify election results and secure ballots for a period of one year.

B. President, Vice President, Regional Vice Presidents, and NEA Directors

During an annual meeting of the OEA Representative Assembly delegates shall elect, by secret ballot, the President, Vice President, Regional Vice Presidents, or state-elected NEA Directors. The NEA Directors shall be elected by active NEA members who are delegates to the OEA Representative Assembly. In odd numbered years the President and Vice President will be elected to concurrent two-year terms. In even numbered years the Regional Vice Presidents will be elected to concurrent two-year terms. The OEA President shall be elected to a concurrent term as the first alternate NEA Director. The OEA Vice President shall be elected to a concurrent term as the second alternate NEA Director. Delegates to the OEA Representative Assembly will elect the President, Vice President, and NEA Director on a statewide basis and will elect the Regional Vice Presidents on a regional basis with delegates voting for a candidate in their region. If no candidate for office receives a majority vote on the first ballot, runoff elections shall be held on all candidates except the candidate receiving the fewest votes, until a majority vote is shown.

C. Directors

- 1) Ballots and an election notice shall be distributed no later than February 20 from OEA headquarters to all members in districts having elections. To be valid, ballots shall be postmarked or received on or before March 10. If March 10 falls on a weekend or federal holiday, ballots must be postmarked or received by the next business day. Election results shall be filed with the Executive Director no later than the last day of March. Elections shall be determined by plurality vote.
- 2) During the annual meeting, the OEA Representative Assembly shall elect by secret ballot the Equity Director for the ensuing term. If no candidate for office receives a majority vote on the first ballot,

runoff elections shall be held on all candidates except the candidate receiving the fewest votes, until a majority vote is shown.

- 3) During the annual meeting, the OEA Representative Assembly shall elect by secret ballot the Education Support Professional Director for the ensuing term. If no candidate for office receives a majority vote on the first ballot, runoff elections shall be held on all candidates except the candidate receiving the fewest votes, until a majority vote is shown.
- 4) Directors shall be elected on a rotating basis. The OEA Credentials Committee will review and update a rotation schedule in compliance with the terms stated in Bylaws, which will be published in OEA Policy 2500 as well as online and in the OEA calendar book. The purpose of rotation shall be to maximize continuity of representation and to minimize turnover of representation wherever equitable and in compliance with the Bylaws.
- 5) A district may elect the same individual for two successive three-year terms. Having served two terms, a Director shall not be eligible for reelection until at least one term has elapsed.

D. Proportional Representation Directors

- 1) Education Support Professional members shall be represented on the Board at least in proportion to their active membership in the Association as of January 15. If the percentage of Education Support Professional members elected to the Board of Directors fails to achieve such proportional representation, the Representative Assembly shall elect the number of At-Large Directors required to assure such representation for three-year terms. An individual may be elected to one additional successive three-year term. Having served six successive years, a proportional At-Large Director shall not be eligible for re-election until at least one term has elapsed.
- 2) The licensed members shall be represented in proportion to their membership in the Association as of January 15. If the percentage of licensed members fails to achieve such proportion, the Representative Assembly shall elect the number of At-Large Directors required to assure such representation for three-year terms. An individual may be elected to one additional successive three-year term. Having served six successive years, a proportional At-Large Director shall not be eligible for re-election until at least one term has elapsed.
- 3) Candidates for these positions shall be nominated by the delegates at the Representative Assembly.

E. NEA Representative Assembly State Delegates and Successor Delegates

- 1) NEA Representative Assembly State Delegates and Successor Delegates as allocated by NEA shall be elected by secret ballot. Ballots must be distributed no later than February 20. To be valid, ballots shall be postmarked or received on or before March 10. If March 10 falls on a weekend or federal holiday, ballots must be postmarked or received by the next business day. Election results shall be filed with the Executive Director no later than the last day of March. Election results shall be determined by plurality vote.
- 2) The candidates not elected shall be declared Successor Delegates and listed in order of votes received. The number of Successor Delegates shall not exceed the State Delegates.
- 3) Terms of office for State Delegates shall be for three years and shall not all be concurrent. Terms may be less than three years for purposes of implementing a rotation schedule.

