

Constitution

and

By-Laws

of

LOCAL #5004

The Health Professionals and Allied Employees

AFT/AFL-CIO

Amended and ratified by membership of Local #5004
December 20, 2011

CONSTITUTION & BY-LAWS OF LOCAL #5004

ARTICLE I. NAME:

The name of this organization shall be the **Health Professionals and Allied Employees, AFT/AFL-CIO, Local #5004.**

ARTICLE II. OBJECTIVES:

The objectives of this organization shall be as follows:

- A. To provide 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 appropriate recognition of the skills and training required of its members in all specialized professional and allied occupations and to formulate and adopt such ethical practices and personnel requirements to elevate the status of all of its members.
- C. To achieve an optimal working environment through a more satisfied membership.
- 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.
- 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 other 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.

ARTICLE III. JURISDICTION

The jurisdiction of this Local 5004 is the professional and allied employees at Englewood Hospital and Medical Center and all affiliates.

ARTICLE IV. MEMBERSHIP:

Section 1. Qualifications

- A. All hospital professionals and allied employees and any other employee in the health care field 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 groups who wish membership with HPAAE may apply, in writing, to the HPAAE Executive Council. This membership application may be 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 as determined by State Constitution and By-Laws.

Section 3. Assessments

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

- A. By a majority vote of its members in good standing at a regular or special meeting after reasonable notice of the intention to vote upon such a question.
- B. By majority vote of members in good standing in a membership referendum conducted by secret ballot.
- C. When an assessment is proposed by the Executive Council, or by action at a meeting of a 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 leave 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 Union office and shall be addressed to the Local union's chairperson.
 - (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 application for membership and payment of initiation fee as set forth in Section 2 of this Article.

ARTICLE V. MEMBERSHIP MEETINGS:

Section 1. Regular Meetings

Regular meetings of the general membership shall be held Semiannually and as necessary as determined by the Local Executive Board and representatives of the Local. Notification for regular meetings shall be given no less than 14 days prior to the meeting.

Section 2. Special Meetings

A special meeting of members may be called at any time by the Executive Board and representatives of the Local or by written request of twenty-five (25%) percent of the membership. Only those items set forth in the notice of a special meeting shall be discussed and acted upon at such a meeting.

Section 3. Notice

Written notice of each meeting, regular or special shall be mailed to each member and/or posted on a HP&E 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 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 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.

ARTICLE VI. LOCAL OFFICERS AND EXECUTIVE BOARD

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 not inconsistent with the provision of the Constitution and By-Laws.

The Executive Board shall consist of the three elected officers: President, Vice-President and Secretary/Treasurer, and the six appointed committee chairs:

Grievance Committee, Labor/Management Committee, Staffing Committee Professional Development Committee, Health & Safety Committee, COPE Committee, Member Mobilization Committee

The local Executive Board shall meet monthly or as designated by the Local President. No officer or Committee Chair may assume two positions except on a temporary basis.

Section 2. OFFICERS

Each officer has the responsibility to insure that the other officers are performing their roles and duties as outlined in this Constitution.

I. President

Each Local shall elect a member who shall be designated as President who will be the principal officer of the Local. It shall be the President's duty 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 serve as ex-officio member of all committees, may appoint chairpersons of committees and shall discharge all duties incidental to the Office of President. The President is responsible for the completion of the criteria set forth by the Executive Council concerning meetings, communications and committee formation either directly or through delegation. The following Committees will report to the President: Grievance, Staffing, and Professional Development.

The President shall also serve as the Second Vice President on the Executive Council of the State Federation and shall be eligible to serve on the Executive Committee of the State Federation in accordance with the State Federation Constitution.

II. Vice President

The Vice President will perform all duties of the Office of Vice President so designated by the President. In the absence of the President the Vice President shall perform all the duties of the President and when so acting shall have all the powers of and be subject to all the restrictions upon the President.

The Vice President is responsible for conducting new hire luncheons. The Vice President is the Chair of the Labor-Management Committee. The following committee will report to the Vice President Health & Safety.

III. Secretary/Treasurer

The following committees will report to the Secretary/Treasurer, Member Mobilization and Committee on Political Education (COPE).

The Secretary/Treasurer shall supervise the maintenance and distribution of all funds of the Local in accordance to the Local's rebate policy and shall keep accurate and current records of such funds, shall work with the State Federation Treasurer in developing and implementing a budget and shall report regularly on the state of finances to the Executive Board and semiannually to the membership. The Secretary/Treasurer will assure that the Local is conforming to stipend policy and that all documentation is kept and submitted within time limits. The Secretary/Treasurer shall serve on the Budget Committee of the State Federation.

In addition the Secretary/Treasurer shall perform all duties incidental to the Office of Secretary and Treasurer including the following:

- shall keep or cause to be kept an accurate record of minutes of meetings of the local
- shall keep or cause to be kept notices of all meetings in accordance with these by-laws
- shall keep or cause to be kept all communications, (newsletters, flyers etc.) sent to the membership

Section 3. COMMITTEE CHAIRPERSONS

I. Grievance Committee Chairperson

The Local President shall appoint a member to serve as the Local Grievance Chairperson who shall be responsible for the processing of grievances in the local. The Grievance Chair will establish and train a grievance committee. The Grievance Chairperson shall serve on the Executive Council in accordance with the State Federation Constitution.

The Grievance Chairperson is responsible for presenting at the monthly Local Executive Board a Grievance Summary. The Chairperson shall review monthly grievances scheduled for arbitration and in conjunction with the local's staff representative prepare presentation of same.

II. Labor-Management Chairperson

The Local President shall appoint a member to serve as the Chairperson of the Labor-Management Committee who will establish and train a committee and set and present the local's agenda for the monthly meetings with the employer.

