The following is the speech presented by NTA President Philip Cordella to in-service members September 4, 2007.

“We mentioned 6 months ago in our newsletter, The Pendulum, that the differences between some retired teachers and the NTA may wind up in court. Today I am announcing that 4 retired teachers have taken the NTA President, myself, and the NTA Treasurer, Angela Sartori, as representatives of your union, to court over two basic issues.

1. They believe they have the right to vote on the terms and conditions of your employment or, in other words, this green book, your contract.

2. They also believe they have the right to vote in elections for the four in-service officers - President, Vice President, Treasurer, and Secretary - the people who, with your support, run our union. These are the official elections we hold for officers, every three years.

The 4 retirees who are suing us believe our NTA Constitution supports their argument. We Disagree.

Therefore, I am reporting to you today three very important things:

First - A constitutional review committee has been meeting to clarify the language and that that committee will be making its recommendations shortly. Once announced, in the form of formal motions, the constitutional process of amending our constitution will begin. We will then be calling upon all of you to come to an informational meeting and then vote, by secret ballot, for or against the changes, at subsequent building based faculty meetings.

Second - I believe much of the underlying motive of the lawsuit is the fear of some retirees, that all of you some day, - everyone in this room - will vote to take away one of the greatest benefits we have, fully paid retiree health insurance. I am today, and I hope each of you urge each other in the future, when I am no longer your President, never, never to agree to this.

Third - What I have said today will be published in a special edition of the Pendulum, along with the exact changes and explanation. By sticking together and remaining united, our union, the Newburgh Teachers’ Association, will remain strong and effective.

Thank you and have a great year.”
Motion to the September Board of Directors and Delegate Assembly
WHEREAS: the NTA Constitution and Bylaws is a living document and subject to periodic review and revision;
BE IT RESOLVED: that the NTA Constitution and Bylaws be amended to reflect the changes as follows:

Newburgh Teachers’ Association Constitution and Bylaws

Article I - Name
The name of this organization shall be the Newburgh Teachers’ Association, hereinafter referred to as the NTA.

Article II - Objectives
This constitution is adopted for the following purposes:
1. to promote the interests of quality public education;
2. to advance the standards of the teaching profession;
3. to secure the conditions necessary for the greatest efficiency of teachers and schools;
4. to promote the general welfare of the membership;
5. to represent its membership in county, state, national and other professional organizations in which the majority group interests are concerned;
6. to promote the best interests of the public schools in our community;
7. to promote the aims and objectives of New York State United Teachers (NYSUT) and its national affiliates;
8. to support the principles of the American labor movement.

Article III - Affiliations
This organization shall be affiliated with the New York State United Teachers (NYSUT), its national affiliates, and those organizations mandated by the Delegate Assembly.

Article IV - Local (NTA)
1. The NTA shall consist of those unit members who hold collective bargaining rights in the Newburgh Enlarged City School District.
2. The NTA shall be bound by the provisions of the Constitutions of NYSUT and its national affiliates as amended.

Article V - Membership
1. The NTA shall show no discrimination toward individuals on the basis of gender, sexual orientation, age, creed, color, race, national origin, or political activities and beliefs.
2. Membership shall be obtained by the payment of dues as established by the Constitution and Bylaws of the appropriate unit or chapter.
3. There shall be the following membership categories for the NTA: full members, retired members, and members in-service. Individuals will be required to maintain membership in NYSUT and its national affiliates and with those organizations mandated by the NTA Constitution and Bylaws, and by the constitutions and bylaws of its national affiliates.
4. Only members of the teacher unit, teaching assistant’s chapter, substitute teachers’ chapter, and retired teachers’ chapter shall be eligible to be nominated and elected to an office in their respective membership category.
5. Only members of the teacher unit, teaching assistant’s chapter, substitute teachers’ chapter, and retired teachers’ chapter shall be eligible to vote in their respective membership category.
6. Only members of the teacher unit, teaching assistant’s chapter, and substitute teachers’ chapter may vote, within their unit or chapter, on the ratification of collective bargaining agreements with the District.

Article VI - Officers
1. The officers of the NTA shall be a president, a vice-president, a secretary, and a treasurer.
2. Eligibility: No member shall be eligible to hold office who has not been a member in good standing for at least two (2) years immediately preceding the final date for nominations.

