

CFT Constitution & Bylaws



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CFT Constitution & By-Laws

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Constitution

ARTICLE I: *Name*

This organization shall be known as the California Federation of Teachers (CFT).

ARTICLE II: *Objectives*

The aims of this organization shall be to organize the educational and health care employees of California into locals chartered by the American Federation of Teachers (AFT); to bring them into relations of mutual assistance and cooperation; to obtain for them all the rights and benefits to which they are entitled; to raise the standards of their professions and to secure the conditions essential to the best professional service; to promote such democratization of the educational institutions as will enable them better to equip their students to take their places in the economic, social and political life of the community; to strive for equal educational opportunities for all; to initiate and support state legislation to benefit the students, and educational and health care employees of the state of California.

ARTICLE III: *Membership*

Section 1. Chartered Locals

This organization shall consist of locals of AFT members chartered in California by the American Federation of Teachers. This organization shall consist of public and private school educational employees, educational workers, nurses, allied health professionals, other health-care employees and other workers.

Section 2. Members-At-Large

There shall be a class of members-at-large, which shall consist of members who work in locales where there is not a CFT local jurisdiction. These members will have full membership rights and privileges.

Section 3. Retired Members

Active members who retire from their present positions shall be admitted as CFT retiree members (without paying any per capita) and without CFT voting rights except as provided in Article I, Section 7b of the By-Laws, but with the right to participate in benefit programs such as insurance, travel and discount buying services.

ARTICLE IV: *Officers*

Section 1. Elected Officers

a. Officers shall be elected in odd-numbered years by the annual convention for a term of two years. Nominations shall be made from the floor of the convention. Voters may cast votes in support

of as many candidates for an office as they wish, and a majority of the votes cast shall be required for election to office. If more than one candidate receives a majority of the votes cast for an office, the candidate with the most votes is elected.

- b. The term of office for officers elected at a convention shall commence sixty (60) days immediately following the convention.
- c. The elected officers of the CFT shall be a president, a secretary-treasurer, and twenty-four vice-presidents.
- d. The twenty-four vice-presidents shall elect a Senior Vice President from their body at an Executive Council meeting following the convention. The tenure of the Senior Vice President shall be co-terminus with the office of the President.
- e. The delegates to the conventions of the California Labor Federation, AFL-CIO and the American Federation of Teachers must be elected at the CFT Convention.

Section 2. Duties of Officers

- a. President: The President shall be the chief executive officer of the CFT. It shall be the President's duty to administer all the affairs of the Federation and to implement policies of the Federation as determined by the convention and the State Council. The President shall have the power to appoint the chairpersons of all committees and shall have the power to remove committee chairpersons subject to the approval of the Executive Council.
- b. Senior Vice President: It shall be the specific responsibility of the Senior Vice President to take the place of the President in case of incapacitation or if the office of the President is vacated. Other responsibilities may be assigned by the President or the Executive Council.
- c. Vice Presidents: It shall be the specific responsibility of the Vice Presidents to further the organization of AFT locals in the state and to remain in contact with a specific number of locals on a regular basis. Other responsibilities may be assigned by the President or the Executive Council.
- d. Secretary-Treasurer: The Secretary-Treasurer shall be responsible for administering the financial policies of the Federation as determined by the State Council and Convention. Other responsibilities may be assigned by the President or the Executive Council. The Secretary-Treasurer shall work under the direction of the President.

Section 3. Elections

- a. Vacancies
 - 1) President: If the President resigns office, becomes incapacitated or cannot complete the term of office, the Senior Vice-President shall serve as President until the next regularly scheduled convention. At this convention an election shall be conducted to fill the vacancy for the unexpired term of office.
 - 2) If the Senior Vice President cannot or will not serve as President, the Executive Council shall elect a President who shall

serve until the next regularly scheduled convention.

- 3) If the Senior Vice President becomes President, the Executive Council shall elect a new Senior Vice President for the unexpired term of office.
- 4) Secretary-Treasurer: In the event this office is vacated the Executive Council shall appoint a Secretary-Treasurer for the unexpired term of office until the next regularly scheduled convention.
- 5) Vice President: In the event that an office is vacated the Executive Council shall appoint a Vice President for the unexpired term of office.

