

Constitution

and

By-Laws

of

Local 5089

Health Professionals and Allied Employees

AFT/AFL-CIO

Registered Nurses

Ratified by membership of Local #5089
November 6, 2009

CONSTITUTION & BY-LAWS OF LOCAL #5089

ARTICLE I. NAME:

The name of this organization shall be the Health Professionals and Allied Employees, AFT/AFL-CIO, Local #5089.

ARTICLE II. OBJECTIVES:

The objectives of this organization shall be as follows:

- A. To provide the representation for all its members to bargain collectively with respect to wages, hours and working conditions of employment, to negotiate written agreements with employers relating thereto and to achieve benefits and working conditions at all levels commensurate with the skills and expertise required of its members.
- B. To seek recognition of the special skills, training and commitment to patient care that nursing requires and therefore to facilitate an environment that is conducive to effective nursing practice in accordance with the New Jersey Nurse Practice Act.
- C. To achieve a working environment in which the membership is satisfied that the goals of effective patient care are met while the safety of the nurse at the bedside is maintained.
- D. To maintain and improve employment standards related to members and to critically examine and evaluate all new developments relating to their professions and all legislation which may have an effect upon the membership.
- E. To enable members to speak with a common voice on matters pertaining to their professional and common interests.
- F. To engage in research and educational activities to promote a better understanding and advancement of this organization.
- G. To foster and develop harmonious relations with other labor organizations and the community to promote awareness of issues of mutual concern.
- H. To promote the health, wealth and safety of all members and to take such action as may be necessary to protect the interest of the organization and each of its members and affiliates.
- I. To engage in all lawful and incidental activities and to take such other action as shall be necessary to effectuate the aforesaid objectives of this organization.
- J. To develop an effective channel of communication between the employer and our members and maintain a communication network to adequately inform the membership of common concerns, benefits and opportunities in an efficient and timely fashion.
- K. To encourage the widest participation of members so that the Local's leadership bodies and activities adequately represent and reflect the full range and diversity of members' views, interests and concerns.

ARTICLE III. JURISDICTION

The jurisdiction of this Local #5089 is the registered professional nurses at the University of Medicine and Dentistry.

ARTICLE IV. MEMBERSHIP:

Section 1. Qualifications

- A. All registered professional nurses whose membership is not specifically prohibited by this Constitution and By-Laws of this organization shall be eligible for membership so long as they agree to abide by the Constitution and By-Laws. No person shall be denied membership on the basis of race, creed, color, sex, age, marital status, national origin or religion.
- B. All other individuals who wish membership with HP AE may apply, in writing, to the HP AE Executive council. This membership application is subject to a membership vote for acceptance.

Section 2. Dues

All members shall pay initiation fee and dues, as set by the State Federation, to the State Federation.

Section 3. Assessments

A per capita assessment, in addition to dues, may be levied upon the membership if the amount and method of payment of such assessment has been approved:

- A. By a majority vote of its members in good standing present at a regular or special meeting after a reasonable notice of the intention to vote upon such a question.
- B. By a majority vote of members in good standing in a membership referendum conducted by secret ballot.
- C. When an assessment is proposed by the Local Executive Board, or by action at a meeting of the local union, a notice shall be mailed to the members in good standing at least two (2) weeks in advance of the secret ballot vote on the issue.

Section 4. Maintenance of Membership

A member who leaves the jurisdiction of this local may resign as an active member. Arrangements may be made to maintain an inactive membership status through the State Federation.