Article VII - Delegate Assembly
1. The Assembly shall be composed of:
   - a. Delegates to the Delegate Assembly shall be elected for a term of one year.
   - b. Delegate elections shall take place on the first Tuesday in October on which school is in session and they shall take office the following Monday.
   - c. Alternates shall be elected on the same basis as the delegates. An alternate may act in the absence of any delegate from his/her school.
   - d. Delegates elected shall take place on the first Tuesday in October on which school is in session and they shall take office the following Monday.
   - e. Delegates elected on the basis of (1) for each 100 members of the NTA or a major fraction thereof based on the previous year’s membership in each building. Each school or building will have at least one delegate, and
e. delegates elected on the basis of (1) for each 100 members of the NTA or a major fraction thereof based on the previous year’s membership in each building. Each school or building will have at least one delegate.

Article VIII - Board of Directors
1. The Board of Directors will meet once a month at a time and place determined by the Board of Directors.
2. Composition:
   a. the officers
   b. 1 NYSUT Director elected by all NYSUT delegates
   c. 1 AFT-Director elected by all AFT combined number of delegates to our national affiliates
   d. 1 Director from NFA elected by all NFA delegates
   e. 1 Director elected by all middle level school delegates
   f. 1 Director elected by all elementary school delegates.

3. Election of Directors: Directors shall be elected within two (2) weeks after the first Delegate Assembly meeting at a special meeting called by the President.
4. Terms of Office: The term of office of a Director shall be one year.
5. Powers and Duties: The Board of Directors shall:
   a. adopt an agenda for each meeting of the Delegate Assembly;
   b. determine the time and place of the meeting of the Delegate Assembly;
   c. recommend a legislative program to the Delegate Assembly;
   d. implement policies established by the Delegate Assembly;
   e. recommend a budget and dues for approval to the Delegate Assembly;
   f. act upon expenditures which may require modification of the budget; and
g. fill all officer and director vacancies which may occur, except in the officer of the president which shall be filled by the incumbent vice-president;

h. interpret the constitution and bylaws;

i. act upon other matters expressly delegated to it by the Delegate Assembly or the General Membership;

j. authorize the secretary to cast a single ballot in the case of uncontested elections; and

k. be authorized to retain the services of an Executive Counsel or Executive Secretary at any time to act on behalf of or advise the NTA; and

l. determine procedures for a referendum, shall be determined by the Board of Directors.

**Article IX General Membership**

1. The highest level of governance in the NTA shall be a referendum by the entire membership. Positions or policies established by referendum shall not be subject to reversal or modification by an association governing body for a period of at least two (2) years.

2. A referendum shall be held by:

a. an order of a majority of the Delegate Assembly or

b. an order of a majority of the Board of Directors or

c. a petition of at least ten percent (10%) of the in-service members.

3. Matters not subject to referendum are:

a. dues of the NTA;

b. interpretations of the constitution and bylaws;

c. programs requiring a budgetary expenditure of funds;

d. employment assignment, promotion, discharge or compensation of staff; and

e. powers specifically assigned to other bodies by this Constitution.

4. Procedures for a referendum shall be determined by the Board of Directors.

**Article X - Constitutional Amendments**

1. An amendment to the constitution may be proposed by any member of the NTA.

2. In order to be considered for adoption, a proposed amendment shall be submitted in writing to the Board of Directors.

3. A proposed amendment shall be published in an official publication of the NTA at least 10 days prior to the Delegate Assembly at which it is to be considered.

4. This constitution may be amended by a two-thirds vote of the members of the Delegate Assembly present and voting followed by a two-thirds referendum vote of the General Membership.

**Article XI - Bylaw Amendments**

1. An amendment to the bylaws may be proposed by any member of the NTA.

2. In order to be considered for adoption, a proposed bylaw amendment shall be submitted in writing to the Board of Directors.

3. Following consideration by the Board of Directors, the bylaws may be amended by a majority vote of the Delegate Assembly present and voting.

4. A vote to consider a bylaw amendment shall take place at the first Delegate Assembly meeting immediately following the meeting of the Board of Directors at which the amendment was considered.

