

**Adult School Teachers
United
ASTU**

**Constitution
&
Bylaws**

Ratified March 11, 2018
Amended January 23, 2021

Adult School Teachers United (ASTU)

Constitution and Bylaws

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Preamble of Adult School Teachers United

Adult School Teachers United recognizes that all adults have a right to a good public education, and that all adult school teachers have a right to defend and expand their rights as workers. A strong and adequately funded public education system is necessary if adults are to have access to a good education and adult school teachers are to have good wages and working conditions. Accordingly, the concerns of ASTU as a union extend to state, national, and global affairs that affect adult school teachers and their students. ASTU will, when appropriate, adopt political positions and employ a wide variety of methods of struggle to preserve public education, increase funding for public education, and promote the welfare of adult school students and teachers.



Constitution of Adult School Teachers United (ASTU)

Article I: NAME OF ORGANIZATION

The name of this organization shall be Adult School Teachers United (ASTU).

Article II: PURPOSE

Section 1.

To bring the teachers of the West Contra Costa Adult Education (WCCAE) in the West Contra Costa Unified School District (WCCUSD) into relations of mutual assistance and cooperation.

Section 2.

To raise the standards of education by advancing the economic and professional interests of its members.

Section 3.

To promote the cooperation of all groups striving for the welfare of Adult Education (AE).

Section 4.

To initiate and support legislation that will benefit the students and teachers of WCCAE.

Section 5.

To use collective bargaining for the AE teachers of WCCAE and to improve the education of the students and the working conditions of the teachers.

Section 6.

To promote and support educational innovation that furthers high and rigorous standards.

Article III: MEMBERSHIP

Section 1.

Full membership shall be open to any teacher of WCCAE, to retired members of the bargaining unit, to members of the bargaining unit on leave of absence, and to such other WCCAE employees the Executive Board may decide upon, but not to WCCAE or WCCUSD management members.

Section 2.

All members in good standing and employed in WCCAE or on approved leave at the time of a given election may vote or hold office. All members in good standing are eligible to receive services from the Union.

Section 3.

ASTU members who enter management or supervisory roles within WCCAE or WCCUSD may not maintain membership in ASTU.

Section 4.

Membership in ASTU cannot be denied on the basis of race, sex, age, color, religion, national origin, ancestry, disability, sexual orientation, marital status, gender identification, socio-economic status, political affiliation, or life style.

Article IV: CONSTITUTIONAL OFFICERS AND EXECUTIVE BOARD

Section 1.

There shall be four (4) Constitutional Officers, a President, a Vice President, a Secretary, and a Treasurer. They shall be elected by the Membership for two-year (2-year) terms. They shall take office at the June General Membership meeting.

Section 2. Adult Education Program (AEP) Representatives reflecting the configuration of WCCAE educational programs:

- English as a Second Language (ESL),
- General Education Development (GED)/Adult Basic Education (ABE)/High School Diploma,
- Older Adult/Adult with Disabilities/Parent Education,
- Career Tech Education (CTE),
- Community-Interest Classes

shall be elected by and from the teachers of each Adult Education Program. AEP Representatives shall be elected for a two-year term.

Section 3.

Each Adult Education Program shall elect one (1) AEP Representative for each fifteen (15) members, or a fraction thereof that it has on May 1. The composition may change over time depending on the number of members in each Adult Education Program. The AEP Representatives shall serve a two-year term from July 1 the first year through June 30 the second year.

Article V: ASTU EMPLOYEES

Section 1.

Employees of ASTU shall be recommended by the President, subject to approval by the Executive Board.

Section 2.

Employees shall be hired under written contract and when possible shall be members of the union under whose jurisdiction they come.

Article VI: ELECTIONS

Section 1.

An election committee, consisting of from three (3) to five (5) members, shall be drawn up by the President and the AEP Representatives and be presented to the Executive Board for approval at the March meeting. None of the members of the committee shall be a candidate for office in any in-person ballot counting which they conduct.

Section 2.

A ballot shall be sent fourteen (14) calendar days from the close of the nominations to all Union members in good standing. The period of balloting will close ten (10) calendar days after the ballots have been sent out.

Section 3.

- a. The mail-in ballots shall be sent out by U.S. mail, opened and counted at a specific time and place, and each candidate shall be entitled to a representative to observe the counting. The committee shall be responsible for verifying that each ballot counted comes from a qualified voter. To enable such verification, the name of the voter, the signature of the voter, and the voter's site shall be on the outside of the envelope. The committee shall make sure that all ballots are counted at least twice by different committee members and that the tally sheets are signed by the counters. The ballots shall be counted in such a manner that the identity of each voter remains secret.
- b. Elections may also be held via an online voting platform that ensures a secure and secret election.