b. Recall of Officers

- 1) When at least two-thirds of the members of the State Council within a period of sixty (60) calendar days ask for a recall of an elected officer, they shall do so by submitting a request in writing to either the President or Secretary-Treasurer, or whichever of the two is not subject to recall. Any elected officer of the Federation may be recalled by a three-fourths vote at any regular or special meeting of the State Council, providing each member of the Council has been notified of the proposed recall vote at least one week prior to the meeting. The notification will include a complete statement of charges and a reply by the officer subject to recall. Any officer recalled may appeal the decision of the State Council to the member locals by referendum, upon filing a request for same either with the President or the Secretary-Treasurer or whichever of the two is not subject to recall. If the President and the Secretary-Treasurer are both subject to recall, the Senior Vice President of the Executive Council shall be the petitioned officer. In all such cases, the petitioned officer shall poll the locals. A majority of all votes cast shall be necessary for reinstatement of an officer.
- 2) When at least one-third of the member locals within a period of sixty (60) calendar days ask for a recall of an elected officer, they shall do so by submitting a request in writing to either the President or the Secretary-Treasurer, or whichever of the two is not subject to recall. The petitioned officer shall poll the locals within thirty (30) days from the receipt of the petition. It shall be the duty of the officers of the member locals to submit the question to be voted on, with the summary discussion to all of their respective local members, and to supply all members with official ballots. The ballot shall be secret. The officers of the member locals shall have the responsibility for the integrity of the ballot. The individual ballots cast shall be tabulated by the locals, and all ballots, together with tabulations, shall be delivered to the polling officer. Only ballots mailed or received by the polling officer within six weeks of the date sent out shall be counted. A two-thirds majority of all votes cast shall be necessary to recall.
- 3) Only ballots of locals in good standing on the closing date of the recall referendum shall be counted. The votes of said

locals shall not exceed in number the members for which per capita were last paid by the respective locals. Should the number of ballots cast by a local exceed the number to which the local is entitled, the ayes and noes shall be reduced proportionately to come within the required number of votes.

- 4) The polling officer shall tabulate the votes sent in by the locals and within one week of the closing date for receiving such ballots from the locals, shall announce by mail the results of the referendum. The tabulations by the polling officer shall be verified at the next meeting of the Executive Council.
- 5) The State Council shall have the power to adopt such further rules and regulations governing referenda, as it shall deem necessary.

ARTICLE V: *State Council*

Section 1. Purpose

It shall be the purpose of the State Council to conduct the business of the Federation and to conduct all the affairs of the Federation in the periods between conventions.

Section 2. Duties and Responsibilities

- a. The State Council shall implement the policies set by the delegates of conventions.
- b. The State Council shall conduct the affairs of the Federation in the periods between conventions.
- c. The State Council shall approve the annual budget of the Federation and may revise it as deemed necessary.
- d. The State Council shall provide policies and direction for the officers of the Federation.
- e. The State Council shall establish committees, as it deems necessary, not inconsistent with this Constitution and the By-Laws.
- f. The State Council shall have the power to interpret and enforce this Constitution and to make rules not in conflict with this Constitution and shall report such rules to the succeeding convention for approval or rejection. Any interpretation of the Constitution by the State Council may be appealed at any subsequent convention.
- g. The State Council shall establish the following Councils: Community College Council (CCC), Council of Classified Employees (CCE), Universities Council (UC), and Early Childhood Kindergarten through 12th Grade Council (EC/K-12).

Section 3. Membership

The State Council shall comprise the President, the Secretary-Treasurer, the Vice Presidents, and the designated delegate or alternate of each member local and/or council of locals.

Section 4. Meetings

- a. The State Council shall meet two times a year. The exact date, place, and other details shall be determined by the Executive Council. Special meetings of the State Council may be called by the President or by two-thirds of the members of the State Council, provided that a written notice stating the purpose of such meeting is sent by registered mail to all members of the State Council at least two weeks prior to the date set for the meeting.
- b. A quorum for transaction of business shall comprise twenty-five percent (25%) of the locals or of locals representing one-third (1/3) of the members of the CFT.

Section 5. Special Operating Rules

- a. The voting strength of each local at each State Council meeting shall be specified by the Secretary-Treasurer according to the voting strength of the local as per the most recently tabulated per capita payment submitted by the local.
 - 1) The delegates from a local or council of locals shall have the number of votes to which the local or council is entitled under the terms of the By-Laws, Article I, Section 2, 7 and 8.
 - 2) Locals combined into a council shall be considered as one local in apportioning votes in accordance with the By-Laws, Article I, Section 2.
 - 3) Each elected officer of the Federation and other voting members of the Executive Council shall be entitled to one vote unless that person is representing a local.
 - 4) Any national AFT Vice President from a CFT local shall have one vote unless that person is representing a local.

ARTICLE VI: *Executive Council*

Section 1. Membership

The voting members of the Executive Council shall be the President, the Secretary-Treasurer, twenty-four Vice Presidents, and the Presidents of the Councils as listed in Article V, Section 2g.

- a. The Executive Council shall implement the policies of the Convention and the State Council.
- b. The Executive Council shall have the authority to conduct all the affairs of the CFT (including the authority to borrow money from commercial and private institutions) during the periods between meetings of the State Council and the Convention.
- c. The Executive Council shall prepare the annual budget subject to the approval of the State Council. The proposed budget shall be distributed to all local presidents 14 days prior to its approval by the State Council.
- d. It shall be the responsibility of the Executive Council to have the financial records of the CFT audited every even numbered year and to submit the audits to the State Council and to the AFT.

- e. The Executive Council shall have the authority to assign duties and define areas of responsibility for each Vice President and the Secretary-Treasurer as stated in Article IV, Section 2b, 2c and 2d. The Executive Council shall select one of its Vice President members as the Senior Vice President.
- f. The Executive Council shall receive, review and approve all requests for defense funds and report to the State Council regarding the expenditure of funds.
- g. The Executive Council shall hire employees, as it shall deem necessary. Administrative employees shall be employed by individual or union contract with provision for orderly dismissal with the right of hearing and counsel available to the employee. Other employees may be employed by union contract and procedures shall be established in all contracts for orderly dismissal with the right of hearing and counsel unless otherwise provided in a union contract. The provisions of this sub-section shall not apply to the elected officers of the CFT.

