

# Constitution & Bylaws for North Carolina Retired School Personnel

*A Division of the North Carolina Association of Educators*

*Adopted by the NCRSP Representative Assembly on March 22, 2006*

## **Article I: Name and Organization**

The name of this organization shall be the North Carolina Retired School Personnel, NCRSP, a Division of the North Carolina Association of Educators, hereinafter referred to as the Division.

The Division shall be composed of District and Local Units as defined by the Division's Executive Board. Districts are subsidiary units of the Division and are fully subject to the governing bodies of the Division. Local Units are chartered units of the Division, and their continued relationship with the division requires their compliance with the charter issued by the Executive Board of the Division. Upon the request of a Local Unit, a Local Unit's assignment to a District may be changed only with the concurrence of the District boards of both of the affected Districts, as ratified by a majority vote of the Executive Board.

The constitution and bylaws of each District and Local Unit shall contain no provision which is contrary to that of the Constitution and Bylaws of the Division. In the event that the Executive Board of the Division determines by majority vote that a provision of the constitution or bylaws of a District or Local Unit does contradict the Constitution & Bylaws of the Division, that provision of the District or Local Unit constitution or bylaws in question shall be considered to be invalid, and the governing board of the affected District or Local Unit shall take the necessary steps per its prescribed amendment process to remove that provision from the affected document or to revise that provision to make it compliant with the Constitution & Bylaws of the Division.

## **Article II: Mission & Purposes**

### ***Section 1: Mission of the Division and Its Units***

The mission of the Division is to be the premier statewide association for all retired education personnel, acting collectively to enhance retirement and health care benefits and to serve the community and its educational needs.

### ***Section 2: Purposes of the Division***

The purposes of the Division shall be:

1. To promote the social, economic, and professional status of retired school personnel.
2. To support the NCAE and the NEA in programs to advance the quality of education and promote the welfare of members.

3. To act on behalf of retired school personnel on problems involving their health, welfare, interests, and other needs.
4. To lobby the State General Assembly on legislation related to the State Retirement System and the State Health Plan.
5. To encourage members to actively influence state and federal legislators on legislation that impacts the quality of retirement living for members of the Division and other retirees.
6. To cooperate with the National Retired Teachers Association (NRTA) a division of the American Association of Retired Persons (AARP) and other organizations of retired persons with common goals in promoting programs of mutual concern.
7. To encourage every member to find some avenue of serving others.

## ***Section 2: Purposes of the Districts***

The purpose of each District shall be to:

1. Promote and assist in organizing Local Units within each school district within the District's boundaries.
2. Assist the Local Units' leadership with activities and membership growth.
3. Provide coordination between the Division and the Local Units for activities that support the work of the Division.

## ***Section 2: Purposes of the Local Units***

The purpose of each Local Unit shall be to recruit new members, retain current members, and work through and within the district organization to achieve the goals of the Division.

# **Article III: Membership and Dues**

## ***Section 1: Membership Qualifications***

Any current or former resident of North Carolina who meets the following qualifications is eligible for membership in the Division:

1. Was employed for at least five (5) years in a position that met the qualifications for NEA "Active" membership, but (a) is no longer so employed or (b) has retired and returned to such qualifying employment as a requirement of an early retirement agreement with a local school district. Retirees who return to employment that qualifies for "Active" membership for reasons other than that stated in (b) are not qualified for membership in the Division.
2. Is either (a) at least 45 years old or (b) eligible to receive a pension from an educational employment retirement system or from Social Security.
3. Has paid the applicable life membership or annual dues to NEA-Retired (if retired since June 30, 1985), NCAE, the Division, and the applicable District and Local Unit.

## **Section 2: Membership Classes**

- A. Each member of the Division shall also be a Retired member of NEA and NCAE and a member of his designated Local Unit and its assigned District, with the following exceptions:
  - 1. Members who joined prior to July 1, 1985, and who elected at that time to not join NEA.
  - 2. Members who do not maintain any residence within North Carolina, and who elect to not join any Local Unit and District.
- B. A member who becomes incapacitated and is no longer able to renew his membership may be designated an emeritus member by his Local Unit's governing board. An emeritus member will have no official status with the Division other than to be eligible for listing in the memorials section of the Division's newsletter and for inclusion in the memorial service at the next state convention. Local Units do not need to notify the Division office of emeritus designations except by indicating the emeritus status on a memorials report. Local Units should not include emeritus members in membership counts.