Section 4.

Candidates receiving a simple majority of the ballots cast for their office shall be declared elected by the election committee.

Section 5.

Write-in candidates must receive the votes of a least 25% of those voting in the election who are eligible to vote for that particular office.

Section 6.

Ballots for a run-off election, if necessary, shall be sent within three (3) working days after ballots have been counted. The two (2) candidates who receive the most votes shall appear on the run-off ballot. The period of balloting will close ten (10) calendar days after the ballots have been mailed out for a run-off.

Section 7.

Officers and AEP Representatives shall be elected by secret ballot during the month of May, two weeks after the nominations.

Section 8.

The list of ASTU members eligible to vote for the office for which a candidate is running shall be given to each candidate who requests it within three (3) working days of the close of nominations.

Section 9.

Only members in good standing seven (7) calendar days prior to the distribution of the ballots, shall be eligible to receive and have their ballots counted.

Section 10.

Members who require a replacement ballot may obtain one from their AEP Representative, or in the case of online voting, from the Elections Committee.

Section 11.

Each candidate shall be entitled to have a statement of not more than 200 words included in the official ballot mailing. Such statements must be submitted to the ASTU Secretary no later than two (2) calendar days prior to mailing.

Section 12.

All ballots, tally sheets, envelopes, and invalid ballots will be stored by ASTU for one (1) year after the elections. Any ASTU member can obtain access to the documentation upon request to the Secretary.

Article VII: REFERENDA**Section 1.**

Proposed actions, bylaws, or policies, including amendments to the Constitution and Bylaws, and action or policies of a General Membership meeting shall be submitted to a referendum vote when the provisions of the following section (Article VII, Section 2) have been met.

Section 2.

Referenda may be proposed by:

- a. Executive Board (simple majority vote)
- b. A simple majority vote at a General Membership meeting at which a quorum is present.
- c. A written petition signed by fifteen (15) percent of the members in good standing.

Section 3.

No referendum vote shall be held whose termination date is during a school vacation.

Section 4.

The following actions may not be submitted to a referendum vote:

- a. Action concerning the censure, recall, and expulsion of officers.
- b. The power to interpret and enforce the Constitution and to determine policy consistent with the Constitution, subject to approval at the next General Membership meeting.
- c. The power to appoint committees.

- d. The time and place for the meetings of the Executive Board, and the expenses involved therein.
- e. The power to fill vacancies on the Executive Board.

Section 5.

Referenda shall pass if they have a simple majority of the vote cast, except for Constitutional or Bylaw amendments, which must receive two-thirds (2/3) of the votes cast. Referenda shall be conducted by mail-in ballot or online ballot after a two-week discussion period. The two weeks shall begin the day after a vote by the Executive Board calling a referendum; the day after a vote at a General Membership meeting calling a referendum; or the day after a referendum petition is turned in by fifteen percent (15%) of the membership calling a referendum. When the two weeks has expired, members shall have five (5) days within which to cast their ballots.

Section 6.

After receipt of the order for a referendum, it shall be the duty of the President to transmit the question to be voted on to all members within ten (10) calendar days from its receipt. Accompanying the ballot shall be a pro and con argument of not more than 250 words.

Section 7.

The closing date of the referendum shall be two (2) weeks after ballots are sent out. The ballots shall be counted by the President or his/her designee, and each side shall be entitled to a count observer. If online voting is utilized, the count will be done securely and secretly by an online voting platform.

Section 8.

The President shall notify the Membership of the results of the referendum within ten (10) calendar days.

Article VIII: AMENDMENTS

Section 1.

This Constitution or the Bylaws may be amended by procedures as provided in Article VII, Sections 1 and 2.

Section 2.

This Constitution may be amended by two-thirds (2/3) of the votes cast in a mail-in or online ballot. The vote will be preceded by a two-month discussion period following timelines outlined in Article VII, Section 5 above. When the two months has expired, members will have five (5) days within which to cast their ballots.

Article IX: FILLING OF VACANCIES

Section 1.

In the event the Presidency becomes vacant, the Vice President shall assume the Presidency.

Section 2.

In the event of a vacancy in any other office, including the office of AEP Representative, the Executive Board shall, by a simple majority vote at a meeting at which a quorum is present, appoint an interim officer. At the next General Membership meeting at which a quorum is present, the Membership shall decide whether the appointment should remain or whether a special election shall be held to elect an officer to fill the vacant office.