**Bylaws**

**1. Nominations and Elections**

a. The Nominations and Elections Committee for the teacher unit will be appointed pursuant to Article VI, 6, d for officer elections. The Nominations and Elections Committee for each chapter will be appointed as provided by that chapter’s Constitution and Bylaws.

b. Schools will be provided with an official NTA ballot box. The ballot box will be delivered locked and will remain locked during the election. It will be opened only in the presence of a Committee member.

The key or combination will be secured at all times by the Committee.

The election material will be delivered by the Committee to the school head delegate or his/her designee.

delegates will be elected by the Constitution and Bylaws.

Delegates will inspect the materials making sure it contains the NTA membership list for his/her school and a sufficient number of ballots for the membership.

School delegates are responsible for opening the polls at a time convenient to their school.

The secret ballot, and only members are permitted participation. The school delegates shall establish a primary and secondary system of poll supervision. The secondary system will operate in the event that the primary supervisors cannot fulfill their obligations. Poll attendants must be NTA members. At least two attendants must be on duty while the polls are open.

Proxy and absentee ballots will not be permitted. All voters must personally sign the school membership list prior to voting. All voters must vote in their own home base.

All polls will close no later than one hour after the teachers’ legal departure time.

A school delegate will deliver the ballot box to the officially designated election headquarters.

Deliveries will be made no later than two hours after the teachers’ legal departure time.

Ballot boxes will be unlocked at the election headquarters. The school delegate and a Committee member will tabulate the ballots. Ballots will be cross-referenced to the voter’s signature that appears on the membership list.

**2. Membership Categories**

There shall be the following five membership categories: teacher unit; the teaching assistants’ chapter; the substitute teachers’ chapter; the retired teachers’ chapter; and special membership. Eligibility for membership in each category shall be based upon the following:

a. **In-service membership** in the NTA shall be open to all persons, except school supervisors, assistant principals, principals, and school administrators, engaged in a professional or para-professional phase of public school work in the Newburgh Enlarged City School District.

b. **Special Membership**

   i. Special membership in the NTA shall be available to retired teachers, employees on unpaid leave, and/or legal employees previously employed in the District not currently working and who are no longer prohibited from membership.

   ii. **Student membership** in the NTA shall be available to students interested in public education.

   iii. **Honorary membership** in the NTA will be awarded to those not eligible for active membership by reason of any provisions of this Constitution and Bylaws.

   a. Membership in the teachers’ unit shall be open to all in-service persons who are employed in a position within the teacher collective bargaining unit of the Newburgh Enlarged City School District who are current in the payment of dues.

   b. Membership in the teaching assistants’ chapter shall be open to all in-service persons who are employed in a position within the teaching assistants’ collective bargaining unit of the Newburgh Enlarged City School District who are current in the payment of dues.

   c. Membership in the substitute teachers’ chapter shall be open to all in-service persons who are employed in a position within the substitute teachers’ collective bargaining unit of the Newburgh Enlarged City School District who are current in the payment of dues.

   d. Membership in the retired teachers’ chapter shall be open to all retired former members of the teacher unit of the Newburgh Enlarged City School District and who are current in the payment of dues.

   e. Special membership is persons eligible for membership under paragraphs a., b., or c. who go on an approved, unpaid leave of absence or who are excess. Special members shall maintain membership by paying a special membership fee pursuant to this Constitution and Bylaws of their chapter or unit.

**3. Duties of the President**

a. A parliamentarian who is not a member of the Delegate Assembly, appointed by the President, shall be in attendance at all sessions of the Assembly if determined by the Delegate Assembly.

b. A record of the proceedings (minutes) shall be made and shall be maintained at the office of the NTA.

c. Except as otherwise provided for in this constitution, roll-call votes on any matter before the Assembly shall require a one-third vote of the Delegates present supporting such roll-call votes.

d. A quorum for meetings of the Delegate Assembly shall consist of one third of the Assembly.

**Terms of Office**

1. Written notification of the election results, including the name of the delegate and his/her alternate sent by the incumbent head delegate, shall be in the hands of the secretary no later than Friday of the election week.