**Section 5. Vacancies**

A. The President shall declare a vacancy in the event of death, expulsion from membership, disability, resignation (when submitted in writing), chronic absenteeism, ineligibility by virtue of retirement or other change of membership category, or election to another office that overlaps the current office. If a current holder of one office has been elected to another office, the OEA president shall immediately declare the up-coming vacancy in the officer's current office. A vacancy in the office of President is to be determined by the OEA Board of Directors for the above reasons and declared by the presiding officer. The declaration of a vacancy in the case of resignation will become effective at the discretion of the President or presiding officer.

B. Vacancies shall be filled under the following rules and regulations:

- 1) When a vacancy is declared in the office of President the OEA Board of Directors shall appoint the Vice President to serve the remainder of the term of President. If this appointment is in the first nine

months of a term the newly appointed President is eligible to run for one more term of office. If the appointment is after the first nine months in office the appointed President will be eligible to run for two more terms of office.

- 2) When a vacancy is declared in the office of Vice President before the Representative Assembly in the first year of a term, the OEA Board of Directors shall elect by secret ballot, not later than the second successive Board meeting, an interim Vice President to serve until the next meeting of the OEA Representative Assembly. The OEA Representative Assembly shall then elect a successor for the remainder of the term. The term of the successor shall begin on July 10 following the election.

When a vacancy is declared after the Representative Assembly in the first year of a term, the OEA Board of Directors shall elect by secret ballot, not later than the second successive Board meeting, an interim Vice President for the remainder of the term.

- 3) When a vacancy is declared in the office of a Regional Vice President before the Representative Assembly in the first year of a term, the district Directors from the region involved shall elect, within thirty days, an interim Regional Vice President to serve until the next meeting of the OEA Representative Assembly. The delegates of the OEA Representative Assembly from the region involved shall then elect a successor for the remainder of the term. The term of the successor shall begin on July 10 following the election.

When a vacancy is declared after the Representative Assembly in the first year of a term, the district Directors from the region involved shall elect, within thirty days, an interim Regional Vice President for the remainder of the term.

- 4) When a vacancy is declared in the office of an NEA Director the President shall serve as the first alternate NEA Director. The Vice President shall serve as the second alternate NEA Director.

An "alternate" director is intended to fill such a vacancy on a short-term temporary basis.

When a vacancy is declared for the purpose of filling an "interim" NEA Director position, the OEA Board shall appoint an interim Director who will serve until a new NEA Director is elected by the OEA membership at the next regularly scheduled election. The term of the newly elected NEA Director shall begin immediately following the election or on the date consistent with NEA Bylaws and Policies.

- 5) When a vacancy is declared in the position of Equity Director before the Representative Assembly in the first or second year of a term, the OEA Board of Directors shall elect an interim Director to serve until the next meeting of the OEA Representative Assembly. The OEA Representative Assembly shall then elect a successor for the remainder of the term. The term of the successor shall begin on July 1 following the election.

When a vacancy is declared after the Representative Assembly in the second year of a term, the OEA Board of Directors shall elect an interim Director for the remainder of the term.

- 6) When a vacancy is declared in the position of Education Support Professional Director before the Representative Assembly in the first or second year of a term, the OEA Board of Directors shall elect an interim Director to serve until the next meeting of the OEA Representative Assembly. The OEA Representative Assembly shall then elect a successor for the remainder of the term. The term of the successor shall begin on July 1 following the election.

When a vacancy is declared after the Representative Assembly in the second year of a term, the OEA Board of Directors shall elect an interim Education Support Professional Director for the remainder of the term.

- 7) When a vacancy is declared in a district OEA Board of Directors position before the annual Board election in the first or second year of a term, the UniServ Council(s) members from that Board district shall elect, not later than the second successive Board meeting, an interim Director to serve until the next annual Board election. At that election, a successor shall be elected for the remainder of that term. The term of the successor shall begin on July 1 following the election.

When a vacancy is declared after the annual Board election in the second year of a term, the UniServ Council(s) members from that Board district shall elect, not later than the second successive Board meeting, an interim Director for the remainder of the term effective immediately.

The OEA-Retired Executive Board shall fulfill the duties of a UniServ Council for the purpose of filling vacancies in District 27.

- 8) When a vacancy is declared in the position of NEA Representative Assembly State Delegate, ranking Successor Delegate from the region involved shall serve as Delegate for the remainder of the term of the Delegate in whose place the Successor Delegate is serving.