Article X: CENSURE, RECALL, AND EXPULSION

Section 1.

Upon written petition of fifteen (15) percent of the members of ASTU requesting censure or recall or expulsion of an officer, or any member, on any of the following grounds:

- a. Misappropriation of funds
- b. Misconduct in office
- c. Anti-Union activity
- d. Abuse of other members
- e. Failure to function in his/her office

The Grievance Committee shall convene and hear charges and defenses, and then shall report, in writing, on their recommendations to the General Membership.

Section 2.

At its next meeting, the General Membership shall consider the report of the Grievance Committee and shall, by a two-thirds (2/3) majority, confirm or reject the report of the Grievance Committee. A quorum must be present when this vote is taken. An officer, if recalled, shall immediately be removed from office and the office declared vacant. A member, if expelled, shall be immediately dropped from membership.

[End of Constitution]

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BYLAWS of Adult School Teachers United (ASTU)

Article I: FINANCES

Section 1. For teachers who teach seven (7) hours per week or more, dues shall be set at 1% of all compensation received by a member each month, including salary wages, hourly wages, daily wages, and stipends. Dues for teacher who teach less than seven (7) hours per week shall be ten dollars (\$10.00) per year.

Section 2. Should a lack of sufficient salary raise in any given school year result in an insufficient dues revenue increase to fully cover ASTU expenses, ASTU shall increase the dues to equal any increase in expenses so that the Union can remain financially solvent.

Section 3. Dues shall be paid monthly in such a manner as approved by the Executive Board.

Section 4.

Teachers who retire from WCCAE shall pay a one-time assessment of fifty dollars (\$50.00) for a Lifetime Retiree membership. All Lifetime Retiree members who teach part-time as a daily substitute teacher shall be exempt from paying dues on daily substitute wages.

Section 5.

- a. Normal operating expenditures within the budget shall be subject to approval by the Executive Board and shall be paid by the Treasurer.
- b. All contributions and donations of ASTU funds shall be approved by the Executive Board, or a General Membership meeting. Contributions of over fifty dollars (\$50.00) shall require a two-thirds (2/3) vote of the Executive Board.
- c. Special expenditures connected with ASTU interests and affairs shall require the approval of a two-thirds (2/3) vote of the Executive Board.
- d. Significant special expenditures connected with ASTU interests and affairs as determined by a simple majority of the Executive Board shall require the approval of a two-thirds (2/3) vote of those voting within a General Membership election.

Section 6.

An oversight Financial Committee, consisting of five (5) members, two (2) of whom are not officers, shall be appointed by the Executive Board. The Financial Committee shall review annually the financial records and make a report to the Membership of its findings.

Article II: MEETINGS & QUORUMS

Section 1.

General Membership meetings shall be determined by the Executive Board, but there shall be no fewer than eight (8) meetings per year.

Section 2.

Special General Membership meetings shall be called by the President, the Executive Board, or by petition of fifteen (15) percent of the ASTU Membership. This may include meetings for those teachers whose normal WCCAE (or WCCUSD) schedules prevent them from attending General Membership meetings.

Section 3.

A quorum at General Membership meetings shall consist of fifteen percent (15%), rounded, of the General Membership, or fifteen (15) members, whichever is less. At any meeting at which a strike vote is taken, the quorum shall be eighty-five percent (85%) of the membership. [See also Bylaws Article X, Section 2.]

Section 4.

A quorum at Executive Board meetings shall consist of six (6) Executive Board members.

Section 5.

Executive Board meetings shall be called by the President, or by a simple majority of the Executive Board, but there shall be no fewer than nine (9) meetings per year. Regularly scheduled Executive Board meetings or non-special General Membership meetings shall only be canceled by a simple majority vote of the elected officers of the Union.

Section 6.

Any WCCAE or WCCUSD employee may be admitted to a general or special meeting, but only ASTU members shall have a right to be recognized and to vote. The chairperson shall have the right to recognize any person in attendance.

Section 7.

By a simple majority of members present, any person who is not an ASTU member may be excluded from attendance at that meeting.

Section 8.

Written notification must be sent in advance to the Membership before motions dealing with any of the following matters may be voted on: strikes, strike support, dues, assessment, and any resolution which would decrease or mitigate contractual or legal rights.

Section 9.

When voting takes place at General Membership meetings or Executive Board meetings, only members who are present for all or part of any debate or discussion over the matter being voted on are eligible to vote.

