

**CONSTITUTION  
of the  
EAST CLEVELAND EDUCATION ASSOCIATION**

**ARTICLE I - NAME and PURPOSE**

**Section 1. Name**

The name of this organization shall be the East Cleveland Education Association, hereinafter referred to as the ECEA. ECEA shall be an affiliate of the North Eastern Ohio Education Association (NEOEA), the Ohio Education Association (OEA), and the National Education Association (NEA).

**Section 2. Purpose**

The purpose of ECEA shall be:

- a) to represent and work for the welfare of all members of ECEA for the purpose of unifying and strengthening the education professional by securing and upgrading the salaries, retirement, tenure, and other working conditions necessary to support education as a profession.
- b) to work for the welfare of school children, the advancement of education, and the improvement of instructional opportunities for all.
- c) to enable members to speak with a common voice on matters pertaining to the educational profession and to present their individual and common interests before the ECEA, the Board of Education, the Administration, and the Public.

**ARTICLE II - MEMBERSHIP**

**Section 1. Eligibility**

Membership in ECEA shall be open to any person employed by the East Cleveland City School District in the bargaining unit represented by the ECEA. A member shall also be a member of the NEOEA, the OEA, and the NEA.

**Section 2. Dues**

The amount of annual membership dues and any assessments shall be determined by the Executive Board. The purpose of any assessment must be stated explicitly and any

such funds collected must be used for the stated purpose. Every member shall also pay the dues required by the district, state, and national associations with which this local is affiliated.

**Section 3. Member in Good Standing**

Members have all rights and privileges of the association and its affiliates. To be a member in good standing one must pay the annual dues within 60 days (working day or calendar days) of the date his/her employment begins and any assessments on dates established by the Executive Board. Arrangements for payroll deductions for the payment of dues shall be regarded as meeting the membership requirements. Nonmembers have no voting rights.

**Section 4. Late Admittance**

A person eligible for membership and not previously in good standing may be admitted to full membership privileges under the following conditions, all of which are requisite:

- a) payment of dues for fiscal year.
- b) payment of any special assessment collected from other members during the current fiscal year.
- c) recommendation to admittance passed by the Executive Board, said admittance to take effect as of said passage.

**Section 5. Membership Year**

"Membership Year" in this Constitution shall be interpreted as meaning a period of time commencing September 1st and extending through the ensuing August 31st.

**ARTICLE III - OFFICERS**

**Section 1. Titles and Duties of Officers**

The officers of ECEA shall be chosen from among the membership and shall consist of:

- a) **President** - The President shall preside over meeting of the Executive Board, general meetings, and special general meetings; appoint the chairpersons and members of all other standing committees with approval of the Executive Board; appoint a parliamentarian; appoint special committees with the approval of the Executive Board; be an ex-officio member of all standing committees; and shall be the executive officer of the ECEA. The President shall be elected and serve as a delegate to the NEOEA

Representative Assembly, the OEA Representative Assembly, and the NEA Representative Assembly by virtue of office. The President shall represent the ECEA before the public, either personally or through delegates, and shall perform all other functions usually attributed to this office.

- b) **Vice-President** - The Vice-President shall undertake the duties of the President in the absence of the latter. The Vice-President shall be elected and serve as a delegate to the NEOEA Representative Assembly, the OEA Representative Assembly, and the NEA Representative Assembly by virtue of office.
- c) **Treasurer** - The Treasurer shall be the collector and custodian of the funds of the ECEA and shall disburse them upon authorization by the Executive Board. He/she shall receive the dues/funds collected by the representatives in each building or through payroll deduction. He/she shall maintain a roll of the members. He/she shall keep accurate account of receipts and disbursements, shall report to each meeting of the Executive Board, and answer questions on financial matters pertaining to ECEA funds. He/she shall assist the Budget Committee in the initial drafting of the annual budget. He/she shall present an annual financial statement subject to the review of the Auditing Committee. He/she shall be bonded by the ECEA/OEA.
- d) **Secretary** - The Secretary shall be responsible for recording the minutes of all general meetings, special general meetings, and meetings of the Executive Board, and shall present the minutes of the previous meetings for the approval of the members of the respective groups. The secretary shall keep a record of attendance at Executive Board meetings. The Secretary shall send out notices of all called meetings, and other meetings when necessary.

