

CONSTITUTIONAL AMENDMENT 1

TITLE: To add “other public employees” to the preamble to reflect our current NEA membership

Preamble

We, the members of the National Education Association of the United States, in order that the Association may serve as the national voice for education, advance the cause of public education for all individuals, promote the health and welfare of children and/or students, promote professional excellence among educators, gain recognition of the basic importance of the educator in the learning process, protect the rights of educational and other public employees and advance their interests and welfare, secure professional autonomy, promote, support and defend public employees’ right to collective bargaining, unite educational employees for effective citizenship, promote and protect human and civil rights, and obtain for its members the benefits of an independent, united education profession, do hereby adopt this Constitution.

IMPACT STATEMENT:

Delegates to the 2019 NEA Representative Assembly adopted new business item (NBI) 2019-5, which stated, “NEA shall review all existing governing documents (e.g., Policy Statements, Legislative Program, Resolutions, Constitution, and Bylaws) and where appropriate direct that these documents incorporate language that is democratically inclusive of all NEA members. Further, NEA shall use inclusive language in all future communications.” Pursuant to this NBI, NEA reviewed and updated as appropriate language in the NEA Legislative Program and Policy Statements. The Resolutions Internal Editing Committee introduced this review in March 2020 to each of its eight standing subcommittees and is scheduled to complete its update during the 2020-2021 membership year.

The Committee on Constitution, Bylaws, and Rules (CCBR), which has jurisdiction over the highest NEA governing documents, reviewed the NEA Constitution, Bylaws, and Standing Rules to identify potential amendments in accordance with NBI 2019-5. The CCBR drafted this proposed amendment for consideration by the 2021 Representative Assembly.

If adopted, the amendment would add a specific reference to other public employees to the preamble of the NEA Constitution. In so doing, it would reflect the broader scope of NEA’s current membership. Some state affiliates currently organize and represent public employees outside of the education field, including public health care and state, county, and municipal employees. These state affiliate members are NEA Active members by virtue of Article II, Section 2(a) of the NEA Constitution, which states:

Membership, as provided in the Bylaws, shall be open to persons who are... (ii) members of a state affiliate in the state affiliate’s membership category that is equivalent to the Association’s Active membership category...

and Bylaw 2-1.b, which states:

Active membership shall be open to any person ... (iv) who is a member of a state affiliate in the state affiliate’s Active (or equivalently designated) membership category...

The proposed amendment would have no impact on NEA’s membership categories and would not grant membership to anyone not currently eligible under the NEA Bylaws. It also would not impact NEA practices, as NEA often advocates for public employee rights and protections that have broader impact beyond the education profession, such as collective bargaining, pension, and health care policies.

Submitted by: Committee on Constitution, Bylaws, and Rules

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CONSTITUTIONAL AMENDMENT 2

TITLE: To codify current practice that the Association not deny membership to individuals on the basis of gender identity/ expression.

Article II. Membership

Section 2. Membership Eligibility: Provisions and Limitations.

d. The Association shall not deny membership to individuals on the basis of race, color, national origin, creed, gender, sexual orientation and gender identity/expression, age, handicap, marital status, or economic status, nor shall any organization which so denies membership be affiliated with the Association.

IMPACT STATEMENT:

Article II of the NEA Constitution sets out the eligibility requirements for membership in the Association. Section d2 specifically prohibits the Association from denying membership to any individual on the basis of race, color, national origin, creed, gender, sexual orientation, age, handicap, marital status, or economic status. If adopted, the amendment would add gender identity/expression as an additional basis on which individuals cannot be denied membership in the Association.

For the purpose of analyzing this amendment, the Committee on Constitution, Bylaws, and Rules consulted definitions set forth by the Human Rights Campaign as follows:

***Gender identity** is one's internal concept of self as male, female, a blend of both, or neither. It includes how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.*

***Gender expression** refers to the external appearance of one's gender identity, usually expressed through behavior, clothing, haircut, or voice and which may or may not conform to socially-defined behaviors and characteristics typically associated with being either masculine or feminine.*

***Sexual orientation** refers to emotional, romantic, sexual, and relational attraction to someone else, whether you're gay, lesbian, bisexual, straight, or use another word to accurately describe your identity. (HRC's Brief Guide to Getting Transgender Coverage Right, <https://www.hrc.org/resources/reporting-about-transgender-people-read-this>).*

NEA has positions on record against discrimination in any form. For example, Resolution I-46 states, "The National Education Association is committed to the elimination of discrimination based on race, gender, ethnicity, economic status, religion, disability, sexual orientation, gender identity, age, and all other forms of discrimination." Resolution I-49 states, "The National Education Association believes that organizations are strengthened by offering membership on a nondiscriminatory basis. The Association shall use the facilities of and/or participate in programs sponsored only by organizations and/or their auxiliaries that do not deny membership to certain segments of our society on a discriminatory basis when such denials are not related to the stated purposes of the organization. The Association encourages its affiliates to do the same. The Association also believes that its members now holding membership in such organizations should work actively from within for the total elimination of such exclusionary clauses."