However, if a State Delegate submits a statement to the NEA Credentials Committee (no later than January 15 immediately preceding the annual meeting at which the Delegate wishes to resume office) certifying that the Delegate was unable to attend by reason of uncontrollable circumstances and wishes to resume office, and the NEA Credentials Committee concurs, the Delegate may resume service for the remainder of the term of office to which the Delegate was elected.

- 9) When a vacancy is declared in a proportional representation Director position, the OEA Board of Directors shall elect an interim Director for the remainder of the term.

C. Notice of Vacancies

When a vacancy is declared (except a temporary vacancy in the office of President), written notice shall be made to all eligible members. The notice may be by UniServ newsletter, the official OEA publication, local association newsletter, or direct mailing.

D. Temporary Vacancies

When, in the judgment of the Executive Committee, the President is unable to fulfill the duties of the office due to an accident or illness of a temporary nature, it shall declare a temporary vacancy, appoint the Vice President to serve as acting President, and report to the Board. In the event of a temporary vacancy, the Executive Committee and the President will determine when there is no longer a need for a temporary vacancy and report to the Board. The Board, at its next regular or special meeting will confirm or change the Executive Committee's decisions.

**Section 6. Recall**

- A. A recall election for President shall be held if a petition specifying charges and requesting such an election is signed by twenty percent of the OEA members within each of two of the Vice-Presidential Regions and is filed with the OEA Executive Director. Such an election shall be held within thirty days of the date the petition is filed. Eligible voters shall be OEA members. The Credentials Committee shall be convened to count the ballots.

If the President is recalled, the position shall be declared vacant, and the provisions of Article VII, Section 5, B.1), shall go into effect. The President recalled shall not be eligible to be returned to office during that term.

- B. A recall election for the Vice President shall be held if a petition specifying charges and requesting such an election is signed by twenty percent of the OEA members within each of two of the Vice-Presidential Regions and is filed with the OEA executive director. Such an election shall be held within thirty days of the date the petition is filed. Eligible voters shall be OEA members. The Credentials Committee shall be convened to count the ballots.

If the Vice President is recalled, the position shall be declared vacant, and the provisions of Article VII, Section 5, B. 2), shall go into effect. The Vice President recalled shall not be eligible to be returned to office during that term.

- C. A recall election for a Regional Vice President shall be held if a petition specifying the charges and requesting an election is signed by twenty percent of the OEA members within the Vice-Presidential Region and is filed with the OEA Executive Director. Such an election shall be held within thirty days of the date of the petition filing. Eligible voters shall be OEA members within the region involved. The Credentials Committee shall be convened to count the ballots. If a Regional Vice President is recalled, the position shall be declared vacant and the provisions of Article VII, Section 5, B 3, shall go into effect. A Regional Vice President who is recalled shall not be eligible to be returned to office during that term.

- D. If a NEA Director is recalled according to the NEA bylaws, the position shall be declared vacant, and the provisions of Article VII, Section 5, B. 4), shall go into effect. The NEA Director recalled shall not be eligible to be returned to office during that term.

- E. A recall election for a NEA Representative Assembly State Delegate shall be held if a petition specifying charges and requesting such an election is signed by twenty percent of the OEA members within the appropriate region and is filed with the Executive Director. The procedures for recall election for an NEA Representative Assembly State Delegate shall be the same as those specified for Regional Vice President. An NEA Representative Assembly State Delegate who is recalled shall not be eligible to be returned to office during that term.
- F. A recall election for an OEA Board of Directors district Director shall be held if a petition requesting such an election is signed by twenty percent of the OEA members in that OEA Board of Directors district and filed with the Executive Director. Such an election shall be held within thirty days of the date the petition is filed. Eligible voters shall be OEA members in that OEA Board of Directors District. If the OEA Board of Directors district Director is recalled, the position shall be declared vacant and filled in the manner prescribed under Article VII, Section 5, B. 7). The Director recalled shall not be eligible to be returned to office during that term.

**Section 7. Compliance with State and Federal Law**

All OEA and local association elections falling under the federal Labor Management Reporting and Disclosure Act shall comply with the requirements of the Act. The OEA Board of Directors may establish Interim OEA Policy, and the Credentials Committee may establish election rules and procedures, to conform election practices with state and federal law.