## **Section 2. Election of Officers**

- a) Elections of officers shall be conducted by secret ballot in each building during one school day designated in the spring by the Elections Committee. The Elections Committee shall meet after the election closes to open and count the ballots together.
- b) Notwithstanding, if a physical election cannot occur, elections of officers shall be conducted by mail ballot election (using a double envelope system to ensure ballot secrecy). The mail ballot election schedule shall be determined by the Elections Committee.
- c) The Elections Committee shall report the results of the election to the total membership within (5) calendar days following the election. The results shall be posted in each building and sent electronically to each member.
- d) All ballots (marked, unmarked, and voided) and all other records pertaining to the election of officers of this Association and the OEA and NEA delegates and

alternates shall be preserved for one year from the date the election was held; and such ballots and other records shall be made available to OEA officers upon request for inspection and examination.

- e) Non-members of the Association, including fee payers, shall not have the right to vote, hold office, or otherwise have privilege of Association membership.

**Section 3. Terms and Succession**

- a) The officers shall serve for two membership years, effective on July 15<sup>th</sup> – July 14<sup>th</sup> and may be re-elected without an intervening term.
- b) Whenever the office of President becomes vacant, the Vice-President shall automatically assume presidential duties for the remainder of the term. Whenever the offices of President and Vice-President shall become vacant, the remaining members of the Executive Board shall elect one of their members to serve as President pro-tempore and Vice-President pro-tempore until the next general election.
- c) Whenever the office of Secretary or Treasurer becomes vacant, the Executive Board shall elect one of their members to fill the unexpired term.

**Section 4. Removal from Office**

Any person may be removed from office with documented justification and by a two-thirds vote of the members present and voting at a General Membership.

- a) Officers of the Association may be impeached for violation of the Code of Ethics of the Education Profession or for misfeasance, malfeasance, or nonfeasance in office.
- b) Impeachment proceedings against an officer may be initiated by written petition submitted to the Executive Committee by at least twenty-five (25) percent of the members.
- c) If, after a due-process hearing, a two-thirds (2/3) vote of the Executive Committee sustains the charge, the office shall become vacant.

**ARTICLE IV - EXECUTIVE BOARD**

**Section 1. Composition of Executive Board**

The Executive Board of the ECEA shall consist of the officers of the ECEA, the immediate past President, Building Representatives or their alternates apportioned among and elected by the senior high school members of the ECEA, and middle school members of the ECEA, and the members of the ECEA in each elementary building. The

apportionment of Executive Board members for these elections shall be in the ratio of one representative to each seven (7) members in the school or major fraction of the seven (7) who are eligible for ECEA membership providing that no school shall be without representation, unless all the ECEA members within said building decline such representation. In addition to the members of the Executive Board thus chosen, the candidates in each school receiving the next highest number of votes shall be the alternates from the school. The number of alternates shall not exceed the number of Representative. Alternates shall be numbered, using ordinal numbers, in the order of votes received, the one receiving the most being first (1st) alternate, etc. If a Building Representative is absent at a meeting, the alternate present with the lowest ordinal number shall vote in place of said absent representative. In the event that a Building Representative misses three (3) consecutive regular Executive Board meetings, or that the members of any school find, by a majority vote that a Building Representative should no longer serve, the President shall immediately declare that position vacated, and those provisions of this Constitution that then apply shall be exercised. The number of Building Representatives and alternates shall be reviewed, and altered if necessary, by November 1st of each year.

## **Section 2. Election of Building Representatives and Alternate Building Representatives**

Building Representatives and Alternate Building Representatives shall be elected at meetings held each school during the month of May, such meetings to be called by the Election Chairs of each school. A list of those chosen shall be sent to the President of the ECEA no later than the first Monday in the month of June.

Notwithstanding, elections for Building Representatives and Alternate Building Representatives may be held in August of the upcoming school year, if there are unforeseen circumstances, such as moving of members between buildings and/or consolidating buildings during the summer.

Elections of Building Representatives and Alternate Building Representatives will follow the election procedures within their buildings as outlined in this Constitution.

## **Section 3. Terms and Succession**

The elective members of the Executive Board shall hold their offices for one fiscal year. In the event the position of Building Representative becomes vacant before the Building Representative election date, the alternate having received the greatest number of votes in the previous election shall assume the vacant position. Whenever an alternate assumes the position of Building Representative, the members in the building shall elect a new alternate.

#### **Section 4. Executive Board Meetings**

The meetings of the Executive Board shall be held monthly during the regular school year. Additional meetings may be called by the President of the ECEA or by three (3) members of the Executive Board. In the absence of the Secretary, the presiding officer shall appoint an acting Secretary.