2. When an alternate acts in the absence of any delegate from his/her school, it shall be duly noted on the record.

**4. Powers and Duties**

a. Delegates will represent their respective schools, and shall have the responsibility to report back to the building members as promptly as possible on all actions taken at the Delegate Assembly meetings, and shall vote in accordance with the instructions given by members in the individual schools.

b. In case of absence, a Delegate shall be responsible for having an alternate present in his/her behalf.

c. Individual problems of a member will be reported by the delegate to either the Grievance Committee or, in case of an emergency, directly to the Delegate Assembly for consideration and appropriate action.

**5. Head Delegates**

a. shall be responsible for delegate and alternate voting and elections in his/her school;

b. shall be responsible for filing delegate and alternate election results with the NTA secretary no later than two days after the election;

c. shall be responsible for informing his/her members of action(s) taken by the NTA;

d. shall be responsible for filing monthly written reports with the president of meetings held in the school with members, delegates, and principal;

e. shall report to the president any violations of contracts and/or unprofessional conduct of the principal towards members, and other matters that directly concern the NTA and its policies and activities; and

f. shall attend the meetings of the Delegate Assembly. If two consecutive meetings of the Delegate Assembly are missed, he/she will be subject to dismissal in accordance with rules established by the Delegate Assembly unless he/she is represented by a duly elected alternate.

**6. Board of Directors**

a. A quorum for meetings of the Board of Directors shall consist of a majority of the members of the Board of Directors.

b. A record of the proceedings (minutes) shall be made and shall be maintained at the office of the NTA.

**7. General Membership**

a. A quorum for meetings of the General Membership shall consist of ten percent (10%) of the membership.

b. The fiscal year of the NTA shall begin September 1 and end August 31.

c. The NTA shall maintain all records and reports required by other affiliated organizations.

d. There shall be an annual audit of the books and the financial status of the Association.

**8. NTA Budget**

a. The NTA budget shall be adopted no later than April of each year.

b. The NTA budget shall be submitted to the Board of Directors for approval prior to the Delegate Assembly at which it is to be considered.

**9. Duties of the Secretary**

a. Be in attendance at all sessions of the Assembly if determined by the Delegate Assembly.

b. Maintain the NTA minutes;

c. Maintain a membership list.

d. Make reports on the financial status of the Association. At the end of his/her term, he/she shall deliver to the new treasurer all records and other materials of the NTA.

**10. Duties of the Treasurer**

a. Be authorized to retain the services of an Executive Counsel or Executive Secretary at any time to act upon other matters expressly delegated to it by the Delegate Assembly or the General Membership;

b. Be authorized to retain the services of an Executive Counsel or Executive Secretary at any time to act on behalf of and advise the NTA; and

**11. Annual Meeting**

a. An annual special (meeting) of the Board of Directors in June of each year for the purpose of acting upon the president’s committee proposals under Article VI, 6, d. The president shall be required to submit a spending proposal for the committees which are appointed and authorized, pursuant to Article VI, 6, d, at an annual meeting. Committees may also be established and appointed as may be determined throughout the year.

**12. Procedures**

Meetings of all duly constituted bodies of the NTA shall be governed by Robert’s Rules of Order, Newly Revised, except as otherwise provided in this constitution and bylaws.
Plain Language Summary of Changes

Constitution
Article II - Objectives
7. to promote the aims and objectives of New York State United Teachers (NYSUT) and its national affiliates;
CHANGE: “its national affiliates” replaces “AFT”.

Article III - Affiliations
This organization shall be affiliated with the New York State United Teachers (NYSUT), its national affiliates, and those organizations mandated by the Delegate Assembly.
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Article IV - Local (NTA)
2. The NTA shall be bound by the provisions of the Constitutions of NYSUT and its national affiliates as amended.
CHANGE: “its national affiliates” replaces “AFT”.

Article V - Membership
1. The NTA will show no discrimination toward individuals on the basis of gender, sexual orientation, age, creed, color, race, national origin, or political activities and beliefs.

2. Membership shall be obtained by the payment of dues as established by the Constitution and Bylaws of the appropriate unit or chapter.

3. Membership categories shall be the following: teacher unit, teaching assistants’ chapter, substitute teachers’ chapter, retired teachers’ chapter, and special members. Individuals will be required to maintain unified membership in NYSUT and its national affiliates and with those organizations mandated by the NTA Constitution and Bylaws, and by the constitutions and bylaws of NYSUT and its national affiliates.