Section 5. Termination of Membership

A member who remains in the jurisdiction of the Local and elects to resign membership shall follow the procedure set forth below:

- A.
 - (1) On an annual basis, a member may resign during the thirty (30) calendar day period next preceding the said member's anniversary of the most recent membership application. Such time period shall commence on the thirtieth (30) day preceding the anniversary date and shall terminate on the anniversary date of said membership application; or,
 - (2) In addition to provision A. (1) above, a member may resign during the first five (5) days of January each year, exclusive of holidays and weekends.
- B. All resignations must be accomplished in accordance with the procedure specified herein. Any resignation which does not follow the procedure set forth herein shall be invalid and shall have no force or effect.
 - (1) All resignations shall be in writing and shall be sent by registered mail only postmarked the dates set forth above.
 - (2) Such registered letter shall be sent to the main HPAE office and shall be addressed to the Local union's Co-Presidents.
 - (3) Such registered letter shall clearly state the intention to resign. Such statement shall be accompanied by the said member's current address, work location and assignment. Such letter shall contain the signature of the member seeking to resign. Members seeking to resign may include reasons for resignation.
 - (4) All letters of resignation shall be accompanied by an authorization revoking the deduction of dues and the intent to no longer pay membership dues. Such letter of revocation of dues deduction authorization must also be sent to the said member's employer who makes such deductions at the same time such letter is sent to the Union.
- C. Any failure to fully comply with each and every element of the above procedure shall void the resignation effort and said resignation effort shall have no force or effect.
- D. Any member who resigns pursuant to the procedure set forth above shall not from that time forward be caused to bear any financial obligation which is solely incidental to full union membership. Any required financial adjustments shall be made as soon as possible.

Section 6. Reinstatement of Membership

Reapplication for membership to this Local may be made at any time by submitting a new application which may include reasons for both resignation and reinstatement. Along with the application for membership and payment of initiation fee as set forth in Section 2 of this Article.

ARTICLE V. MEETINGS:

Section 1. Regular Membership Meetings

Regular meetings of the general membership shall be held annually and as necessary as determined by the Local Executive Board and representatives of the Local.

Section 2. Campus Membership Meetings

Regular meetings of the general membership on the Newark and New Brunswick/Piscataway campuses shall be held semiannually and as necessary as determined by the Local Executive Board and representatives of the local.

Section 3. Notice

Written notice of each meeting, regular or special shall be mailed to each member and/or posted on a HPAE bulletin board no less than three (3) days prior to the meeting.

Section 4. Open/Closed Regular or Special Meetings

Each meeting, regular or special shall be restricted to members only unless otherwise stated on written notice. Determination for an open meeting is to be made by the Local Executive Board and representatives of the Local or by written request of twenty-five (25%) percent of the membership.

Section 5. Quorum

A quorum for the transaction of business at a regular or special meeting shall be defined as follows:

- A. One-half (1/2) or more of the Local Executive Board plus a sufficient number of members so that the total number of officers and other members equals ten (10%) percent of the members in good standing.
- B. In the absence of a quorum, business may be discussed and minutes taken but no vote shall be taken on any issue.

Section 6. Local Executive Board Meetings

Regular meetings of the Local Executive Board will take place bimonthly. Additional meetings may be scheduled, as necessary, by the President.

ARTICLE VI. EXECUTIVE BOARD, OFFICERS and REPRESENTATIVES

Section 1. Executive Board

The Local Executive Board shall be the governing body of the local. It shall supervise the affairs of the local and shall have the authority to make rulings and adopt policies not covered by the Constitution and By-Laws which are consistent with the provision of the Constitution and By-Laws.

The Local Executive Board shall consist of twelve (12) members, seven (7) of whom shall be elected officers: President, three Vice Presidents for the Newark campus, Vice President for the New Brunswick, Piscataway, and Stratford/Camden campuses and other University sites, Secretary, and Treasurer. In addition, the Local Executive Board shall consist of five (5) appointed committee chairs: Grievance, Joint Nurse Staffing Advisory Council, Labor/Management, Committee on Political Education (COPE), and Health and Safety Chairs.

Section 2. President

The President shall be elected by the local's membership. It shall be the duty of the President to administer the affairs of the Local and to execute policies established by the Local.

The President shall preside at all meetings of the membership and Local Executive Board and serve as ex-officio member of all committees, and shall discharge all duties incidental to the office of President.