**ARTICLE VIII. OEA BOARD OF DIRECTORS**

**Section 1.**

- A. The Board of Directors shall consist of the President, Vice President, Regional Vice Presidents (3), state-elected NEA Directors (3), Racial Equity Director (1), Education Support Professional Director(s), and district Directors.

The Community College Council will elect one of the existing Community College District Directors to serve on the Executive Committee of the OEA Board of Directors.

- B. Each elected officer and director shall be allowed weighted voting based upon the January 15 active membership.

**Section 2.**

- A. The President, Vice President, Regional Vice Presidents, state-elected senior NEA Director or designee, ESP Director, Equity Director, and Community College Director shall function as an Executive Committee of the OEA Board of Directors. The Community College Council will elect one of the existing Community College District Directors to serve on the Executive Committee of the OEA Board of Directors.

- B. Meetings of the OEA Executive Committee may be held at the call of the President. Upon receiving written request from at least three members of the Executive Committee stating the purpose of the meeting, the President shall call a special session of the OEA Executive Committee.

- C. The duties of the Executive Committee shall be specified by the OEA Board of Directors.

**Section 3.**

Meetings of the OEA Board of Directors may be held at the call of the President. Upon receiving written request from at least five members of the Board stating the purpose of the meeting, the President shall call a special meeting of the Board. Meetings regularly scheduled by the Board shall not require a written request.

**Section 4.**

The OEA Board of Directors shall have general charge of the work of the OEA and shall do all that is necessary to fulfill the purposes of the OEA as authorized by the OEA Representative Assembly and/or provided by the OEA Bylaws.

It shall:

- A. Appoint and enter into a contract with the Executive Director.
- B. Approve the employment of management staff.



- C. Advise and assist the President in the preparation of programs and in arranging for meetings of the OEA or its departments.
- D. Cause to be prepared each year an updated copy of the Policies of the OEA which shall be submitted to each local and UniServ area in September.
- E. Prepare and adopt an annual balanced budget for each fiscal year.
- F. Make appropriations, authorize or delegate authority to make expenditures, and issue or delegate authority to issue contracts. Monitor the OEA budget and expenditures.
- G. Review and forward an annual financial report to be presented to the OEA Representative Assembly.
- H. Authorize an annual audit of the financial transactions of the OEA.
- I. Approve all employee contracts.
- J. Cause the official publications of the OEA (Article XIV) to be issued.
- K. Provide information and services to aspiring educator OEA members.
- L. Provide authorization of all petitions from OEA executive officers seeking review or action from any OEA Judicial Panel or other judicial body. Officers are still eligible to file petitions as individual members without prior approval.
- M. Conduct performance review of the Executive Director to help set goals for the Executive Director's performance in carrying out his/her operational responsibilities.

**Section 5.**

The OEA Board Director(s) within each UniServ Council area shall, if possible, attend all UniServ Council meetings and:

- A. Report actions of the OEA Board of Directors.
- B. Seek local representatives' input through UniServ Council discussion and report the conclusions to the OEA Board of Directors.
- C. Disseminate OEA Board of Directors' reports in addition to other regular communications to local association members.

**Section 6.**

The Directors shall represent the OEA and do all that is possible to further the purposes and carry on the work of the OEA in their respective districts.

**ARTICLE IX. OEA CABINETS AND LEGISLATIVE ADVISORY COUNCIL**

**Section 1.**

An OEA Cabinet shall be established for the Center for Affiliate Services, the Great Public Schools and the Center for Public Affairs.

**Section 2.**

A Legislative Advisory Council shall be established to propose, coordinate, and promote legislative and political action necessary for goal accomplishment. The Council shall present its proposal to the OEA Board of Directors for action.

The Legislative Advisory Council shall work with the OEA Cabinet for the Center for Public Affairs.

**Section 3.**

- A. The OEA President, with approval of the OEA Board of Directors, shall appoint to each of the OEA Cabinets an equal number of representatives from each vice-presidential region. OEA-Retired members may be appointed to represent the vice-presidential regions in which they reside. The members appointed shall serve for a term of three years. Terms for the OEA Cabinets shall commence July 1, terms not to be concurrent for all members. A member may be appointed to no more than two successive three-year terms.