ARTICLE VII: *Procedures for Amending*

Section 1. Amendment by Convention

- a. This Constitution may be amended at a duly called convention by a two-thirds vote of delegates present and voting. All proposed amendments must be submitted in writing at least eight weeks prior to the Convention by the State Council, the Executive Council, the Councils as listed in Article V, Section 2g, or any affiliated local. The Secretary-Treasurer of the CFT must transmit copies of the proposed amendment(s) to the presidents of all affiliated locals at least 30 calendar days prior to the Convention.
- b. Each proposed amendment to this Constitution shall be published for the delegates as it was received by the Secretary-Treasurer.

Section 2. Amendment by Referendum

This Constitution may be amended by a referendum of the membership. Only members of locals in good standing shall be permitted to vote on the amendment. A majority of eligible votes is required for adoption. Submitting the amendment for referendum requires the following steps:

- a. The proposed amendment shall be submitted in writing by petition of not fewer than 200 members from not fewer than ten locals, by at least 10 percent of the locals, or by locals representing at least one-third of the total membership.
- b. The Secretary-Treasurer shall, within 30 days of the receipt of the proposed amendment, transmit copies of the official ballots to all local presidents with a summary of the divergent arguments. Upon receipt of the votes, the Secretary-Treasurer shall announce the results by mail within one week of the close of the date of the referendum. The officers of the various locals shall be responsible for the integrity of the ballots. Voting shall be by secret election. Should the number of ballots cast within any

local exceed the number of members for which a local pays a per capita tax, the ayes and noes shall be reduced proportionately. All locals shall be notified regardless of standing.

- c. The balloting must take place within sixty (60) days following the date on which the Secretary-Treasurer sends the amendment to the locals.
- d. 1) The Secretary-Treasurer shall hand over the unopened ballots for counting to a three-member ballot committee appointed by the President and confirmed by the Executive Council.
2) The committee, upon completion of the count, shall report to the Secretary-Treasurer, the President and the Executive Council the results of the balloting. The Secretary-Treasurer shall notify in writing the presidents of all locals within one week of the results of the election.
- e. No referendum vote shall be held within eight weeks prior to the convention.

Section 3. Amendment by Vote of Locals

This Constitution may be amended by a two-thirds vote cast by locals in good standing. The proposed amendment must be submitted by the State Council. The Secretary-Treasurer shall transmit the ballots to the locals within 30 days from the date of the approval of the State Council as follows:

- a. Each local shall be entitled to the same number of votes to which it is entitled under the terms of the By-Laws, Article I, Section 7. A majority of eligible votes must be cast by the locals in order for there to be a valid election.
- b. The vote must be cast within sixty (60) days from the date on which the Secretary-Treasurer transmits the amendment to the locals and the Constitution may not be amended by vote of locals within eight weeks prior to the Convention.
- c. The vote may be taken by any policy-making body for each local; however, the president and secretary of each local shall attest to the manner of voting and shall submit the election results to the Secretary-Treasurer.
- d. The Secretary-Treasurer shall transmit copies of the official ballot indicating the number of votes to which the local is entitled, with a summary of the divergent arguments, to the presidents of all locals in good standing.
- e. Every local shall be notified of the results of the vote and shall be given the arguments relating to the matter.
- f. Such amendments shall take effect once the Executive Council certifies that the correct procedures have been followed.

By-Laws

ARTICLE I: Conventions

Section 1. Annual Meetings

A state convention shall be held each calendar year at a time and place to be designated by the Executive Council. A convention call must be issued to all locals at least sixty (60) days prior to the date of the convention, specifying the program of the convention, the time of preliminary committee meetings, and the time the delegates are expected to arrive. In case the President fails to call said meeting within the time specified, the State Council shall have the power to call the Convention.

Section 2. Councils of Locals

a. Locals with fewer than 100 members each, but in the aggregate fewer than 300 members, from a contiguous geographic area, may form councils of locals for the general purpose of electing a common delegate to the Convention and/or State Council. Locals which form such a council under this section:

- 1. shall adopt a common resolution to establish the council in a regular meeting of such local no later than two months prior to the convention;
 - 2. shall nominate at the same meeting of each local a member or members for the council's delegate(s);
 - 3. shall elect at a meeting of each such local or by mail ballot, agreed to by the council and in conformity with federal law. The delegates and alternates shall be elected no later than two months prior to the Convention by a common secret ballot listing all nominees and their local numbers. The nominees receiving the highest number of votes totaled among all locals in the council will be the delegates and the next highest, the alternates. The number of delegates and alternates to Convention will be determined by Section 8 and be based on the aggregate membership of the council;
 - 4. shall forward properly signed credentials from each local in the council for the duly elected delegate(s) and alternate(s), in time to reach the CFT office no later than two weeks prior to the Convention. The Executive Council shall approve procedures consistent with the requirements of this section for the election of the council delegates. The Secretary-Treasurer shall forward such procedures to all locals reporting fewer than 100 members in per capita five months prior to the Convention. No local participating in the council shall have any other delegate seated in the Convention. The voting strength of the council's delegate(s) shall be based on the aggregate of the membership in the locals which credential the council's delegate(s).
- b. The Executive Council is authorized to recognize a council of locals organized for the convenience of doing business with one

employer common to all of the council's locals for the purpose of electing delegates to the Convention. Nomination procedures shall be established by such council to permit all such locals to nominate from their respective memberships at least thirty days in advance of the election, which shall be conducted by mail ballot in conformance with federal law. No other delegates shall be seated in the Convention from any individual local of the council unless the local has notified the CFT office one month prior to the Convention that it is not participating in such council for the purposes of electing delegates to the Convention. The voting strength of such council shall be based upon the aggregate membership of all such locals, which individually credential all delegates common to the council.

Section 3. Members at Large

- a. Members-at-large may nominate and elect delegates to convention by mail ballot in conformity with federal law. The delegates and alternates shall be elected no later than two months prior to the Convention by a secret mail ballot listing all nominees and their school districts. The nominees receiving the highest number of votes totaled will be considered delegates and the next highest, the alternates. The number of delegates and alternates to convention will be determined by Section 8 and be based on the aggregate membership of the members-at-large.
- b. A member-at-large delegate or alternate to Convention must be in good standing with the CFT.

Section 4. Ex-Officio Delegates

Voting members of the Executive Council who are not delegates from their locals shall be ex-officio delegates at the convention and shall each have one vote.

Section 5. Credentials

- a. The Secretary-Treasurer shall send a notice to locals in arrears one month before the Convention.
- b. The President shall cause suitable credential forms to be prepared and sent to each local. The President shall appoint a Credentials Committee of five; one member must be the Secretary-Treasurer.
- c. Locals must have delegates and alternates registered with the Secretary-Treasurer two weeks in advance of the Convention. Any exceptions shall be referred to the Credentials Committee. To be seated, delegates must be from locals in good standing and present credentials signed by the proper authorities of the local no later than noon of the second day of the Convention.

Section 6. Delegates

A credentialed delegate must be a member from a local in good standing. The delegate must be elected by secret ballot and in accordance with federal law. At the time of credentialing delegates, a local may certify alternates to serve in the place of its delegates

who may be absent from the Convention. Alternates must meet the same membership requirements as delegates.

Section 7. Delegate Allocation

- a. One delegate to the annual convention may be elected by each local or council of locals as stated in Section 2 having a membership of twenty-five or fewer. For each additional twenty-five members, or fraction thereof, one additional delegate may be elected. The delegate strength to any state convention shall be based on average membership pursuant to Section 8 of this article.
- b. Each organization of retired members chartered by AFT may elect one delegate to the AFT and CFT Conventions in the manner prescribed by Section 6 of this Article and shall be entitled to one vote at the Convention.

Such delegates shall be entitled to all rights and privileges of a delegate except that such delegates shall not be entitled to nominate any candidate for Federation office or cast a vote in the election of Federation officers unless such delegates have been elected to that position by secret ballot vote.

Section 8. Determination of Average Membership

Membership shall mean the average number on which the per capita tax has been paid for the first twelve months of the fourteen-month period immediately preceding the month in which the Convention meets, provided:

- a. that no local in arrears for two months at the time of Convention shall be entitled to representation;
- b. that, in the case of locals which have been chartered during the one year preceding the Convention, the average shall be computed on the basis of the number of months of affiliation, the minimum for such computation to be two months.

Section 9. Roll Call Voting Strength

On all roll call votes in the annual convention, each local represented shall be entitled to a number of votes equal to the average membership as defined in Section 8 of this Article.

Section 10. Distribution of Votes

The votes of a local shall be distributed as evenly as possible among the delegates present at the time of the voting, but votes shall not be fractioned. All additional votes shall be assigned by lot or by an objective formula which has been previously reported to the Secretary-Treasurer, with no delegate getting more than one of the additional votes. In the election of CFT officers and of delegates to organizations with which the CFT is affiliated, all voting shall be by roll call vote except when the election is by unanimous consent, and each local represented shall be entitled to the average membership as defined in Section 8 of this Article.

Section 11. Roll Call Vote (Resolutions and Constitutional Amendments)

A motion calling for a roll call vote shall require a 25% vote for adoption. No debate, amendment, or other motion affecting the question on which the roll call vote was ordered may be made after a roll call has been ordered. The presiding officer of the Credentials Committee shall call the roll of locals entitled to vote. The Secretary shall record each vote as cast and may appoint other tellers to assist in recording and tabulating the votes. Every local shall be entitled to a number of votes equal to the average membership as defined in Section 8 of this Article. Any local, in order to cast its votes, must have a delegate or alternate present on the Convention floor. The ranking delegate shall report the vote of the local to the presiding officer of the Credentials Committee when called upon. After a roll call has been taken, the presiding officer shall call for the next item on the agenda, action on the pending motion being automatically postponed pending the tabulation of the vote. The results of the roll call vote shall be tabulated by the committee on credentials and reported to the Convention immediately upon completion of the tabulation according to the following procedure:

- a. The total vote shall be read;
- b. If any delegate challenges the vote of his/her local, the roll of delegates from that local shall be read, and each delegate shall rise as his/her name is called, announce his/her vote and state the number of votes he/she is casting;
- c. The report on the roll call vote shall then be revised to agree with the oral vote just taken;
- d. If any ten delegates request it, the vote by locals shall be posted;
- e. No adjournment shall take place until the results of the roll call vote have been announced.