The President shall, subject to the approval of the Local Executive Board, appoint the Chairs of all local committees.

The President shall also serve as the "Second Vice President" on the State Executive Council of the State Federation. The President shall be a delegate to the State and National Convention.

Section 3. Vice Presidents

The four (4) Vice Presidents shall be elected by the members of their respective campus or area: Newark (three areas); and central and south campuses, and other sites.

There shall be one (1) Vice President, whose responsibility will primarily be the New Brunswick, Piscataway, and Stratford/Camden campuses, the Department of Corrections, and other University sites. They shall also serve on the Grievance Committee.

There shall be one (1) Vice President, whose responsibility will primarily be the Critical Care, Med-Surg, and ER areas of University Hospital.

There shall be one (1) Vice President, whose responsibility will primarily be the Peri-operative, and DOC SDS areas of University Hospital.

There shall be one (1) Vice President, whose responsibility will primarily be the Family Health Services and Clinic areas of University Hospital.

The Vice Presidents shall coordinate the activities of the local on their respective campus or area. Such coordination shall include meeting with unit representatives regarding issues and concerns, ensuring that there is an adequate communication and mobilization system, and participating in labor/management meetings on issues concerning members.

The Local Executive Board shall designate one of the four (4) Vice-Presidents as a “Senior Vice President.” In the absence of the President, the Senior Vice-President shall perform all the duties of the Office of the President and when so acting shall have all the powers of and be subject to all of the restrictions upon the President.

The Vice-Presidents shall be delegates to the State and National Convention.

Section 4. Treasurer

The Treasurer shall keep or cause to be kept an accurate record of all membership fees including but not limited to dues, initiation fees, assessments and shall in general perform all duties incidental to the Office of the Treasurer. The Treasurer shall be a delegate to the State and National Convention.

Section 5. Grievance Chair

The President shall appoint, subject to the approval of the Local Executive Board, a Grievance Chair. The primary responsibility of the Grievance Chair will be to coordinate grievance handling for bargaining unit members. The Grievance Chair will establish and help to train a Grievance Committee, composed of at least five (5) unit representatives. One of the Grievance Committee members shall be employed on the New Brunswick/Piscataway campus. The Grievance Chair shall serve on the State Executive Council.

Section 6. Representatives

The Local Executive Board will determine the number of unit representatives and their assignments. The role of the unit representative is to assist members with grievance handling and provide communication between the membership and the Local Executive Board.

In the event that two (2) or more members desire to be a unit representative for a unit, the Local Executive Board shall conduct an election for unit representative in the unit.

Representatives are responsible for participation at the Step One level of the Grievance Procedure.

No member who has attended less than one-third (1/3) of the regular or special meetings of the Local shall be eligible to run for elected office of the Local

Section 7. Vacancies

In the event that a vacancy occurs in any elected position due to change in status or otherwise, such vacancy shall be filled as soon as practicable in the following manner:

- A. President; a special election shall be held within 60 days of the vacancy.

- B. For vacancy of any other officer, representative, or Committee Chair, the President, subject to the approval of the Local Executive Board, shall appoint a member to fill the vacancy for the remainder of the term.

Section 8. Reimbursement for Union Business

Any officer, representative or member attending to duly authorized union business will be reimbursed for expenses incurred such as tolls, mileage and parking.

Section 9. Term of Office

Term of office shall be for two (2) years.

ARTICLE VII. COMMITTEES

Section 1. Appointment, Number and Term

The committees of the Local shall be standing or special committees. Each standing committee shall consist of no less than three (3) active members. The committee chairperson shall be appointed by the President of the Local, the committee members by the chairperson of the committee, all subject to the approval of the Local Executive Board. Each standing committee member's term shall be concurrent with the local's term of office. Each standing committee shall hold meetings as designated by the committee chairperson.

Section 2. Standing Committees

A. Labor-Management Committee

This committee shall meet once a month with management to discuss issues of mutual concern to the Local or the University. It shall adhere to the guidelines in Article 3, Sect. 3.04 of the collective bargaining agreement.