#### **Section 5. Duties of the Executive Board**

The Executive Board shall:

- a) put into effect the measures and policies adopted by the ECEA;
- b) approve an annual budget, annual dues amount, and any assessment;
- c) authorize any expenditure of money over the sum of twelve hundred dollars (\$1200.00);
- d) act on recommendations of the President for all standing committees, special committees, and the Negotiation Team;
- e) receive reports of standing and special committees, and in turn, report and make recommendations to the ECEA;
- f) report recommended policies and other actions of the Executive Board to members in his/her building;
- g) transmit recommendations from members in his/her building to the Executive Board; and
- h) perform such other duties as required by this Constitution or by public law.

### **ARTICLE V - MEETINGS OF THE ECEA**

#### **Section 1. General Meetings**

The General Membership meetings shall be held twice per year, one to be held in the fall and the other in the spring. General meetings of the membership may be called by the President, a majority vote of the Executive Board, or a petition to the President signed by at least ten (10) percent of the membership. Such petitions shall state the purpose of the desired meeting and the business of that meeting shall be limited consideration of the state purpose.

- a. Regular and special meetings of the ECEA, including its Executive Board, may be conducted through the use of audio and/or video teleconferencing (referred to as a "virtual meeting") as authorized by the Officers of the ECEA.

- b. The method of virtual meeting selected must provide members with the opportunity to hear and speak to each other simultaneously and shall allow for the accurate recording of meeting minutes.
- c. Notice of any meeting conducted virtually shall include instructions on how each member is to participate in the meeting.
- d. All members present and participating via audio and/or video teleconferencing shall be included in determining a quorum. Prior to each vote on a motion, the presiding officer shall inquire as to the continued presence of those participating through audio and/or video teleconferencing. If members are no longer participating for any reason, including but not limited to because of equipment malfunction or voluntary discontinuance of the electronic connection, they shall no longer be considered as present or counted as part of the quorum.
- e. All members participating in virtual meetings may raise points of order, seek recognition to speak and submit motions for consideration.
- f. If the ECEA enters into Executive Session, at the outset the presiding officer shall require each member participating through audio and/or video teleconferencing to give assurance that no other person is present or able to hear the conversation.

## **Section 2. Voting**

Members must be present to vote at all general meetings.

Appropriate means of voting are, but not limited to, by secret ballot, by roll call, by show of hands, or by acclamation. Notwithstanding, the Officers of the ECEA, together with the Elections Chair shall determine the use of electronic voting, if necessary in unforeseen circumstances.

## **ARTICLE VI - QUORUMS**

### **Section 1. General Membership Meetings**

The quorum for general meetings of the ECEA, except as otherwise provided in this Constitution, shall be ten percent (10%) of the membership in good standing.

### **Section 2. Executive Board Meetings**

The quorum for meetings of the Executive Board shall be a majority of the membership of said Board.

### **Section 3. Committee Meetings**

The quorum for meetings of Standing or Special Committees shall be a majority of the membership of said committee.

## **ARTICLE VII – STANDING COMMITTEES**

### **Section 1. Structure**

There shall be seven (7) Standing Committees carrying the specific functions outlined below. Any issues not specifically mentioned shall be assigned to committees at the discretion of the Executive Board. All committees should have at least one (1) representative from each school in the system. Each committee may, with the approval of the Executive Board, organize from the membership of the ECEA special sub-committees not provided for in this Constitution.

### **Section 2. Meetings**

Each Standing Committee shall meet according to its needs or as directed by the President. Each Chairperson of a Standing Committee shall be expected to attend Executive Board meetings.

When deemed necessary by the Chair and approved by the President, meetings may be conducted virtually as outlined in this Constitution.

### **Section 3. Reports**

Committee chairpersons will make committee reports at Executive Board meetings. They are also responsible for maintaining committee files.

### **Section 4. Title and Duties**

- a. Legislative Committee – shall have broad concern for local, state, and national legislation affecting the interests of the ECEA, and for exercise of civic responsibilities by members. Members shall perform political screening duties for the Association as necessary. The committee shall be diligent about informing members of newly enacted legislation. The committee shall also conduct yearly FCPE drives with members.
- b. Membership and Professional Relations Committee – shall conduct activities to achieve organizational goals and shall organize and conduct unified local, state, and national enrollment among non-members, and inform members of the policies, programs, and



accomplishments of all associations; and shall conduct programs for the orientation of members new to the community, the school system, and the ECEA.