Article III. OFFICERS' DUTIES

Section 1. The President

- a. Shall preside over all meetings at which s/he is present.
- b. Shall serve as the representative of ASTU or shall appoint any member to serve in this capacity on an interim basis, subject to approval at the next Executive Board meeting.
- c. Shall have the right to call Executive Board meetings and special meetings of the General Membership.
- d. Shall have the right to express the policies of ASTU on all matters pertaining to education at any public or private meeting.
- e. Shall have the right to determine methods of implementing ASTU policies and goals, with the approval of the Executive Board.
- f. Shall ensure that the contract proposals are prepared on time, and that negotiations are carried out.
- g. Shall supervise the Treasurer in preparing the Annual Budget.
- h. Shall serve as the head of the Negotiating Team.
- i. Shall be responsible for, and manage, the Union office.

Section 2. The Vice President

- a. Shall assume the duties of the President when that officer is unable to full them.
- b. Shall serve as co-chairperson of all temporary committees.
- c. Shall be responsible for making certain that an AEP Representative is elected for each Adult Education Program.

Section 3. The Secretary

- a. Shall record and preserve accurate minutes at all meetings.
- b. Shall preserve all documents of ASTU and keep a record of the location where the documents are stored.
- c. Shall maintain a record of all ASTU policies.

Section 4. The Treasurer

- a. Shall monitor all funds and supervise all disbursements, and the keeping of accurate accounting of all transactions.
- b. Shall present a financial report at meetings, showing the annual budget, receipts, and expenditures to date, and the budget balance.
- c. Shall participate with the President in the preparation of an annual operating budget to be presented for adoption to the first (1st) Executive Board meeting of the year.
- d. Shall periodically review the budget and shall present budget modifications to the Membership for adoption.

Section 5. The AEP Representatives

- a. Shall serve as members of the Executive Board.
- b. Shall distribute all materials for ASTU to members in the Adult Education Programs.
- c. Shall serve as principal spokesperson for ASTU within his/her program.
- d. Shall have the right to call and preside over meetings of ASTU members within his/her program.
- e. Shall act as liaison between his/her program and the Executive Board.
- f. Shall fulfill the duties and responsibilities identified in the ASTU Adult Education Program Representative job description approved by the Executive Board.

Article IV: THE EXECUTIVE BOARD

Section 1. Executive Board Membership

The voting members shall be the elected officers, the chairperson of the Grievance Committee, and the AEP Representatives. The constitutional officers invite other members to serve on the Executive Board in an advisory capacity.

Section 2. Executive Board Duties

- a. Shall determine election procedures not otherwise specified in the Constitution and Bylaws.
- b. Shall develop a calendar of regular General Membership meetings for the school year and distribute to each member by the regular October General Membership meeting.
- c. Shall approve the methods and procedures introduced by the President in carrying out the policies and goals of ASTU.
- d. Shall appoint a parliamentarian, subject to approval by the Executive Board.
- e. Shall have the right to determine policies in accordance with ASTU goals subject to approval of the General Membership.
- f. Shall develop a regular meeting schedule for the school year and distribute to each Union member by the regular October General Membership meeting. Shall determine the time, place, and duration of its own meetings by approval of a simple majority.
- g. Shall bring before the Membership for a special ratification vote all Memoranda of Understanding (MOUs) on proposed contractual changes between the ASTU Executive Board and the District.
- h. Shall make a formal recommendation to the Membership on all contract ratification votes: approval, disapproval, or neutral.
- i. Shall appoint all committee chairpersons and members, subject to the approval of the Executive Board.
- j. Shall dissolve all committees upon approval of the simple majority of the General Membership present at a general or special meeting.

Section 3.

All members of the Executive Board shall be informed in writing two (2) weeks in advance of a regularly scheduled meeting of any proposed major policy change(s).

Article V: THE COMMITTEES

The following committees shall be known as standing committees:

- a. Grievance
- b. Negotiations

Section 1.

The Grievance Committee shall consist of the appointed chairperson, the Vice President, and at least three (3) other members agreed upon by the President, Vice President, and chairperson. They shall be responsible for representing members of the bargaining unit on grievances, making

recommendations as to disposition of grievances to the Executive Board, and hearing cases under the Bylaws Section XI—Grievance Appeal Procedure.

Section 2.

The Negotiating Team(s) shall be nominated by the Executive Board and ratified by General Membership. The Negotiating Team(s) shall prepare and present to bargaining unit(s) a proposed negotiations package for approval, shall negotiate the implementation of the package, shall report to the Membership on all negotiations, and shall submit the tentative contract to the bargaining unit for ratification. No aspect of negotiations shall be kept confidential from ASTU Membership.