B. Joint Nurse Staffing Advisory Council

This committee shall meet with management and is responsible for monitoring and reviewing staffing minimums and targets set forth in the master staffing policies and the collective bargaining agreement. There will be three committees representing University Hospital, UBHC, and RWJ-Medical School. They will adhere to the guidelines in Article 3, Sect. 3.05 of the collective bargaining agreement.

C. Health and Safety Committee

This committee shall coordinate the Local's efforts to insure that union members work in a safe and healthy work environment.

D. Committee on Political Education (COPE)

This committee shall be responsible for following legislation and political activity that may have an impact on the Local. The committee shall participate on the State Federation's COPE committee. The committee will make recommendations to the Local Executive Board regarding the Local's participation in legislative and political

issues. The committee will coordinate community education and outreach on these issues.

Section 3. Special Committees

Special Committees may be appointed by the President with the approval of the Local Executive Board for such special tasks as warranted. Special committees shall be limited to the activities necessary to accomplish the tasks for which they were created and upon completion of such tasks, shall be discharged.

A. Committee on Negotiations

This Committee shall investigate and formulate proposals desired by the membership as a basis for entering into negotiations with the Employer. The President will chair this committee and will determine the number of committee members. The Committee will bargain in good faith as representatives of the membership. In the event a satisfactory tentative agreement between the negotiating committee of the Local and the employer is not reached, the membership of the Local may consider and authorize actions which are not in conflict with this Constitution and By-Laws.

B. Committee on Nominations and Elections

This committee will be composed of members in good standing who shall formulate all the rules and procedures for the conduct of elections. No member of this committee can also be a candidate in an election while the member is serving on the nominations committee.

C. Constitution and By-Laws Committee

This committee shall be responsible for reviewing, interpreting and evaluating the need for amendments to the Constitution and By-Laws.

ARTICLE VIII. STRIKES AND JOB ACTIONS

Section 1. Local Membership Authorization

A Local membership may authorize job actions or other concerted activity including but not limited to a strike as a means of resolving deadlocked negotiations or other disputes provided the procedures outlined in Article VIII, Section 2 have been followed.

Section 2. Voting Procedures

- A. The decision to engage in a job action or other concerted activity must be authorized by the Local membership involved through a simple majority of votes cast by secret ballot.
- B. The decision to engage in a job action or other concerted activity will be limited solely to those members who are employees of the particular institution or employer in question.

- C. Notice, by mail and by posting, shall be given to all eligible members at least three (3) days prior to the vote, if time permits.
- D. Voting will be conducted by secret ballot and, if time permits, by mail. Only those mailed ballots received at the time of the vote shall be counted with those ballots cast in person.

ARTICLE IX. RATIFICATION OF CONTRACT

The ratification of a negotiated collective bargaining Agreement will be accomplished:

- A. Upon tentative Agreement, a general membership meeting will be scheduled.
- B. By secret ballot, a majority of ballots cast in favor shall be required to ratify any tentative Agreement arrived at by the negotiations committee.

ARTICLE X. OFFENSES, DISCIPLINE AND HEARING

Section 1. Offenses

It shall be an offense against the Union:

- A. For any member to knowingly make any false statements or misrepresentations in or in connection with said member's application for membership.
- B. For any member to commit any acts which are seriously detrimental to the interests of the organization.
- C. For any member to knowingly violate or to conspire or attempt to violate the Constitution and By-Laws of the organization, any laws promulgated thereunder or any lawful order of the Executive Council of the State Federation.
- D. For any member to knowingly work for an employer against whom a strike has been called, unless supported by membership vote.
- E. For any member to interfere with the performance of legal or contractual obligations of the Union or its affiliates, or the officers thereof.
- F. For any member to commit or to conspire, incite or attempt to commit violence against any other member.