## **Section 3: Dues**

- A. All Division members shall pay unified dues for membership in NEA-Retired, NCAE, the Division, and the applicable District and Local Unit, with the following exceptions:
  - 1. Members who joined prior to July 1, 1985, and who elected at that time to not join NEA, do not pay NEA dues.
  - 2. Members who do not maintain any residence within North Carolina, who elect to not join any Local Unit and District, and who pay by cash are not required to pay District and Local Unit dues.
- B. Out-of-state payroll deduction members who do not designate a Local Unit membership will pay Local Unit and District dues, but those dues will be retained by the Division.
- C. Division annual dues shall be set by the Division's Executive Board.
- D. Each District and Local Unit shall set its own dues for cash-paying members.

## **Section 4: Dues Payments**

- A. Members shall pay all applicable life membership fees and annual dues of NEA-Retired, NCAE, the Division, its Districts, and Local Units through payroll deduction or by cash payment to the Local Unit treasurer, with the exception of out-of-state members, who may elect to join directly through the Division rather than through a Local Unit.
- B. The Local Unit treasurer shall forward cash dues to the appropriate bodies.
- C. The membership year shall run concurrently with the Division's fiscal year (from July 1 through June 30).

## **Article IV: Officers, Elections, & Staff**

### ***Section 1: Elected Officers***

- A. Elected officers of the Division shall be the President, Vice-President/President-Elect, Past President, Recording Secretary, and Treasurer.
- B. Officers shall be members of the Division.
- C. Officers shall assume their duties as of July 1 following their election at the state convention. Outgoing officers shall meet with incoming officers before July to discuss and transfer records.
- D. Officers shall perform such duties as usually devolve upon each respective office.
- E. The duties of the State Treasurer shall consist of the following:
  - 1. Serve as chairman of Budget and Finance Committee.
  - 2. Advise the Executive Director on matters of business affairs.
  - 3. Receive and transmit quarterly reports and Annual Audit Report.
  - 4. Report on the financial condition of the Division to the President and Executive Board.

### ***Section 2: Election of Officers***

- A. Officers shall be elected in even numbered years for a period of two years, with the exception of the President, who automatically assumes that office after serving as President-Elect, and the Past President, who automatically assumes that office after serving as President.
- B. The President shall appoint a Nominating Committee in advance of any state convention at which officers are to be elected. The Nominating Committee shall consist of three members of the Division, with one member appointed as the Committee Chair. No Committee member shall be a current elected officer or member of the Elections Committee of the Division or a candidate for a Division office. While the Committee may generally solicit nominations for Division offices, it may not recruit specific members to be nominees. The Nominating Committee shall certify the validity of all nominations in consultation with the Executive Director and shall present a slate of qualified candidates to the Representative Assembly at the state convention of the Division. The Nominating Committee shall be dissolved once the slate of candidates has been presented.
- C. Any current member of the Division may nominate another current member as a candidate for an office or candidates for more than one office to the Nominating Committee by submitting an official nomination form. A member may not nominate himself for office. The format of the nomination form shall be determined by the Nominating Committee in consultation with the Executive Director, and shall include certification of qualification statements for both the nominator and the nominee, along with a consent-to-serve statement for the nominee. The nomination form must be signed by both the nominator and the nominee.

- D. Nomination forms must be received at the state office of the Division no later than one week prior to the start of the convention or be submitted directly to the members of the Nominating Committee prior to the official close of nominations on the first day of the convention.
- E. All nominees shall be current members of the Division and shall have paid all applicable dues for the membership year in which the election will take place prior to signing the nomination form. All nominees shall indicate their consent to serve before they are nominated by signing a consent-to-serve statement on the official nomination form.
- F. If there is more than one candidate for any office, the election shall be by secret ballot. The Elections Committee shall distribute, collect, and count the ballots. The candidate receiving the majority vote shall be declared elected. In the event of a tie between two candidates, the presiding officer shall hold runoff ballots until the tie is broken. In the event that there are three or more candidates for an office, and no candidate receives a majority vote on the first ballot, the two candidates receiving the most votes will participate in a second ballot.
- G. If there is only one candidate for an office, the election may be by voice vote.
- H. No portion of dues money collected at the local, district, state, or national levels shall be used to promote the candidacy of any individual for a Division office.
- I. No officer of the Division may use his office to endorse or show preference for a candidate running for office in the Division.
- J. If a vacancy occurs in the office of the presidency, the Vice-President/President-Elect shall succeed to that office and serve for the remainder of the current term and for the following two years.
- K. If a vacancy occurs in any office other than the office of the presidency, and if the even-year election has not yet taken place, the President shall appoint, with the approval of the majority of the Executive Board, a successor to serve until the end of the current term. This appointed officer may stand for election to this office at the next State Convention. If the even-year election has already taken place, the newly-elected officer for the vacated position shall be immediately installed and serve in that office for the remainder of the current term and for the following two years.