Section 12. Nominations and Election Procedures

- a. Nominations: Nominations of CFT officers and delegates to the American Federation of Teachers convention and to the California Labor Federation convention shall be by an "announcement of candidacy form" signed by the candidate for office and presented to the Secretary-Treasurer not later than the time and date specified in the Convention rules for nominations and elections. The names of all announced candidates shall be read to the Convention. Nominations may be made from the floor. All floor nominees must immediately complete the "announcement of candidacy form." Nominations shall be declared closed by the presiding officer after asking for nominations from the floor three times for each office. An opportunity shall be given for any person nominated to decline.
- b. Speeches: Each candidate for president may have ten minutes for his/her campaign speech. Each candidate for Secretary-Treasurer may have five minutes for his/her campaign speech. Each candidate for Vice President or other office may have two minutes for a campaign speech. For the purpose of speeches each candidate shall be recognized in alphabetical order. Each

candidate may designate an alternate speaker. Except when the election is by unanimous consent, the election shall be by roll call vote in accordance with the following procedures:

- 1) Balloting for the election of officers and delegates shall take place under supervision of the Elections Committee. No other official business shall be conducted during balloting. Only delegates who are officially seated may vote in the election.
- 2) The ballots shall be distributed to the ranking delegate of each delegation under the direction of the chair of the Elections Committee. (These ballots shall be prepared under the supervision of the Elections Committee). The ranking delegate shall equally distribute the votes among delegates representing themselves. No delegate shall have more than one vote more than each of the other delegates.
- 3) Each delegate voting shall enter on the ballot the number of the local, the delegate's printed full name, the number of votes to be cast, the actual vote, and shall sign the ballot.
- 4) Ballots shall be deposited in the ballot boxes not later than one hour following the opening of the polls. Ballots may be deposited by the ranking delegate or delegates may elect to deposit their own ballots.
- 5) After the polls have closed, the Elections Committee shall supervise the counting of the ballots. The tally sheet shall be certified as accurate and retained by an independent body designated by the Elections Committee. The chair of the Elections Committee shall report the results of the election to the Convention.
- 6) The independent body shall retain all ballots for two years. At the end of two years the Elections Committee shall destroy the ballots. A local may submit a resolution from the Executive Board to the President requesting a copy of all ballots cast by delegates of the local.

Section 13. Alternates

When a delegate leaves the Convention, his/her place in the Convention may be taken by an alternate, if any has been certified by the Credentials Committee as duly elected by the local and in the order as elected. No other transfer or substitution of voting rights is allowed.

Section 14. Quorum

Delegates representing a majority of all votes eligible to an annual convention shall constitute a quorum.

Section 15. Convention Resolutions

- a. Resolutions for the Convention may be introduced by locals, by the State Council, by the Executive Council, by CFT standing committees, by councils, or by convention committees. No resolution may be introduced later than six weeks prior to the opening of the Convention except by two-thirds vote of the Conven-

tion. Any resolution submitted by a local shall bear the signature of two elected officers of the local, certifying that the resolution was approved for submission to the Convention by the Executive Board or the membership of the local.

- b. Any resolution passed by the convention requesting a donation of money by CFT to other organizations or causes shall only serve as a recommendation to the Executive Council. The Executive Council will review the available funds and determine the exact amount to be donated.

Section 16. Convention Committees

- a. Convention committee chairs and the members of the Constitution Committee shall be appointed by the President with the approval of the Executive Council. In appointing members of other convention committees the President shall give consideration to the expressed choices of delegates as indicated on their committee choice cards which are included with the Convention call. However, the President shall not be bound by the choice cards, but shall give equal weight and consideration to service on standing committees and to the proper balancing of committees. Members of CFT standing committees who are delegates shall be appointed to the corresponding convention committees in order to coordinate the work of the Convention committees and the CFT standing committees. Changes in assignments of delegates to committees shall be made only by the President or upon application. Such application shall include a written statement of the reason for desiring the change. No change shall be made after noon on the first full day of the Convention.
- b. A delegate interested in a specific problem or resolution shall have the opportunity to present his/her viewpoint to the appropriate committee at a time designated by the committee chairperson.
- c. Reports of convention committees shall be received at the time designated in the printed program or as designated by the Convention. Reports shall be made in the order assigned by the chairperson of the Convention Committee and the President.
- d. Debate in committees may be limited by a two-thirds vote of the committee.