- c. Social Affairs/Fundraising Committee – shall organize such social activities as may serve the needs of members and promote fellowship within the ECEA along with fund raising for the annual ECEA Scholarship.
- d. Grievance Committee – shall assist members in processing grievances, according to the terms of the Master Agreement. It shall carry out any investigation which the Committee feels is necessary to clearly determine the limits and magnitude of alleged problems and should the situation warrant, suggest possible solutions, providing they are in keeping with the expressed purpose of the committee. The Committee shall have the authority to determine whether a grievance proceeds beyond the local level. The Committee shall make recommendations and submit these to the Executive Board, and to the responsible administrative official. The Committee’s recommendation is final.
- e. Communications Committee – shall seek to develop member and public understanding of the purposes and programs of the ECEA, the value and importance of education. It shall develop procedures by which the ECEA can work cooperatively with the parents and the public in civic, fraternal, and social organizations, and through all available channels of communications. The committee will distribute a monthly membership newsletter either in written form or electronically.
- f. Scholarship Committee – shall have as its main goal the evaluation, consideration, and selection of qualified Shaw High School students and ECEA members’ children to receive financial aid, as allocated by the ECEA, to be used exclusively as an aid in financing higher education. The Committee shall report annually to the Executive Board on the progress of recipients.
- g. Elections Committee – shall consist of a representative from each building approved by the President. This committee shall notify each member of the ECEA in writing by February 15<sup>th</sup> the nominations being accepted from those interested in the positions of elected officers of ECEA. It shall receive these nominations by March 1<sup>st</sup>, and shall provide each member, upon request, with copies of these nominations. It shall be responsible for printing, distribution, counting, and certifying of ballots. It shall also be responsible for posting the election results in each school building, as well as sending electronic election results to each member. No officer or officer candidate of the ECEA shall serve on the Election Committee.

All elections and voting operations will be held in each individual building.

Notwithstanding, if a physical election cannot occur, elections of officers shall be conducted by mail ballot election (using a double envelope system to ensure ballot secrecy). The mail ballot election schedule shall be determined by the Elections Committee.

The only exception to this will be when a majority of the Executive Board feels it is necessary to have all members together in order to hold an election. If this should occur, voting will be at a neutral site or a school building chosen at random.

All elections and ratification votes shall be conducted in accordance with the OEA Manual for the Conduct of Local Association Elections and the Ratification of Collective Bargaining Agreements.

### **ARTICLE VIII – SPECIAL COMMITTEES**

Each year the President shall appoint an Audit Committee and a Budget Committee. Special committees may be named by the President or designee as may be necessary. The duties of these committees shall be:

- a) Audit Committee – shall receive and audit the annual financial statement of the Treasurer and report to the Executive Board. The committee shall meet monthly to check for accuracy of account procedures and review all documents.
- b) Budget Committee – shall, with the assistance of the Treasurer, draft an annual budget giving estimates of income and expenditures for the future fiscal year to be presented to the Executive Board for approval.

### **ARTICLE IX – COLLECTIVE BARGAINING**

#### **Section 1. Negotiation Committee**

- a. The Negotiation Committee shall be comprised of the Negotiation Team, a representative from each school and other work location, and a representative from any group of members with a unique and definable interest in matters to be negotiated in collective bargaining.
- b. The duties of the Negotiation Committee shall include serving as a:
  1. The primary source of information to the Negotiating Team.
  2. A means from communication between the Negotiation Team and the membership.
  3. A means to allow maximum membership involvement in and support for collective bargaining.
  4. In preparation for bargaining, the Negotiations Committee shall make reports and recommendations to the Executive Board.

- c. Negotiation Committee meetings shall be called by the President or Negotiation Team Chairperson as needed.

**Section 2. Negotiation Team**

The Negotiation Team shall be responsible for the conduct of collective bargaining in behalf of the bargaining unit membership.

- a. The President shall appoint a Negotiation Team Chairperson with the approval of the Executive Board. The other Negotiation Team members shall be appointed by the President in consultation with the Negotiation Team Chairperson and with the approval of the Executive Board.
- b. The Negotiation Team shall take all reasonable steps to represent the interests of the bargaining unit members and to maintain membership support for the collective bargaining effort.
- c. The Negotiation Team shall have the authority to bargain in good faith; make proposals, counter-proposals, and concessions; and make tentative agreement on a contract with representative of the Board of Education of the East Cleveland City School district.
- d. While negotiations are in progress, periodic reports to members shall be made by the bargaining team.
- e. Written copies of the tentative agreement summary and/or MOUs should be given to the general membership prior to ratification.
- f. A vote on a tentative agreement to the contract and/or a memorandum of understanding (MOU) shall be made by written ballot.
- g. Conduct all ratifications of collective bargaining agreements in accordance with the guidelines for ratification of collective bargaining agreements and fact finder reports as set forth in the OEA Elections Manual.
- h. Non-members of the Association are not eligible to vote on any negotiated agreements.