- B. The OEA President shall annually appoint a chairperson for each OEA Cabinet from the members of that Cabinet.
- C. The OEA President, with the approval of the OEA Board of Directors, shall appoint to the Legislative Advisory Council one member from each Oregon Senate district. The President shall also appoint one OEA-Retired member to represent OEA retirees; one member to represent Community Colleges; one OCESP member who represents Oregon Council of Education Support Professionals; and one non-voting member of OEA Board of Directors to serve as Board Liaison. The members shall serve for a three-year term, terms not to be concurrent for all members. A member may be appointed to no more than two successive three-year terms. The OEA President shall annually appoint a chairperson and vice-chairperson for the Legislative Advisory Council from the members of that Council.

#### **Section 4.**

An OEA Cabinets shall be terminated, or their numbers increased, whenever the OEA Representative Assembly shall decide conditions warrant such action.

### **ARTICLE X. JUDICIAL PANEL**

#### **Section 1.**

The judicial powers of the OEA as described in this Article shall be vested in a Judicial Panel. The Judicial Panel shall be composed of nine persons, with equal numbers from each region, appointed by the OEA President from names submitted by the OEA Directors and/or the Vice President of that region. The terms of office of the Judicial Panel members shall be three years, not to be concurrent.

#### **Section 2.**

When a case arises, a review board of three persons shall be selected from the Judicial Panel by the OEA President according to OEA policy. [See Policy 2700 I.E.] The OEA Executive Director shall appoint such adviser(s) and provide assistance as may be needed. The review board shall be considered dissolved upon completion of its task. No person shall be selected who has a conflict of interest as determined by the OEA Conflict of Interest Officer or OEA General Counsel if the Conflict of Interest Officer is involved in the case.

#### **Section 3.**

The review board shall have original jurisdiction in alleged violations of the Code of Ethics of the Education Profession, and in reviewing, upon request, by an OEA member or local association, an action of the Executive Committee, Board of Directors or Representative Assembly, regarding consistent application of the Bylaws or Policies of the OEA. The OEA review board shall act as an appellate body in cases appealed from decision by subordinate judicial bodies including local boards of review/executive boards.

#### **Section 4.**

The review board shall have the following powers:

- A. To censure, suspend, or expel a member for the reasons provided in Policy 2700 II.A.
- B. To vacate a censure, lift suspension, or reinstate a member.
- C. To affirm or recommend reversal of lower judicial body decisions.

#### **Section 5.**

In cases of censure, suspension or expulsion, the member shall have the right of appeal to the OEA Board of Directors on procedural grounds only.

#### **Section 6.**

The OEA Board of Directors shall establish such rules and procedures as to insure procedural and substantive due process and to further define the responsibilities of the Judicial Panel and review boards.

### **ARTICLE XI. OREGON EDUCATION ASSOCIATION LEGAL DEFENSE PROGRAM**

#### **Section 1. Purposes**

- A. To provide financial assistance toward:
  - 1) Insuring fair and equitable treatment for individuals against persons and/or forces that threaten effectiveness in their work.

- 2) Protecting an individual's legal rights such as, but not limited to, retirement, certification, salary, leave, and fair dismissal.
- 3) Promoting academic freedom and responsibilities.
- 4) Assisting individuals in protecting their collective rights.

B. To collect and disburse funds for implementing the OEA Legal Defense Program.

C. To cooperate in protecting and strengthening member rights.

## **Section 2. Legal Defense Program Committee**

The committee shall consist of one member appointed from each region plus a Board Liaison. The terms of appointments shall be three years staggered. No person shall serve more than two consecutive terms. The OEA President, with approval of the OEA Board of Directors, shall appoint a chairperson and vice chairperson from members of the committee. The OEA Executive Director shall appoint a staff member who will become the consultant.

## **Section 3. Funding**

Funds shall be obtained according to Article I, Section 3, E, 3) b.

## **Section 4. Annual Report**

The OEA Executive Director shall prepare an annual report of assistance given and received, and a financial statement, to be included in the regular Association financial reports and reported annually to the OEA Representative Assembly.

## **ARTICLE XII. OREGON EDUCATION ASSOCIATION RELIEF FUND**

### **Section 1. Purposes**

To provide financial assistance for members and local associations who suffer a loss of income due to a natural disaster which closes schools, budget deficit with school closure, work stoppage or strike build-up.