NEA, in accordance with these belief statements, does not deny membership to any individual on the basis of gender identity/expression. If adopted, the amendment would add an explicit prohibition on this category of discrimination to the Association's highest governing document, but would make no change to NEA's current practice of non-discrimination.

Submitted by: 50 Delegates

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BYLAW AMENDMENT 1

TITLE: To allow an individual re-joining the Association as an Active member after the commencement of the membership year to pay a pro-rated portion of dues for that year.

Bylaw 2. Membership

2-7. Membership Dues

- a. ...Any person (i) who joins as an Active member ~~for the first time~~ after the commencement of the membership year, (ii) who becomes eligible for Active membership after the commencement of the membership year, or (iii) who returns to professional educational employment or to an education support professional position from a limited leave of absence after the commencement of the membership year shall be enrolled in full standing for the remainder of the membership year by paying the amount of annual dues which is commensurate with the remaining portion of the membership year.

IMPACT STATEMENT:

Bylaw 2-7 sets forth the procedures by which membership dues are set. The Bylaw currently provides for reduced pro-rata dues for the first year for any person who joins as an Active member for the first time after the commencement of the membership year. Under this provision, any such member is enrolled in full standing by paying the portion of annual dues commensurate with the remaining part of the membership year.

If adopted, the amendment would strike language limiting the pro-rata dues to persons joining the Association for the first time. Thus, individuals who leave the Association and then decide to return at any time after the commencement of the membership year would pay a pro-rata portion of dues for the remainder of the year in which they opt to rejoin the Association. A member could potentially leave the Association and return multiple times, paying a pro-rata portion of dues each time.

A number of state affiliates currently permit pro-rating dues for members who leave and then rejoin the affiliate. Some states permit dues proration for members joining after a certain date, for example, pro-rating dues for the remainder of the membership year for those who join after December 1.

The association provides legal services to members only for incidents and actions taking place while the individual is a member. Thus, even under this amendment, a member could not receive legal services for any incident that occurred during the period in which the member had left the association.

The committee on Constitution, Bylaws, and Rules understands that NEA's current dues tracking systems are equipped to handle pro-rating of dues without system changes or additional costs. Thus, the committee does not anticipate any significant administrative costs should the amendment be adopted.

Submitted by: 50 Delegates

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BYLAW AMENDMENT 2

TITLE: To set dues for Retired members who were previously Active ESP members at 60 percent of the dues for Retired members.

Bylaw 2. Membership **2-7. Membership Dues**

h. Dues of Retired members shall be established by the Board of Directors and shall be payable (i) by a retired individual who joins the Association on an annual basis or (ii) through a Retired membership-for-life program as established by the Board of Directors. The annual and membership for life dues of any Retired member who joins after the 2020-2021 membership year and who was an Active ESP member shall be sixty percent (60%) of the annual dues of Retired members as established by the Board of Directors.

IMPACT STATEMENT:

NEA Bylaw 2-7 sets out the membership dues for each category of Association membership. Currently, Bylaw 2-7(h) provides that the dues of Retired members shall be established by the NEA Board of Directors. The NEA Program and Budget Committee periodically reviews Retired Annual and Life dues levels and suggests changes as needed. The NEA Board of Directors then votes on all dues recommendations received from the Program and Budget Committee in accordance with Bylaw 2-7.

Dues of Active members engaged in professional educational employment are set at .00225 times the national average annual salary of classroom teachers in the public elementary and secondary schools plus .00055 of the national average annual salary of classroom teachers in the public elementary and secondary schools, allocated to UniServ grants. Dues of Active education support professional (ESP) members are determined in the same manner as those of Active members engaged in professional educational employment, except that the national average annual salary of school employees in education support positions is used in the formula. ESP dues cannot be less than fifty percent of the dues of Active members engaged in professional educational employment.

If adopted, the amendment would set the dues of any Retired member who was previously an Active ESP member at sixty percent of the dues of Retired members as set by the Board. The amendment would go into effect after the 2021-2022 membership year and would apply to all members in the Retired category who pay their dues on an annual basis at that time, as well as any members who join the Retired category by paying Life dues at that time. The amendment would not apply retrospectively, meaning that members who previously joined as Retired members by paying a lifetime dues amount would not be impacted by the amendment.

It is difficult to determine the impact of this amendment on NEA's revenue or budget. In 2019-2020, NEA had just over 332,000 Retired members, approximately 5,700 of whom join every year. NEA estimates that 14 percent of Retired Annual members formerly were employed in ESP positions. Retired members who join each year currently pay \$35 annually. If passed, the amendment would reduce from \$35 to \$21 the annual dues of around 800 individuals. The amendment, however, could also act as an incentive for individuals to join as Retired members. If it did so, the overall increase in Retired membership might offset the loss in individual dues paid by Retired members.

Submitted by: 50 Delegates

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