4. Members of the teacher unit, teaching assistants’ chapter, substitute teachers’ chapter, and retired teachers’ chapter shall only be eligible to be nominated to and elected to an office in their respective membership category.

5. Members shall enjoy the right to vote and be eligible for elected office only within their respective membership category.

6. Only members of the teacher unit, teaching assistants’ chapter, and substitute teachers’ chapter may vote, within their unit or chapter, on the ratification of collective bargaining agreements with the District.

CHANGE: as per the Bylaws below, there are five membership categories. The categories reflect the names of the three chapters and the teacher unit. Article V, numbers 2. - 6. is reworded to reflect those changes. Also, in Article V, 3. the words “its national affiliates” replaces “AFT” twice.

Article VI - Officers
6. Duties of the President: The President shall:

CHANGE: The word “and” is moved down a line from the end of Article VI, 6. g. to the end of Article VI, 6. h. Also, Article VI, 6. i. is new.

Article VII - Delegate Assembly
2. Composition: The Assembly shall be composed of:

CHANGE: “its national affiliates” replaces “AFT”.

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Article VIII - Board of Directors
2. Composition:

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Article IX - Procedures for Voting

All NTA Members Are Invited To An Informational Meeting On The Constitution and Bylaws Amendments

Monday, September 24
4:15 NFA Auditorium

Procedures for Voting Will Be Announced

Newburgh Teachers’ Association

52 Pierces Road
Newburgh, New York
12550 - 3259

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Article VII - Delegate Assembly
2. Composition: The Assembly shall be composed of:

CHANGE: “its national affiliates” replaces “AFT” in Article VII, 2. c. Also, the word “and” is moved down from the end of Article VII, 2. c. to the end of Article VII, 2. d.

Article VIII - Board of Directors
2. Composition:

CHANGE: “its national affiliates” replaces “AFT” in Article VIII 2. c. In that same section, who may vote to elect the Director from our national affiliates is defined. Also, the wording in Article VIII 5. 1. is re-ordered and the word “and” at the end of Article VIII 2. j. is moved down a line to the end of Article VIII 2. k.

Bylaws
1. Nominations and Elections
a. The Nominations and Elections Committee for the teacher unit will be appointed pursuant to Article VI, 6. d for officer elections. The Nominations and Elections Committee for each chapter will be appointed as provided by that chapter’s Constitution and Bylaws.

CHANGE: 1. a. is reworded in order to clarify which rules affect which member groups regarding elections and nominations.

2. Membership Categories
There shall be the following five membership categories: teacher unit; the teaching assistants’ chapter; the substitute teachers’ chapter; the retired teachers’ chapter; and special membership. Eligibility for membership in each of each category shall be based upon the following:

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There shall be the following five membership categories: teacher unit; the teaching assistants’ chapter; the substitute teachers’ chapter; the retired teachers’ chapter; and special membership. Eligibility for membership in each of each category shall be based upon the following:

a. Membership in the teacher unit shall be open to all in-service persons who are employed in a position within the teachers’ collective bargaining unit of the Newburgh Enlarged City School District and who are current in the payment of dues.

b. Membership in the teaching assistants’ chapter shall be open to all in-service persons who are employed in a position within the teaching assistants’ collective bargaining unit of the Newburgh Enlarged City School District and who are current in the payment of dues.

c. Membership in the substitute teachers’ chapter shall be open to all in-service persons who are employed in a position within the substitute teachers’ collective bargaining unit of the Newburgh Enlarged City School District and who are current in the payment of dues.

d. Membership in the retired teachers’ chapter shall be open to all retired, former members of the teacher unit of the Newburgh Enlarged City School District and who are current in the payment of dues.

e. Special members are persons eligible for membership under paragraphs a., b., or c. who go on an approved, unpaid leave of absence or who are excessed. Special members shall maintain membership by paying a special membership fee pursuant to the constitution and bylaws of their unit or chapter.

CHANGE: There are five membership categories. The eligibility of the membership categories is defined. All members must be current in dues or membership fees to be members.

The student and honorary categories are eliminated. Special membership remains as a category and is defined in the Bylaws in 2. e.

Members will be eligible to vote and/or hold elected office within their own chapter or unit, except in those cases specifically designated in the Constitution and Bylaws.

Chapters or units with in-service members shall vote only on collective bargaining agreements between their chapter or unit and the District.