



## UTLA Chapter Chair Election Rules and Duties

### VIRTUAL CHAPTER CHAIR ELECTIONS for 2020

1. All member chapter chair email announcing the Virtual Chapter Chair Election process, the deadline of May 8<sup>th</sup>, and a link to a fillable self-nomination form. Membership will be verified by the Research Dept.
2. The week of May 11-15, an email will go out to the uncontested chapter chair candidates and school members with the link to the fillable NOCCE (Notice of Chapter Chair Election) to notify them that they are uncontested and are the new (or continuing) chapter chair.
3. If more than one self-nomination form is received, the present chapter chair will be sent an email with the instructions for having a Chapter Chair Election conducted by an Election Committee.
  - The Election Committee will be provided a list of members and the Election Rules. This volunteer committee will follow the instructions for a Survey Monkey ballot which is available for school site members for 3 days.
  - The Election Committee sends the results to the members at the school site and UTLA on the fillable NOCCE form by May 22<sup>nd</sup>.
4. For those schools with no candidates, UTLA (Board, Officers and Staff) will follow up through telephone calls, texts, and emails to leaders at the school site, sending the link for the NOCCE to interested members.
  - The first member who fills out the NOCCE, and it is received by UTLA will be the chapter chair.
  - We would like to complete this process by June 12<sup>th</sup> or earlier.
5. After the election results have been provided to the school, if someone wishes to challenge the election results an email will be sent to chair of the Constitution Election Challenge (Arlene Inouye [ainouye@utla.net](mailto:ainouye@utla.net))
  - Any active UTLA member at the site who believes that any of these election procedures has been violated, shall have 15 working days after the election results are known to send an email with this information to the Chair of the UTLA Constitution Committee, [ainouye@utla.net](mailto:ainouye@utla.net).

- However, the member must first present the challenge to the site election committee within five calendar days. If the rules were violated, the election committee should correct the errors, even if that requires starting the election process over from the beginning.
- Only those challenges that are not satisfactorily handled at the work site should be forwarded to the Constitution Committee.

### **Virtual Special Categories Election**

Election of Chapter Chairs for special categories pursuant to Article IV, Sec. 8.3 of the UTLA/LAUSD contract, and the list of itinerant groups entitled to their own Shared Decision Making councils, shall be overseen by the UTLA Constitution Committee. All interested candidates with verified membership can fill out the self-nomination link for Itinerant Chapter Chair, Co-Chair (for categories with more than 80 UTLA members) by the deadline of May 8<sup>th</sup>.

Citywide Itinerant groups with Local District sub-divisions may elect a Vice-Chair for each sub-division. The self-nominating link for Chair shall include Co-Chair and Vice-Chair (if applicable). Per the UTLA 2019-22 Contract Agreement Article IV, Sec 8.3, a) The District shall recognize a Chapter Chair for the each local district, or similar governance structure, for each of the following: School Psychologists, PSA Counselors, Psychiatric Social Workers, Nurses, Speech & Language Pathologists, Occupational & Physical Therapists, and VAPA educators. b) The District shall recognize up to six (6) Chapter Chairs for Substitutes. c) The District shall recognize one (1) Chapter Chair District-wide for each of the other itinerant employment categories. This includes: Adapted PE, Audiometrists, Deaf and Hard of Hearing, Educational Audiologists, Elementary Literacy Coaches, Non Public Schools, PH/PHH/LRE Counselors, Secondary Counselors, Visually Impaired and other bargaining units mentioned in Article 1, 1.0. d) UTLA shall annually provide written notification to the District Labor Relations Department identifying the bargaining unit members serving in itinerant and substitute Chapter Chair positions.

Members of these special categories who are assigned the majority of their workweek to one site are also eligible to be voters at that site. If they are assigned full time they are also eligible to be candidates for office at that site.

If there are no candidates for citywide itinerant groups, positions will remain open until a self-nomination form is received.