### **Section 2. Rules and Procedures**

#### A. Funding

Funds shall be obtained according to Article I, Section 3, E, 3) f.

#### B. School Closures and Sanctions

- 1) The OEA Board of Directors shall establish rules and procedures for the investigation of and provision for assistance to bargaining unit members in need, where natural disaster prevents school operation, and therefore results in a loss of income, or where schools have been closed by budget deficit.
- 2) The OEA Board of Directors shall establish procedures for the investigation of anticipated work stoppage/strike build-up and shall determine whether a work stoppage/strike build-up shall be sanctioned and supported by the fund and the resources of the Association.

### **Section 3. Reports**

The Executive Director shall prepare an annual report of assistance given and received, as well as financial statement. The fund shall be included in the regular Association financial reports and reported annually to the OEA Representative Assembly in the audit.

### **Section 4. Limitations**

A uniform schedule of benefits shall be established to provide assistance to members. However, the OEA Board of Directors may enact such rules as it deems necessary to limit the availability of funds to any individual or local in order to provide assistance to others in similar or anticipated need.

## **ARTICLE XIII. ECONOMIC AND INSURANCE BENEFITS**

The OEA Board of Directors shall establish such corporate entities as may be necessary to provide insurance and other economic benefit programs to members and other groups interested in such services.

## **ARTICLE XIV. PUBLICATIONS**

### **Section 1.**

Official publications shall be issued at the direction of the OEA Board of Directors.

**Section 2.**

The publications shall serve the program of education and specifically the educators of Oregon. They shall include summaries of the proceedings of the OEA Board of Directors, of the OEA Representative Assembly, or other meetings of interest to the OEA membership, and articles relating to curriculum development and instructional excellence. Such publications may be print, electronic or other new technological medium.

**ARTICLE XV. EXECUTIVE DIRECTOR**

**Section 1.**

- A. The Executive Director shall perform all duties necessary to put into effect the plans and policies of the OEA.
- B. The Executive Director shall serve as consultant to the OEA Board of Directors and the Executive Committee without vote.

**Section 2.**

With the approval of the OEA Board of Directors, the Executive Director shall employ management staff.

**Section 3.**

The Executive Director shall employ such non-management staff as may be necessary to carry on the work of OEA, and placement of a UniServ Consultant in a UniServ area shall have prior approval of the UniServ Council in which the UniServ Consultant will serve.

**Section 4.**

The Executive Director shall administer the finance of the OEA in accordance with established policies.

**Section 5.**

The Executive Director, or the Executive Director's designee, shall serve as secretary to the OEA Board of Directors and to the Executive Committee, keep permanent records of those proceedings, and prepare for the OEA Representative Assembly an annual report of the action and recommendations of the OEA Board of Directors.

**ARTICLE XVI. ASSOCIATIONS AND UNISERV COUNCILS**

**Section 1.**

Provided all their members are members of OEA/NEA, the following groups may affiliate with the OEA in accordance with standards and policies adopted by the OEA Representative Assembly.

- A. A local association composed of education employees in a single school district, combination of school districts, or state school.
- B. A local association composed of education employees at a public or private post-secondary school.

**Section 2.**

- A. A UniServ Council shall be formed in each UniServ area authorized by the OEA Board of Directors. The UniServ Council shall develop a constitution and/or bylaws consistent with the OEA and NEA constitution and bylaws.
- B. The membership of the Council shall consist of the president(s) of local(s) or the designated local representative(s), designated district OEA Director(s) who serve the UniServ area, and other members as authorized by the constitution and/or bylaws of the UniServ Council.
- C. The UniServ Council shall assist in promoting and coordinating the communications, services, workshops, projects, and programs of local associations/OEA/NEA, within the UniServ area.
- D. All local associations shall be fully participating members of their UniServ Councils. Membership will be determined on the payment of dues. The amount of dues will be determined by each UniServ Council. If the Council wishes not to assess annual dues, then the Council may operate on a pay as you go basis, as determined by the Council

## **ARTICLE XVII. NON-GOVERNANCE AFFILIATES**

Non-governance affiliates may be established which must comply with the requirements of the OEA Board of Directors. Members of non-governance affiliates may receive benefits from the Oregon Education Association Relief Fund provided their association contributes to the fund as required by the OEA.