Section 2. Discipline

- A. The term "discipline" when used in this Article, shall include without limitation a fine, suspension or removal from office, disqualification to run for office, suspension or expulsion from membership.
- B. Any officer or member of the Local Executive Board found guilty of any offense may be removed from office.
- C. The penalty for any violation resulting in a wrongful loss of property to any individual or to the union may include a provision for reimbursement to the body suffering loss

Section 3. Charges

- A. Charges against a member of the Union for any violation of the provisions of this Constitution and By-Laws must be made in writing, signed by the members making such charges and presented to the Chief Executive Officer within six (6) months of the occurrence of the offense or knowledge of occurrence of the offense.
- B. In the case where charges are filed against an officer, such charges will be presented to the highest ranking officer who is not named in the charges.
- C. The officer receiving such charge will forward a copy to the member or officer cited by registered mail to the last known address of the charged party.

Section 4. Investigation and Due Process

- A. Within a thirty (30) day period of time of the mailing of the charge, a hearing will be scheduled. The hearing date shall not exceed sixty (60) days from the date of the mailing of the charges. All parties will be notified of such date, time and place by certified mail.
- B. An Investigation Committee will be formulated comprised of Local representatives, not to exceed six (6) in number, and appointed by the Executive Council of the State Federation.
- C. The charged party may challenge any member of the Investigation committee because of the interest or bias by submitting a challenge in writing to all members of the Investigation Committee and to the Executive Council of the State Federation. If any challenged member does not request to be excused, the appointing authority shall review the merits of the challenge and, where the claim of interest or bias is sustained, shall cause the member to be relieved of serving. In event a vacancy occurs because of a request to be excused or because of removal for interest or bias, such vacancy shall be filled by appointment from the Executive Council of the State Federation in accordance with this Article.
- D. Either party may choose any other member, an interested third party, or an attorney to represent said member at the hearing.
- E. If insufficient evidence is presented against the charged party, the Investigation Committee shall dismiss the charge.
- F. If the charged party does not appear, the Investigation Committee nevertheless may, if presented with evidence sustaining the charge, make a finding of guilt and impose a punishment.
- G. The Investigation Committee may postpone the hearing for good cause shown.

- H. The burden of proof is on the charging party. Decisions shall be based only upon facts presented to the Investigation Committee during the proceedings and a finding of guilt shall only require a preponderance of the evidence.
- I. A stenographer may be present if requested by either party, seven (7) days prior to the hearing. The party requesting the transcript will assume the costs and will provide a copy to be distributed to the Investigations Committee and a copy to the other parties.
- J. The Investigation Committee will determine the truth of the charges by majority vote and will announce its verdict and punishment at that time. A report will be prepared within fourteen (14) days thereafter and sent by registered mail to the parties involved.
- K. Parties not complying with a verdict and punishment within thirty (30) days of receipt of notice thereof, shall be expelled from membership. However, if an appeal has been instituted during that thirty (30) day period, punishment shall not be imposed pending determination of the appeal.
- L. Within thirty (30) days of the verdict, appeal may be instituted by notifying the Investigation Committee and other parties in writing of such by certified mail. The appealing party may submit the matter to binding arbitration and will assume all cost of such arbitration. An arbitrator shall be appointed by the American Arbitration Association. The decision of the arbitrator shall be final and binding on all parties. If the arbitrator finds on behalf of the accused individual, said individual will be reimbursed the expenses of the arbitration

ARTICLE XI. AMENDMENTS

This Constitution and By-Laws may be amended by a vote of two-thirds (2/3) of those members voting in person or by mail ballot at any regular or special meeting provided that at least two (2) weeks in advance of any proposed amendment each member has been notified in writing or such topic has been posted.

ARTICLE XII. SAVINGS CLAUSE

If any provision of this Constitution and By-Laws is found to be invalid, such invalidity shall not impair the validity and enforceability of the remaining provisions of this Constitution and By-Laws.

Ratified by membership of Local #5089
Health Professionals and Allied Employees,
AFT/AFL-CIO, November 6, 2009