### **School Site Chapter Chair Elections- See below for further guidance**

The following are the rules for the election of UTLA Chapter Chair, Co-Chair, and Vice Chair. In accordance with the UTLA Constitution, each UTLA chapter shall hold an election of chapter

officers, including Chapter Chair, each spring, and shall notify UTLA of the results no later than May 16. If a chapter has a local constitution, which lists term of office as two years, the chapter must still submit the name of the Chapter Chair to UTLA each spring, indicating that the Chapter Chair is serving in the first or second year of the term.

Chapters with more than 80 UTLA members are also entitled to elect a Co-Chair. All Chapters may elect up to two Vice Chairs who serve as assistants to the chair and/or Co-Chair.

### **Qualifications for Office, Voting and Challenged Ballots**

To be eligible to run for office, a person shall have to have been an active member of UTLA and within the same Chapter for at least two calendar months prior to balloting.

To be eligible to vote a person shall have to have been a member of UTLA, within the same Chapter, and spend the majority of his/her work time within that Chapter, for at least two calendar months prior to balloting.

A member who spends an equal amount of time at two schools shall choose one of the schools and will be entitled to one full vote.

Local Chapter Constitutions may increase the qualifications for office after a secret ballot vote of all site members and approval by the Board of Directors.

Magnet Schools, which share a site and a principal, and wish to have a separate UTLA chapter, must hold a secret ballot vote to do so before the beginning of the nomination process for the election of the Chapter Chair at the regular site begins. The secret ballot election shall include all UTLA members of the proposed chapter. Chapters that have been separated through a vote, shall annually notify UTLA, through their Chapter Chair of their desire to remain a separate Chapter. In general, UTLA recognizes chapters based on the policy "one principal, one chapter chair, one chapter".

Any person who requests a ballot but whose name does not appear on the UTLA provided list, or whose code indicates that that person is not a full dues paying member of UTLA, or whose eligibility is challenged for any other reason, shall vote a Challenged Ballot. Said ballot shall be placed in a sealed envelope with the person's name and employee number on the outside of the envelope. The election committee shall call the UTLA Membership Department to verify the status of any individual who votes a challenged ballot. Only those ballots cast by members who are verified as eligible to vote shall be counted. No ballot shall be counted until all ballots have been verified.

### **Election Responsibilities of Current Chapter Chair**

The Chapter Chair shall appoint a three member election committee, the members of which must be UTLA members and must not be candidates for office.

If there is no current Chapter Chair at the site, the election committee shall consist of three volunteers who are UTLA members and not candidates for office. The Chapter Chair shall

request of UTLA the most current list of UTLA members at the site. If there is no Chapter Chair, a member of the election committee shall make the request.

The Chapter Chair shall give this list of members to the election committee for their use.

If a site has six or fewer UTLA members, the Chapter Chair shall appoint an election committee of at least one member. In the absence of a Chapter Chair, the entire membership shall meet and decide who shall conduct the election (preferably at least two members).

The Chapter Chair shall give a copy of these rules to the election committee and review all parts of it with them to make certain they understand their responsibilities. That ends the Chapter Chair's involvement in the process.

### **Duties of the Election Committee**

The election committee shall do the following:

- (a) Select a chairperson
- (b) Prepare a self-nominating form to be distributed to all eligible active UTLA members assigned to that site. The form shall contain all positions to be voted for. Members can self-nominate for more than one position. (Mail to those on leave with return rights). Nominations by a second party in writing or orally are not to be accepted. All nominations or withdrawals of a submitted nomination must be in writing by the nominee.
- (c) Publicize, in writing, to all members the election timeline. The timeline shall include the date and time upon which the self-nominating forms must be returned, the date, time, location of the election and the procedures for counting the ballots. The timeline shall be sufficient to allow for mailed ballots. {See (i)}
- (d) Make the polling site accessible to all eligible voters, and ensure that there is no attempt to solicit votes in any form in the immediate vicinity of the balloting area.
- (e) Verify membership status (03) of all nominated candidates.
- (f) Prepare a written ballot for contested elections, with the names of the self-nominated candidates. A candidate must win by a majority of the votes cast. (This may require a runoff between the top two vote getters). If the election is not contested, the self-nominated candidate shall be declared elected.
- (g) Prepare a sealed secret ballot box to receive voted ballots.
- (h) Indicate, on the UTLA-provided list of members, those members, who received a ballot, to insure that only one ballot is given per member and only eligible active UTLA members receive a ballot.
- (i) Permit voting for at least three assigned work days to insure ample opportunity for all members to vote. Ballots shall be kept in the sealed secret ballot box, which shall be secured each day by the chair of the election committee. If all eligible members vote in fewer days than

the number of days set aside for voting, the committee may declare the election completed and count the ballots, after notifying members of the time and location where the count will take place.

(j) Mail a ballot to the address of record of any person who maintains active UTLA membership and is regularly assigned to the site in question, but who is absent from the site during the balloting period. (maternity leave, etc.). Those members who are absent due to extended illness, must request an absentee ballot in sufficient time to be voted and received back at the site by the last day of balloting. Adult schools, with multiple sites, may conduct the voting by mail using the secret ballot double-envelope return procedure.

(k) Count the ballots at the time and place indicated in the election timeline. Any active UTLA member may witness the count. In case of a tie vote there shall be a flip of a coin.

(l) Publish the results of the election and notify UTLA immediately on the official form provided by UTLA of those results (by approximately May 16).

(m) If a candidate has self-nominated for multiple positions, including Chapter Chair, the election for Chapter Chair shall be conducted first. After a Chapter Chair election, the election committee repeats steps a - j to elect a Co-Chair Chapters with more than 80 members) or Vice Chair at any school. If the candidates for Co-chair or Vice chair are not also candidates for Chapter Chair both elections may be conducted at the same time.

(n) Secure all election materials for six months to insure their availability in case of a challenge to the election.

(o) In secondary schools - within ten working days following the completion of the Chapter Chair election, the chapter shall vote on the Chapter Chair release time as described in Article IV, Section 8.1b & c of the current contract, in order to give the site an opportunity to adjust the master schedule for the following school year.

(p) In elementary schools - the release time election, pursuant to Article IV, section 8.1 a, b & c, shall take place within ten working days after it is known which specific teachers' work load will be directly affected by the operation of the plan.

### **Election Challenge**

Any active UTLA member at the site who believes that any of these election procedures has been violated, shall have 15 working days after the election results are known to send a written challenge by US mail to the Chair of the UTLA Constitution Committee, c/ o UTLA Headquarters. Challenges may also instead be submitted via email if done so within 15 working days after the election results are known. However, the member must first present the challenge to the site election committee within five calendar days. If the rules were violated, the election committee should correct the errors, even if that requires starting the election process over from the beginning. Only those challenges that are not satisfactorily handled at the work site should be forwarded to the Constitution Committee.

As a result of any challenge to the election of a Chapter Chair, the UTLA Constitution Committee may authorize the election committee at the school site or the Board of Directors' members representing the area in which the chapter is located, to conduct a new election at the site.