## **ARTICLE XVIII. TRUSTEESHIP**

### **Section 1.**

- a. Purpose: OEA may establish a trusteeship over a local or affiliate organization for the purpose of:  
Correcting corruption or financial malpractice.
- b. Assuring administration of a collective bargaining agreement or performance of other duties of a collective bargaining representative.
- c. Restoring democratic procedures.

### **Section 2.**

Initiation of Proceedings: If the Executive Committee determines by a two-thirds (2/3) vote that there is adequate cause under Section 1 of this Article to establish a trusteeship, it will recommend to the OEA Board of Directors that a trusteeship be established. As soon as possible after said vote, the OEA President will send to the OEA Board of Directors, a copy of the recommendation of the Executive Committee and will include with said recommendation a written statement setting forth the basis for the Executive Committee's determination that there is adequate cause for the establishment of a trusteeship. The written statement will be sufficiently specific so as to enable a local or affiliate body to prepare a defense.

### **Section 3.**

Recommendation by Executive Committee: A recommendation by the Executive Committee to establish a trusteeship will be acted upon by the OEA Board of Directors at its next regularly scheduled meeting or at a special meeting called for that purpose, occurring at least forty (40) days after the OEA Board of Directors receives the recommendation.

### **Section 4.**

Notice of Hearing: At least thirty (30) days prior to the meeting of the OEA Board of Directors at which the recommendation of the Executive Committee is to be acted upon, the OEA President will send to the subordinate body a notice advising it of the recommendation of the Executive Committee and setting forth the date, time, and place of the meeting of the OEA Board of Directors at which said recommendation will be acted upon. The OEA President will include with said notice a copy of the written statement that was submitted to the OEA Board of Directors pursuant to Section 2 of this Article, and a copy of the rules and procedures that will be followed by the OEA Board of Directors in acting upon the Executive Committee's recommendation.

### **Section 5.**

Hearing: A hearing will be held before the OEA Board of Directors pursuant to rules and procedures adopted by the OEA Board of Directors for such purpose to determine whether to establish a trusteeship. The OEA Board of Directors may delegate to a committee consisting of not less than eleven (11) OEA Board of Directors members, none of whom may be members of the Executive Committee, the responsibility to receive evidence and hear arguments in the first instance, provided that the final decision regarding the establishment of a trusteeship will be made by the full OEA Board of Directors. Further, all interested parties will have an adequate opportunity to present their views on the matter to the full OEA Board of Directors before the final decision is made.

### **Section 6.**

Vote of the Board: On the basis of the evidence and arguments presented at the hearing, the OEA Board of Directors will vote on the question of whether a trusteeship should be established. If more than one-third (1/3) of the members of the OEA Board of Directors who vote on the question vote "no," the recommendation of the Executive Committee will have been rejected. If two-thirds (2/3) or more of the members of the OEA Board of Directors who vote on the question vote "yes", the recommendation of the Executive Committee will have been accepted, in which event a trusteeship will be established over the local or affiliate body as of the announcement of the vote. As soon as possible after said vote, the Executive Committee will appoint a trustee.

### **Section 7.**

Power of Trustee: Subject to the control and direction of the Executive Committee, a trustee will have the power to

- a. Conduct the affairs of the local or affiliate body, including supervisory control over its officers, employees and other representatives.
- b. Take possession of the books, records, funds and other assets of the local or affiliate body to be held in trust for and used only in the proper conduct of its affairs.
- c. Remove officers of the local or affiliate body and replace them if deemed appropriate for the duration of the trusteeship.
- d. Take such other actions as in a trustee's judgment are necessary for the preservation of the right and interests of OEA and the members of the local or affiliate body.

### **Section 8.**

Replacing Trustee: The Executive Committee will have the right, with or without cause, to replace a trustee at any time.

### **Section 9.**

Expenses Incurred: Reasonable expenses incurred by a trustee in the performance of his or her functions will be paid out of the funds of the local or affiliate body if available; otherwise, such expenses will be paid by OEA.