ARTICLE II: Finance

Section 1. Per Capitas

- a. Effective September 1, 2010, the per capitass for active members and non-member fee payers of the CFT will be:
 - 1) Regular rate members and regular rate agency fee non-members earning \$26,000 or more: \$446.31 (12 monthly payments of \$37.19).
 - 2) Temporary employee members or temporary agency fee non-members or short-term employee members or short-term agency fee non-members earning \$2,600 or more per

month: \$44.63 per month employed, to a yearly maximum of \$446.31.

- 3) Non-bargaining agent members and members-at-large: AFT/CLF per capita tax plus 40% of CFT full-time per capita tax.
- 4) Any Special Assessments described in Article II, Section 5 are added to the per capita rates described in Section 1.

b. Classes of Membership

- 1) Locals may establish a class of members which shall consist of members who receive less than the lowest range and salary step of full-time teachers paid by their employer or whose salary is less than \$26,000, whichever salary is higher. Such locals may pay per capita tax for those individuals at one half (1/2) the regular rate. Locals with temporary employee members or temporary agency fee non-members or short-term members or short-term agency fee non-members may establish a class of members who receive less than one-tenth of the lowest range and salary step of full-time teachers paid by their employer or salary is \$2,600 per month whichever is higher. Such locals may pay per capita tax for those individuals at one-half (1/2) of the rate in a(2), to a yearly maximum of \$223.16.
- 2) Each local shall pay on behalf of members and agency fee non-members who receive less than \$18,000 per year (or \$1,800 per month for temporary or short-term employees) at one-fourth (1/4) the rate in a(2), to a yearly maximum of \$111.58.
- 3) Each local shall pay on behalf of members and non-member fee payers who receive less than \$12,000 per year (or \$1,200 per month for temporary or short-term employees) at one-eighth (1/8) the rate in a(2) to a yearly maximum of \$55.79.
- 4) Non-bargaining agent member and members-at-large dues shall be 40% of CFT per capitass as described in Article II, Section 1a and shall increase by the same amount as the AFT and California Labor Federation per capitass. The Executive Council shall determine dues for those members-at-large who pay agency fee to another organization. Provisions in Article II, Section 1b, 1), 2), and 3) of the By-Laws shall apply to non-bargaining agent members and members-at-large.
- 5) Laid-off employees or employees on unpaid leave: Such locals may pay per capita tax for such members at the rate of \$1 per month.
- 6) Newly organized locals, and units within locals, shall pay \$5 per member per month employed from the representation certification date until their first contract is ratified.

- c. Back per capitass will be paid at the per capita rate in effect when the debt is incurred.

- d. Fifty cents (\$.50) or proportional share of each unit member's monthly per capita and fifty cents (\$.50) or proportional share paid monthly for any persons in the bargaining unit on whose behalf agency fees are paid on a twelve month basis shall be placed in the CFT Legal Defense Fund. The CFT Legal Defense Fund shall be maintained as a revolving fund under the direction of the CFT Executive Council.
- e. Two dollars and fifty cents (\$2.50) or proportional share of each member's monthly per capita on a twelve-month basis shall be placed in the CFT COPE fund. The political fund shall be maintained as a revolving fund under the direction of the CFT COPE Executive Council. This fund shall be used for contributions to candidates for state or local office and/or for ballot propositions. Salaries and benefit costs for the employees of the CFT Political Department and other expenses related to political activities may also be paid from the CFT COPE fund. In order to increase CFT COPE funding, the state Convention may increase per capitas by a flat amount in excess of the percentage amount required to be voted on as a result of the calculation in Section 2.
- f. Twenty cents (\$.20) or proportional share of each unit member's monthly per capita on a twelve-month basis shall be placed in the CFT Raoul Teilhet Scholarship Fund.
- g. Ten cents (\$.10) or proportional share of each unit member's monthly per capita and ten cents (\$.10) or proportional share paid monthly for any persons in the bargaining unit on whose behalf agency fees are paid shall be placed in the CFT Militancy Fund. The CFT Militancy Fund shall be maintained as a revolving fund under the direction of the CFT Executive Council. The Militancy Fund shall be used to help and defend persons who have been targeted or retaliation by employers as a result of their CFT union activities and other similar purposes as determined by Executive Council.

Section 2. Per Capita Calculations

The per capitas for active members of the California Federation of Teachers will be adjusted each year with the approval of the state convention by a percentage amount not to exceed the statewide percentage change in average salaries of all bargaining units. The annual percentage change in the per capitas will be calculated as follows:

- 1) First, the lowest salary step for full-time beginning employees will be added to the highest salary step for full-time employees, the highest step being one without a doctorate and without anniversary increments.
- 2) Second, the sum of these two salaries will then be divided by two, providing the average salary. These averages will be calculated for all districts having exclusive representatives affiliated with CFT. The salary schedules used will be those effective on December 1 of the current year.
- 3) The percentage change in average salary from December 1 of a current school year to December 1 of the next year will be calculated and applied to the regular rates above.

- 4) The Executive Council of the CFT will certify each year that the appropriate procedures have been used to calculate the CFT per capitas to be effective September 1 of that calendar year and make a recommendation to the state Convention.