### **Special Categories**

Election of Chapter Chairs for special categories pursuant to Article IV, Sec. 8.3 of the UTLA/LAUSD contract, and the list of itinerant groups entitled to their own Shared Decision Making councils, shall be overseen by the UTLA Constitution Committee. Said Committee shall notice the election and its timeline in an article in the UNITED TEACHER. A self-nominating coupon shall be included with the article. The election shall be conducted by mailed ballot. All categories with more than 80 UTLA members are entitled to elect a Co-Chair to assist the Chair in his or her duties. Citywide Itinerant groups with Local District sub-divisions may elect a Vice-Chair for each sub-division. The self-nominating coupon for Chair shall include Co-Chair and Vice-Chair (if applicable). Per the UTLA 2019-22 Contract Agreement Article IV, Sec 8.3, a) The District shall recognize a Chapter Chair for the each local district, or similar governance structure, for each of the following: School Psychologists, PSA Counselors, Psychiatric Social Workers, Nurses, Speech & Language Pathologists, Occupational & Physical Therapists, and VAPA educators. b) The District shall recognize up to six (6) Chapter Chairs for Substitutes. c) The District shall recognize one (1) Chapter Chair District-wide for each of the other itinerant employment categories. This includes: Adapted PE, Audiometrists, Deaf and Hard of Hearing, Educational Audiologists, Elementary Literacy Coaches, Non Public Schools, PH/PHH/LRE Counselors, Secondary Counselors, Visually Impaired and other bargaining units mentioned in Article 1, 1.0. d) UTLA shall annually provide written notification to the District Labor Relations Department identifying the bargaining unit members serving in itinerant and substitute Chapter Chair positions.

Members of these special categories who are assigned the majority of their workweek to one site are also eligible to be voters at that site. If they are assigned full time they are also eligible to be candidates for office at that site. (See #1 line 3 for members who spend an equal amount of time at two schools.)

### **Term of Office**

Unless otherwise indicated in the chapter's own constitution and by-laws, the term of office of Chapter Chairs shall be one school year and shall begin on July 1 or when the election is completed, if after July 1.

### **Recall**

The local chapter shall have the right to conduct a recall election of the elected Chapter Chair, Co-Chair, or Vice Chair, after a petition for cause by 40% of the chapter members (see #1 Qualifications for Office, Voting and Challenged Ballots) has been sent to the Constitution Committee and verified. The petition needs to include: Members' printed names, employee

numbers and signatures. The petition must state the reason for the recall, and be dated if a submitted petition does not contain signatures of 40% of the chapter members, any subsequent recall petition must be a new petition, with new signatures.

The recall election itself will require an affirmative vote of 50% plus one of the members voting. If the Chapter Chair, Co-Chair, or Vice Chair is recalled, a new election would then be conducted. Both elections will follow UTLA's election rules. The recall vote and the vote for a new Chapter Chair, Co-Chair, or Vice Chair may be conducted at the same time.

The Chapter Chair, Co-Chair, or Vice Chair who is the subject of the proposed recall shall have the right to challenge the sufficiency of the recall petition prior to the conducting of any recall vote. The member must exercise this right within five (5) school days of his/her receipt of the petition.

### **Duties & Responsibilities of Elected Chair and Co-Chair**

As the local legal representative of UTLA, the Chapter Chair shall be responsible for seeing to it that all UTLA business at the local site is properly conducted according to the contract, the UTLA Constitution, official UTLA policy as determined by the UTLA House of Representatives, and any site-based management plans.

The UTLA Co-Chair (large Chapters) takes over all Chapter Chair duties only when the elected Chapter Chair is absent for more than two days, or at the request of the Chapter Chair. UTLA encourages all schools to elect a Vice Chair to help the Chapter Chair and/ or Co-Chair to carry out the numerous responsibilities assigned to them. This is an elected office. We also encourage each chapter to elect other chapter officers to assist the Chair and/or Co-Chair such as Secretary, Treasurer, Social Chair, PACE Chair, etc.

### **Reserved UTLA Rights**

Inasmuch as the Chapter Chair is the local legal representative of the union, the UTLA Board of Directors retains the right to remove Chapter Chairs for cause or malfeasance in office (i.e., failure to carry out their legal duties and responsibilities as outlined in the contract, the UTLA Constitution, or any site-based management plans). If UTLA removes a Chapter Chair as outlined above, the UTLA Board of Directors' members representing the area in which the chapter is located, shall assist the chapter in the process of conducting a new election. Any chair removed from office for cause, may appeal the decision to the UTLA House of Representatives subsequent to an investigation and recommendation by the Constitution Committee.

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