### ***Section 3: Election of NEA-Retired / NEA Delegates***

- A. Any current member of the Division may nominate another current member as a candidate for NEA-Retired / NEA delegate by submitting an official nomination form. A member may not nominate himself.
- B. The format of the nomination form shall be determined by the Elections Committee, and shall include a submission deadline, a certification of qualification statements for both the nominator and the nominee, a consent-to-serve statement for the nominee, and other such items as are required by the NEA. The nomination form must be signed by both the nominator and the nominee.
- C. The names, photographs, and biographical statements of all nominees for the following year's delegation shall be published in the December issue of the Division newsletter.

- D. Nominations for the following year's delegation must be received at the state office of the Division no later than one week after the editorial deadline for the December issue of the Division newsletter, as published in the official Division calendar of events.
- E. Only current Division members who are also current NEA-Retired members are eligible to vote for NEA-Retired / NEA delegates.
- F. NEA-Retired / NEA delegate election ballots shall be distributed to all eligible members in a manner prescribed by the Executive Board in the Division's official policies. This distribution shall occur in sufficient time to allow for the orderly tally of the ballots by the Local Units in advance of the submission deadline.
- G. Eligible members may vote for NEA-Retired / NEA delegates as follows:
  - 1. All ballots cast must be official ballots supplied by the Division's state office.
  - 2. All ballots cast must be filled in using an ink pen, not a pencil.
  - 3. No eligible member may cast more than one ballot.
  - 4. No member may cast a ballot on behalf of another member.
- H. Local Units shall collect and tally the ballots from their members. The Local Unit tally of ballots for the NEA-Retired / NEA delegate election shall be conducted as follows:
  - 1. The tally must be completed by two or more Local Unit members, one of whom is the Local Unit Elections Committee Chair (or equivalent position). The Local Unit President may not serve as the Elections Committee Chair.
  - 2. The tally must be documented on the official tally sheet provided by the Division's state office.
  - 3. The format of the tally sheet shall be determined by the Elections Committee in consultation with the Executive Director, and shall include a submission deadline and a certification of the election process and tally results statement.
  - 4. The certification statement on the official tally sheet must be signed by both the Local Unit President (even if the President did not participate in the tally) and by the Local Unit Elections Committee Chair (or equivalent position).
  - 5. Local Units shall submit all used ballots and the official tally sheet to the Division's state office so as to be received at the state office no later than the deadline date published in the official Division calendar of events.
- I. The Elections Committee shall conduct a final tally of the ballots using the tally sheets submitted by the Local Units. To ensure the validity of the ballot tally, the Elections Committee may:
  - 1. Conduct a recount of the ballots submitted by any Local Unit when warranted.
  - 2. Disqualify any ballot that doesn't meet the qualifications of subsection (G). Disqualified ballots must be retained with the other ballots from the Local Unit in question and marked with the reason for their disqualification.

3. Change the tally on the Local Unit's tally sheet to account for any disqualified ballots. The reason(s) for such disqualifications must be noted on the Local Unit's tally sheet.
- J. The Elections Committee Chair shall provide the President and the Executive Director with a written summary and certification of the results of the statewide tally once it has been completed.
- K. No portion of dues money collected at the local, district, state, or national levels shall be used to promote the candidacy of any individual for the NEA-Retired / NEA delegation.
- L. No officer of the Division may use his office to endorse or show preference for a candidate running for the NEA-Retired / NEA delegation.
- M. Any administrative or logistical procedures in support of the election of NEA-Retired / NEA delegates as are deemed necessary by the Executive Board may be prescribed in the Division's official policies.

#### ***Section 4: Election of District and Local Unit Officers***

- A. In order to provide continuity of leadership at all levels of the Division, Districts and Local Units shall elect their officers according to the following:
  1. District officers shall take office for a period of two years beginning July 1 in odd-numbered years.
  2. Local Unit officers shall take office for a period of two years beginning July 1 in even-numbered years.
  3. In order to allow Districts and Local Units time to adjust their governing documents and terms of office to comply with the provisions of this subsection, these provisions shall not become mandatory until two years after passage by the Representative Assembly.
- B. No portion of dues money collected at the local, district, state, or national levels shall be used to promote the candidacy of any individual for a District or Local Unit office.