Article VI: THE GENERAL MEMBERSHIP

The General Membership

- a. Shall be sovereign in all matters of policy,
- b. Shall have the right to initiate (and pass) motions, resolutions, laws, and bylaws governing ASTU.
- c. Shall have the right to observe all bargaining negotiations.

Article VII: AMENDMENT PROCEDURES

Bylaws may be removed, amended, added according to procedures listed in the Constitution, Article VII—Referenda, and in the Bylaws, Article XII—Referenda Procedures.

Article VIII: PARLIAMENTARY AUTHORITY

In questions of procedures, parliamentary authority shall be based on “Robert’s Rules of Order,” except when they are in contradiction to the Constitution or Bylaws of ASTU, or where additional rules are adopted by the Membership, or by those present at a meeting.

Article IX: CONSTITUTION

Section 1.

The Constitution shall be made available to each Union member.

Section 2.

New members, upon joining ASTU, shall receive a copy of the Constitution.

Article X: STRIKES

Section 1.

A strike vote will be taken at a General Membership meeting. In addition to the eighty-five percent (85%) quorum requirement (Bylaws, Article II, Section 3) for a strike to be called, eighty-five percent (85%) rounded of those present must vote in the affirmative. The vote will be taken immediately after the conclusion of discussion. Only those present can vote.

Section 2.

Contract ratifications, or ratification of any Memoranda of Understanding (MOUs), or waivers shall be done at a General Membership meeting, either in-person or online.

- a. Members must be in attendance at the meeting to vote except as provided in Section 2b. No ballots shall be issued nor vote taken until after a full and complete discussion at the meeting. Voting shall be held immediately after conclusion of debate and consideration of any relevant motions.
- b. Absentee ballots for members who cannot attend a meeting will be issued only under extraordinary circumstances, and on a case-by-case basis; such ballot to be issued only by majority vote of the Executive Board.
- c. Ratification of a contract, an MOU, or contract waivers requires a simple majority vote.

Section 3.

When the Membership votes to go on strike, any ASTU member who does not abide by this vote by going to work, or by calling in sick, will be subject to a fine equivalent to one (1) day's pay for each day the member "scabs." In addition, the member will lose his/her membership in ASTU for a specified period of time, which will be extended until the fine is paid.

Section 4.

A three (3) person Hearing Board shall be appointed by the President, subject to approval by the Executive Board. The member may appeal the decision of the Executive Board to the General Membership meeting, which has the final authority in these matters.

Section 5.

Any member who is charged with scabbing must be sent the charges in writing within two (2) weeks of the settlement of the strike and has the right to appear before the Hearing Board and make a presentation, which may include, but is not necessarily limited to, testimony by other individuals, written statements, and oral statements. The hearing must take place no sooner than seven (7) calendar days, and no more than fourteen (14) calendar days after written charges are sent.

Article XI: GRIEVANCE APPEAL PROCEDURE

Section 1.

The Union will handle any legitimate grievance of any member of ASTU, as far as the School Board level of the grievance procedure. In determining the legitimacy of a grievance, the Grievance Committee will take into consideration the advice of ASTU legal counsel when it is provided.

Section 2.

The decision as to whether to continue with a grievance beyond the School Board level shall be made as follows:

The grievant shall make a request within two weeks of a School Board decision on the grievance to the chairperson of the Grievance Committee. The Grievance Committee chairperson shall convene the Grievance Committee forthwith, and the Committee shall render a decision unless the Committee decides to refer the decision to the Executive Board. The Executive Board shall have the authority to decide that a grievance should be processed beyond the School Board level. It may not make such a decision if there is a substantial probability of losing the grievance. Any decision must take into account the opinion(s) of appropriate legal counsel. The decision rendered by the Executive Board shall be followed by the Union, unless the grievant decides to drop the grievance and the Union's attorney recommends that the Union drop the grievance.

Article XII: REFERENDA PROCEDURES

Section 1.

After receipt of the order for a referendum, it shall be the duty of the President to transmit the question to be voted on to all members no later than fourteen (14) calendar days after its receipt. Accompanying the ballot shall be a pro and con argument of not more than two-hundred-fifty (250) words, if any arguments have been submitted.

Section 2.

The closing date of the referendum shall be fourteen (14) calendar days after the ballot is sent out. The Executive Board shall be in charge of counting the ballots, and each side shall be entitled to a count observer.

Section 3.

The President shall notify the Membership of the result of the referendum within four (4) working days.

[End of Bylaws]

Ratified March 11, 2018
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