Section 3. Per Capita Reports

a. Due Dates and Exceptions

- 1) Locals shall fill out and forward to the Secretary-Treasurer, on or before the 15th day of each month, a report for all members in good standing and agency fee payers in the local on the last day of the prior month, together with all per capita taxes due to the California Federation of Teachers. This monthly report shall be made on the forms furnished for that purpose.
- 2) Exceptions to the due date may be granted to a local or council of locals by a majority vote of the CFT Executive Council after receipt of a written request that justifies such an exception.

b. Alternate Method for Locals Representing Day-to-Day Employees

- 1) Locals or councils of locals may fill out on or before the 15th of January, and on or before the 15th of July, an estimate for the total number of days to be worked by day-to-day employees (such as substitute teachers) in the succeeding six-month period, and the aggregate number of full-time equivalent positions that represents in the appropriate dues category based on yearly pay for a day-to-day employee working 180 days a year. The local shall pay per capita taxes based on the estimated number of days to be worked during the time period divided by 180 in the dues category based on the expected annual pay of a day-to-day employee working 180 days in a year. The local shall subtract from such payment any assessments automatically remitted to CFT through AFT in the estimate period.
- 2) At the date of the succeeding estimate period, the local or council of locals shall submit a report of the actual number of days worked by day-to-day employees in the preceding period and either submit an additional amount of per capita tax to CFT based on underestimation, or subtract the over-estimated amount from the following six-month estimated per capita tax.

Section 4. Per Capita Delinquency

- a. Unless a different due date has been approved by the Executive Council, a local's monthly per capita tax is due on or before the 15th day following that month except as specified in Sections 3.a. and 3.b. above. When a local is two months in arrears, its president and treasurer shall be notified by the CFT Secretary-Treasurer. For example, January per capitas not received by April 15th will be considered two months in arrears.
- b. When a local is three months in arrears, it shall be considered in bad standing and lose voting privileges. A local in bad standing

shall be ineligible to participate in the CFT Legal Defense grant and COPE programs. The members of a local in bad standing will lose eligibility for participation in the CFT scholarship program. When a local is three months in arrears, its Executive Council shall be notified by the CFT Secretary-Treasurer by certified mail. For example, January per capita not received by May 15th will be considered three months in arrears.

- c. A local that is more than three months in arrears shall pay interest on all monies owed in excess of three months' per capita. The rate of interest shall be at the rate then paid or payable for borrowed funds by the CFT, unless the Executive Council by a two-thirds vote shall decide to waive the interest provision where there is substantial justification.
- d. When a local is four months in arrears, it shall be suspended and may be reinstated by a vote of the Executive Council upon payment of back per capita and interest. A local that the Executive Council refuses to reinstate shall have the right to appeal to the next State Council or Convention. When a local is four months in arrears, its members shall be notified by the CFT Secretary Treasurer. For example, January per capita not received by June 15th will be considered four months in arrears.

Section 5. Special Assessments

Special Assessments may be levied by two-thirds vote at the state Convention or by the Executive Council. All provisions of Article II, Section 4 shall apply to special assessments.

- a. Effective July 1, 2010, and ending June 30, 2013, one dollar (\$1.00) or proportional share of each unit member's monthly per capita on a twelve-month basis shall be separately assessed and directly placed into the CFT general fund.
- b. Effective September 1, 2010, two dollars (\$2.00) or proportional share of each unit member's monthly per capita on a twelve-month basis shall be separately assessed and directly placed into the CFT COPE fund. Proceeds from this assessment shall be designated as the "Fund for California's Future" and shall be maintained as a revolving fund under the direction of the CFT COPE Executive Council. This assessment will continue until rescinded by a two-thirds vote at the Convention or by the Executive Council.

Section 6. Staff Funding Program

- a. The purpose of the CFT Staff Funding Program is to reimburse those locals that have paid for professional staff in order to minimize the use of CFT field representatives for negotiations, grievances, or other locally specific services. All other general CFT services such as training, publications, member database management, research, communications assistance, legal defense grants, governmental relations, etc. are available to all CFT locals.
- b. Upon application to the CFT, on or before September 1 preceding the CFT budget year for which the staff funding program is to

commence, any local or council of locals that directly employs and compensates or pays out of local funds for reassigned time for one or more professional staff persons shall receive, after payment of monthly per capita, a payment for staff funding assistance from the CFT equal to the following formula:

- 1) Unit size 1000 or fewer: Locals and councils of locals with a total unit or units of 1000 or fewer shall receive a staff funding program from the CFT equal to seventy percent (70%) of the first \$18.34 of the per capita paid to the CFT by the local or council of locals on a monthly basis.
- 2) Unit size above 1000: Locals and councils of locals with a total unit or units of above 1000 shall receive a staff funding program from the CFT equal to sixty percent (60%) of the first \$18.34 of the per capita paid to the CFT by the local or council of locals on a monthly basis.
- 3) All locals and councils of locals that have non-certificated employees in their unit or are a unit of classified employees and that qualify for the CFT Staff Funding Program, shall receive staff funding from the CFT equal to seventy percent (70%) of the first \$18.34 of the per capita paid for non-certificated employees of the unit.