#### ***Section 5: Staff***

- A. Executive Director: The Executive Director shall be hired by the Administrative Council. The Executive Director shall be responsible for administration, finance, membership, program services, and publications. The Executive Director's specific duties shall be prescribed in an appropriate Division policy manual, as adopted by the Executive Board.
- B. Any other staff position must be approved by the Executive Board. The Administrative Council may make temporary adjustments to the composition of the state office staff, but those decisions must be ratified by the Executive Board at its next regular meeting before being made permanent. All approved staff positions and their job descriptions shall be prescribed in a Division policy manual, as adopted by the Executive Board.
- C. The President, the Executive Director, and the Bookkeeper shall be properly bonded.

## **Article V: Meetings**

- A. The State Convention of the Division shall be held annually in connection with the State Convention of NCAE.
- B. District meetings shall be held annually.
- C. The Executive Board shall have at least two meetings each year, one at the time of the State Convention and one in the fall at a time and place determined by the president. Special meetings may be called by the President as needed.

## **Article VI: Representative Assembly**

### ***Section 1: Purpose***

The Representative Assembly shall be the state-wide representative body of the Division and shall have the following functions:

- A. To establish the governance structures, dues structure, and governing principles of the Division in support of the purposes of the Division as listed in Article II.
- B. To elect the officers of the Division.
- C. To receive, review, and to take action on proposed amendments to the Constitution.

### ***Section 2: Composition***

The Representative Assembly shall be composed of the following:

- A. Delegates or alternates from the Local Units shall be allocated on the basis of one for each ten members or major fraction of ten. Each unit shall be entitled to at least one delegate.
- B. The members of the Executive Board.

### ***Section 3: Election of Delegates***

- A. The number of delegates to be elected in the Local Unit shall be based on the number of paid memberships sent to state headquarters by December 1. Only those members whose dues have been paid and sent to headquarters by December 1 shall be eligible to be delegates.
- B. Delegates shall be elected annually by their Local Units and reported to the state office at least four weeks prior to the State Convention. The state office shall pass these names on to the Rules and Credentials Committee who shall have charge of registration at the convention.

### ***Section 4: Voting Rights***

Each delegate shall be entitled to one vote on each issue. There will be no proxies.

## ***Section 5: Quorum***

A quorum at any meeting of the Representative Assembly shall consist of a majority of the delegates who registered with the Rules & Credentials Committee.

## **Article VII: Executive Board**

### ***Section 1: Composition***

- A. The governing body of the Division shall be the Executive Board. The voting members of the Executive Board are the elected officers, district presidents, immediate Past President, standing committee chairs, NCRSP/AARP Coordinator, and NEA-Retired Liaison. Non-voting members of the Executive Board are the special committee chairs, Historian, and Executive Director.
- B. In the event that a person holds more than one Executive Board position, that person shall be entitled to only one vote.
- C. In the event that a standing committee is co-chaired by two members, one co-chair shall be designated by the President on the Division's Executive Board listing as the senior co-chair. If both co-chairs attend an Executive Board session, only the senior co-chair may vote. In the event that the senior co-chair does not attend, then the junior co-chair may vote.
- D. In the event a district president is unable to attend a session of the Executive Board, the district vice president may represent the District, count for quorum, and vote on behalf of the district president, so long as the district president notifies the Division President of this arrangement in writing (with authorizing signature) in advance of the session.
- E. The President may appoint the following to the Executive Board: NCRSP/AARP Coordinator, NEA-Retired Liaison, and Historian, all of whom must be current members of the Division.
- F. The President may appoint a parliamentarian to advise the President (or other presiding officer) on matters of parliamentary procedure during meetings of the Executive Board or Representative Assembly. The parliamentarian shall not serve as a member of the Executive Board.

### ***Section 2: Term and Duties of Appointed Officers***

- A. Persons in appointed positions shall normally assume their duties as of July 1 in the first year of the President's term and serve for two years; a replacement for an appointee who resigns his position during the President's term may assume his duties immediately upon appointment. Outgoing appointees shall normally meet with incoming appointees before July 31 of the same year to brief the incoming appointee regarding ongoing issues related to the position and to transfer any relevant records; in the event of a mid-term replacement, that meeting shall occur within 2 months of the change in the position.