### **Section 10.**

Termination of Trusteeship: The Executive Committee will terminate a trusteeship as soon as the cause for its establishment has been remedied. If the Executive Committee rejects a request from the local or affiliate body to terminate a trusteeship, the subordinate body will have the right to appeal to the OEA Board of Directors, provided that no such appeal may be taken within three (3) months after the decision of the OEA Board of Directors on a prior appeal.

- a. Prior to the termination of a trusteeship, the trustee will conduct an election, in accordance with the applicable provisions of the governing documents and policies of the subordinate body and OEA, to fill, as of the date of such termination, officer positions vacated by removal or departure of former incumbents.
- b. As of the date of termination of a trusteeship, the trustee will return control of the books, records, funds and other assets of the local or affiliate body to appropriate officers. The trustee will make a final accounting of a trusteeship, and submit copies to the OEA Board of Directors and local or affiliate.

### **Section 11.**

Financial Responsibility: No financial obligation or liability of the local or affiliate which may exist at the time a trusteeship is established, or which may be incurred during a trusteeship, will be assumed by or become an obligation of OEA.

### **Section 12.**

Emergency Power to Establish Trusteeship: Notwithstanding anything to the contrary in this Article, in case of emergency, where the best interests of the local or affiliate or OEA require, the Executive Committee may by a two-thirds (2/3) vote, establish an immediate trusteeship over the local or affiliate without action by the OEA Board of Directors. In such case, the matter will be submitted to the OEA Board of Directors, which may affirm or reverse the action of the Executive Committee pursuant to the procedure set forth in Section 3 of this Article, provided that if the OEA Board of Directors does not take action within sixty (60) days following establishment of a trusteeship by the Executive Committee, said trusteeship will automatically terminate

### **Section 13.**

Appeal to the Representative Assembly: If the OEA Board of Directors establishes a trusteeship or refuses to terminate an established trusteeship, the local or affiliate shall have the right to appeal to the OEA Representative Assembly, provided that a written notice of such appeal is filed with the OEA President and signed by at least ten percent (10%) of the active members in good standing of the local or affiliate body within ten (10) days after the decision of the OEA Board of Directors is made known to the local or affiliate.

The OEA Representative Assembly will rule on the appeal at its first annual or special meeting occurring at least thirty (30) days after the OEA President receives the written notice of appeal.

**Section 14.**

Pending an Appeal: Pending an appeal to the OEA Representative Assembly, the decision of the OEA Board of Directors will remain in full force and effect.

**Section 15.**

Implementation of Article: The OEA Board of Directors shall adopt such rules and procedures as may be necessary to implement this Article.

**ARTICLE XIX. RULES OF ORDER**

The current revision of Robert's Rules of Order shall be the parliamentary authority of the OEA subject to the Bylaws and special rules which have been adopted.

**ARTICLE XX. AMENDMENTS**

**Section 1.**

These Bylaws may be amended at a meeting of the OEA Representative Assembly by a two-thirds vote if the proposed change shall have been presented in writing to the members of the OEA Representative Assembly at least thirty days before its meeting and published in the official publication of the OEA before such meeting, or if unanimous consent of the OEA Representative Assembly members present is given for taking a vote without such advance notice. All proposed bylaws amendments, except for those for which unanimous consent of the OEA Representative Assembly has been secured, shall be submitted to the OEA President for editing sixty days prior to the meeting of the OEA Representative Assembly.

**Section 2.**

No substantive alternations shall be made in the editing process.

**Section 3.**

Amendments may be presented by:

- A. The OEA Board of Directors.
- B. A majority vote of the OEA Representative Assembly at a preceding meeting of the OEA Representative Assembly.
- C. A petition of any ten accredited delegates to the preceding OEA Representative Assembly.
- D. A petition of any twenty OEA members.
- E. An OEA department after formal action by its policy-making body.

**Section 4.**

Bylaws changes will take effect July 1 unless otherwise directed by the OEA Representative Assembly.

**ARTICLE XXI. DEFINITION OF TERMS**

As used in the Articles of Incorporation, OEA Bylaws and Standing Rules, the OEA adopts and adheres to the following definition of terms:

Ethnic

Ethnic shall mean those persons designated by statistics published by the U.S. Bureau of the Census. This designation shall specifically include African American, Mexican American (Chicano/Hispanic), other Spanish speaking groups, Asian American, Native Hawaiian or other Pacific Islander-NHOPI, and American Indian/Alaskan Native.