**ARTICLE X – AGREEMENT WITH MASTER AGREEMENT**

Any provision of this Constitution which is not in agreement with the Master Agreement shall be deemed null and void and said section of the Master Agreement shall then apply.

## **ARTICLE XI – AUTHORITY**

Robert’s Rules of Order shall be the parliamentary authority for the ECEA on all questions not covered by the Constitution and such standing rules as the Executive Board may adopt.

## **ARTICLE XII – AMENDMENTS AND REVISIONS**

This Constitution may be amended or revised at a general membership of the ECEA by a majority affirmative vote of the membership present and voting, providing any such amendments or revisions have been proposed at a preceding general meeting or have been published to the ECEA by the Executive Board or members at least thirty (30) days prior to the meeting at which action is to be taken. The Legislative Committee shall review this Constitution every third year for possible revisions.

## **ARTICLE XIII – MINORITY REPRESENTATION GUARANTEE**

The one man – one vote principle shall apply to the ECEA Executive Board. There shall be provided ethnic minority seats on the Executive Board at least proportional to the ethnic minority membership in ECEA.

## **ARTICLE XIV – EXPULSION OF MEMBERS**

### **Section 1.**

According to procedures adopted by the ECEA, the Executive Board may censure, suspend from membership, or expel any member for one or more of the following reasons:

- a. Violation of the Code of Ethics of Education Profession.
- b. Conviction of a felony.
- c. Actively engaging in, or actively supporting activities directed against the constitutional purposes of the ECEA to bring about changes in the ECEA by means other than those that are consistent with the ECEA Constitution.
- d. Nonpayment of Association dues.

**Section 2.**

The Executive Board may reinstate members previously suspended or expelled.

**ARTICLE XV – DUE PROCESS**

The ECEA guarantees that no member may be censured, suspended, or expelled without a due process hearing, which shall include an appropriate appellate procedure.

**ARTICLE XVI – DISSOLUTION OF THE ASSOCIATION**

**Section 1.** A petition for dissolution of the Association may be presented in writing to a meeting of the general membership by any member in good standing and must contain the signature of three-fourths (3/4) of the total membership of the Association.

**Section 2.** Upon receipt of the petition for dissolution by the total membership, the Association shall act upon the petition at the next general membership meeting.

**Section 3.** The Association shall be considered dissolved if three-fourths (3/4) of the total membership vote by secret ballot in favor of dissolution.

**Section 4.** The effective date of dissolution shall be sixty (60) days from the date of the vote, thus allowing for the disposal of assets and liabilities.

**Section 5.** In the event of dissolution of the Association, all assets of this organization remaining after payment of all obligations shall be distributed to the scholarship fund provided that it is an entity recognized as exempt from Federal taxation.

**ARTICLE XVII – ELECTIONS**

ECEA local association elections and contract ratification votes and related fact finding elections must conform to the governing documents of the local association, the OEA and the NEA and, as appropriate, the Ohio Public Employees Collective Bargaining Law. Additionally, the OEA voluntarily complies with the requirement of the Labor-Management Reporting and Disclosure Act, which is commonly known as the Landrum-Griffin Act, and related rules and regulations of the U.S. Department of Labor.

Accordingly, local OEA affiliates that elect OEA and/or NEA representative assembly delegates and alternates are governed by Landrum-Griffin requirements for those elections as well. Local association elections that do not involve the election of OEA or NEA representative assembly delegates or alternates are not governed by the Landrum-Griffin requirements. (Ohio Education Association Manual for the Conduct of local Association Elections and The Ratification of Collective Bargaining Agreements)

All ballots (marked, unmarked, and voided) and all other records pertaining to the election of officers of this Association and OEA and NEA delegates and alternates shall be preserved for one year from the date the election was held; and such ballots and other records shall be made available to OEA officers upon request for inspection and examination.

### **ARTICLE XVIII – DESIGNATED REPRESENTATIVES**

The Ohio Education Association (OEA) represents the Association on all matters concerning the Association before the State Employment Relations Board (SERB).

**Approved July 8, 2020**