- B. The NCRSP/AARP Coordinator shall coordinate between the Executive Board of the Division and the state AARP organization on matters of mutual interest. Specific activities in support of this responsibility shall be listed in the Division's policies.
- C. The NEA-Retired Liaison shall keep the Executive Board of the Division informed of NEA actions and plans that are of interest to the Division. Specific activities in support of this responsibility shall be listed in the Division's policies.
- D. The Historian shall be responsible for maintaining and updating the narrative history of the Division. Specific activities in support of this responsibility shall be listed in the Division's policies.

### ***Section 3: Board Meetings***

- A. All meetings shall be announced at least ten days in advance of meeting.
- B. Any member of the Division may attend a board meeting as an observer. However, if one wishes to be heard by the Board, the request must be submitted to the President.

### ***Section 4: Duties***

- A. To supervise and control the affairs of the Division both by authorizing specific actions of the officers, committee chairs, or staff of the Division and by establishing the operational policies of the Division, as documented in a policies manual.
- B. To approve a balanced budget and the annual audit of the treasurer's books.
- C. To recommend the amount of membership dues.

### ***Section 5: Quorum***

A quorum at any meeting of the Executive Board shall consist of a majority of the voting Board members, with a majority of those comprising the quorum being elected Division officers, the Past President, or district presidents. In the event that a standing committee has two appointed co-chairs and both are in attendance, they may be collectively counted as only one Executive Board member for the purpose of establishing a quorum.

## **Article VIII: Administrative Council**

### ***Section 1: Composition***

The Administrative Council shall consist of the elected state officers, and immediate Past President. The Executive Director of the NCRSP shall serve as the executive officer of the council without voting privileges.

### ***Section 2: Functions***

- A. Advise with the President.
- B. Employ the staff, set compensation, and define job descriptions.
- C. Make emergency decisions which may be necessary.
- D. Assist with convention plans.

## **Article IX: Committees**

### ***Section 1: Standing Committees***

The standing committees shall be Archives, Budget and Finance, Community Participation, Constitution & Bylaws, Elections, Informative & Protective Services, Legislative, Membership, Necrology, Policies, Publications, Retirement Planning, and Rules & Credentials, and such other committees as are deemed necessary and are approved by the Executive Board. All committees and their purposes and responsibilities shall be listed in the Division policies. The President shall appoint the number of persons as seems necessary to serve on each committee.

### ***Section 2: Committee Selection and Term of Office***

- A. The chairman of each committee shall be appointed by the incoming President and approved by the Executive Board. The term of office shall be for two years.
- B. The immediate past chairman of each committee shall serve one additional term as a member of the new committee.
- C. The President shall be a non-voting member of all committees except Elections and Nominations.
- D. All committee members shall be members of the Division.
- E. Other committee members shall be selected by the President in consultation with the appointed chairman and district presidents. Members shall represent all sections of the state when feasible.
- F. Members of the Elections Committee shall be approved by the Executive Board.
- G. Committee members shall assume their duties as of July 1 in even numbered years and serve until their successors have been appointed and assumed office.

### ***Section 3: Special Committees***

- A. Special committees may be appointed by the President as needed.
- B. The term of office of any special committee shall expire when the purpose for which it was appointed has been achieved.

### ***Section 4: Budget and Finance Committee***

- A. The duties of the Budget and Finance Committee shall be:
  - 1. Formulate an annual budget.
  - 2. Study and make recommendations for budget adjustments to the Executive Board as needed.
  - 3. Make a report of all investments annually at the spring meeting of the Executive Board and annually to the Representative Assembly.
- B. The President shall appoint a member knowledgeable in the field of finance to the Budget and Finance Committee who will advise the Executive Director concerning investments.

## **Article X: Parliamentary Authority**

*Robert's Rules of Order - Newly Revised* shall be the parliamentary authority for the Division on all procedures not covered by the Constitution and Bylaws.

## **Article XI: Amendments**

The Constitution & Bylaws may be amended at any regular meeting of the Representative Assembly by a 2/3 vote of the registered delegates. If less than 2/3 of the registered delegates are present during such a meeting, proposed amendments may be discussed or referred, but not approved.

Before being considered by the Representative Assembly, a proposed amendment shall be:

- Recommended by the Constitution & Bylaws Committee to the Executive Board, with the proposed amendments being provided to the Board's members at least two weeks prior to the start of the Board's fall meeting.
- Recommended to the Representative Assembly by the Executive Board in a vote taken by the Board at its fall meeting.
- Published in the Division's newsletter no less than 30 days prior to the start of the Representative Assembly's annual meeting.

Unless otherwise provided for in the text of the amendment, the amendment shall take effect immediately upon adoption by the Representative Assembly.