- c. Effective upon adoption of this provision, the base on the Staff Funding Program shall be automatically adjusted on September 1 of each year by the percentage increase in per capita as set forth in Section 2 of this article unless the base is adjusted by a different amount by a vote of the convention. Convention action to limit the base of the staff funding program cannot be taken in successive years.
- d. Locals and councils of locals that employ part-time professional staff persons shall receive corresponding percentages of the staff funding formula specified in Article II, Section 6b 1), 2), and 3) of the By-Laws on a monthly basis. The staff funding formula per capita base specified in this section shall not include the CFT Legal Defense Fund or the COPE contributions (Article II, Section 1, d and e, By-Laws).
- e. Locals and councils of locals staff working on employer paid release time shall not be covered by the provisions of Article II, Section 6b, 1), 2), and 3) of the By-Laws.
- f. Conditions of Employment of Formula-funded Staff

- 1) Professional staff who are directly employed or for whom reassigned time is purchased by the local would generally be expected to perform some of the following services provided by a CFT Field Representative with some assistance from the field representative as needed including but not limited to:
 - a. Designing and running internal membership drives and agency fee campaigns.
 - b. Designing basic flyers and writing basic campaign literature.

- c. Designing and conducting contract surveys.
- d. Writing contract language.
- e. Negotiating collective bargaining contracts using traditional and non-traditional formats and models.
- f. Analyzing budgets (with some assistance from the CFT Research Department).
- g. Filing grievances and unfair labor practice charges, representing members at hearings, with assistance from legal counsel, as necessary.
- h. Assisting in get-out-the vote and related political activities.
- i. Assisting locals in compliance with national and state affiliate constitutional obligations.
- j. Troubleshooting, brainstorming and assisting the local in day-to-day activities
- k. Advising the local on grievances, arbitrations, negotiations, budgets and concerted activities.
- l. Conducting training sessions for the local members.

2) The salary rate of any professional staff person provided for in this section shall not be less than the minimum compensation of the full-time employees he/she represents. The salary rate of any professional staff person representing only part-time employees shall not be less than the minimum compensation of the employees he/she represents. The professional staff person shall receive step increases comparable to and on the same timeline as those employees the staff person represents. Locals shall also provide salary column and step advancement to professional staff persons for job-related experience and training.

3) The contributions of the local toward employee benefits and other conditions of employment for directly employed professional staff persons shall be at least comparable to those of the full-time employees he/she represents. The contributions of the local toward employee benefits and other conditions of employment for any directly employed professional staff person representing only part-time employees shall be at least comparable to the employees he/she represents. When any professional staff person is hired on a less than full-time basis, he/she will receive the pro-rata salary and benefits of the corresponding full-time position.

4) The conditions of employment of the professional staff person shall be put to writing in the form of a mutually agreeable contract. The CFT and CFT locals shall seek to provide formula-funded professional staff a group benefits program that includes medical, dental, vision, long-term disability, and retirement benefits.

g. The Executive Council may recognize a council of locals consisting of locals from a contiguous geographical area, organized for the convenience of participating in the staff funding program. The establishment of these councils shall not affect the autonomy of each local, and each local may send its own delegates to convention and state councils. Locals that receive staff funding

assistance should participate in CFT meetings and events to the extent they are financially able. These events include the CFT Convention, the CFT Leadership Conference and State Council and jurisdiction-appropriate Division Council meetings.

- h. As a condition of funding,
 - 1) a local shall implement the pass-through of AFT and CFT per capita increases or have a dues system based on a percentage of salary and notify the CFT of such implementation or system as part of the annual application process,
 - 2) formula funded staff shall participate in training programs and work up to five (5) days, at the request of the CFT, to assist the CFT, other locals or organizing committees.
- i. The Executive Council shall establish rules and regulations for the implementation of this section.

Section 7. Travel Reimbursement for State Council

- a. The CFT shall fund the expenses of one delegate per local at the CFT State Council meetings as provided for in the annual budget. The purpose of establishing this fund is to encourage the participation of more locals in the State Council, especially the participation of smaller locals.
- b. The CFT Executive Council shall establish rules and regulations for implementing this section.
- c. Upon application, eligible locals who are in good standing and eligible to vote at the State Council will receive reimbursement of appropriate expenses according to the following guidelines:

| Size of Local | Percent Reimbursement |
|---------------|-----------------------|
| 1000 or more | 50 percent |
| 600-999 | 70 percent |
| 300-599 | 80 percent |
| 100-299 | 90 percent |
| Below 100 | 100 percent |

- d. Upon request, bargaining agent locals without agency fee shall be reimbursed at the next higher level of reimbursement.

ARTICLE III: Rules

The rules contained in Robert's Rules of Order, newly revised, shall govern this Federation in all cases to which they are applicable and in which they are not inconsistent with rules regularly adopted by the Federation.

ARTICLE IV: Procedures for Amending

The procedures for amending the By-Laws shall be the same as the procedures for amending the Constitution except that only a majority vote is needed to amend.