The Labor-Management Chairperson is responsible for presenting at the monthly Local Executive Board a summary of issues discussed and/or to be discussed at the Joint Nurse Practice Council (JNPC) and articulate the union's position.

III. Staffing Committee Chairperson

The Local President shall appoint a member to serve as the Chairperson of the Staffing Committee who will establish and train a committee and set and present the local's agenda for monthly meetings with the employer.

The Staffing Chairperson is responsible for presenting at the monthly Local Executive Board a summary of issues discussed and/or to be discussed at the Joint Nurse Practice Council (JNPC) and articulate the union's position.

IV. Professional Development Committee Chairperson

The Local President shall appoint a member to serve as the Chairperson of the Professional Issues Committee who will establish and train a committee and set and present the local's agenda for monthly meetings with the employer.

The Professional Issues Committee Chairperson is responsible for presenting at the monthly Local Executive Board a summary of issues discussed and/or to be discussed at the Joint Nurse Practice Council (JNPC) and articulate the union's position.

V. Health & Safety Committee Chairperson

The Local President shall appoint a member to serve as the Chairperson of the Health & Safety Committee who will establish and train a committee and set and present the local's agenda for monthly meetings with the employer.

The Health & Safety Chairperson is responsible for presenting at the monthly Local Executive Board a summary of issues discussed and/or to be discussed at the Joint Nurse Practice Council (JNPC) and articulate the union's position.

VI. Member Mobilization Committee Chairperson

The Local President shall appoint a member to serve as the Chairperson of Member Mobilization Committee who will establish and train a committee whose primary responsibility will be to build the local's strength through internal organizing, communication, and mobilization in cooperation with the vision of the Local Executive Board.

The Member Mobilization Committee Chairperson is responsible for presenting at the monthly Local Executive Board a summary of activities accomplished and/or to be accomplished with resulting outcomes.

VII. Committee on Political Education (COPE) Committee Chairperson

The Local President shall appoint a member to serve as the Chairperson of COPE who will establish and train a committee who is responsible for following legislation and political activity that may have an impact on the health care delivery system. The committee will participate on the State Federation's COPE committee and the local Central Trade and Labor Council. The Committee Chair will coordinate Community Outreach Activities based on the local's agenda.

The COPE Committee Chairperson is responsible for presenting at the monthly Local Executive Board recommendations to the Board regarding the Local's participation in legislative, political and community outreach activities. A summary of activities accomplished and/or to be accomplished with resulting outcomes.

Section 4. COMMUNICATORS

Communicators are the foundation of our local and the vital link between our members, the Member Mobilization Committee Chair, and the leadership. Communicators are broken into two sub-groups.

Unit Communicators function in the following capacity:

- Provide two-way communication between members, communicator captains, Member Mobilization Committee Chair and the Local Leadership
- Maintain contact information for your designated members current and providing any updates to your communicator captain
- Encouraging attendance at membership/unit meetings, distributing stickers/buttons on special "action" days for your designated unit(s).
- Remaining informed and informing the members on current situations within the union and/or the medical center

Communicator Captains are the link between the Communicators and the Chair of the Member Mobilization Committee. They function in the following capacity:

- Setting up and maintaining a phone tree of communicators for their assigned units
- Assist unit communicators in maintaining unit lists which include names, shift designation, phone numbers, e-mail address, activity participation
- Passing on information from Member Mobilization Chair to unit communicators and receive feedback

Communicator Captains and Communicators are also responsible for representing members at investigatory meetings and Step 1 of the grievance process. Assignments to be determined by the Member Mobilization Chair.

Section 5. ELIGIBILITY FOR OFFICE

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 6. VACANCIES

Communicator Captains and Communicators; to be appointed by the Member Mobilization Chair with the approval of the Local Executive Board.

Section 7. REIMBURSEMENT FOR UNION BUSINESS

Any officer, representative or member who has lost time or expended monies to attend to duly authorized union business shall be reimbursed for such according to Local and State Policy.

Section 8. TERM OF OFFICE

Term of office shall be for three (3) years.

Section 9. CONVENTION DELEGATES

Elected officers, President, Vice President and Secretary/Treasurer shall be delegates to National, and State Conventions. In a case which there is a limitation on number of delegates, the President of the Local will be the racking delegate and oversee an election to determine which remaining delegates attend.

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 two (2) 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 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. Each standing committee chairperson shall report directly to the President.

Section 2. Standing Committees

A) Grievance Committee

This committee shall hear and investigate all complaints and grievances and shall make recommendations to the local executive board. The committee has authority to investigate and activate a grievance following prescribed form in the collective bargaining agreement.

B) Labor-Management Committee

This committee shall meet with the medical center to discuss problems and/or concerns to the members and/or the medical center.

C) Staffing Committee

This committee shall meet with the medical center to discuss problems and/or concerns related to the impact of staffing factors set forth in the collective bargaining agreement, inclusive of patient acuity and make recommendations for changes in systems or staffing as needed.

D) Professional Development Committee

This committee shall meet with the medical center to discuss processes and activities that would generate professionalism, accountability, retention and improved communication skills which directly impact quality patient outcomes.

E) Health & Safety Committee

This committee shall meet with the medical center to discuss initiatives that provide health and safety to staff and patients, inclusive of staff education and ongoing monitoring of various health and safety programs and/or initiatives.

F) Committee on Political Education (COPE)

This committee shall be responsible for following legislation and political activity that may have an impact on the health care delivery system.

G) Member Mobilization Committee

This committee is responsible for providing a mechanism to inform and mobilize members for collective action.

Section 3. Special Committees

A. Committee on Negotiations –

This Committee shall investigate and formulate proposal desired by the membership as a basis for entering into negotiations with the Employer. The President will chair this committee. The President with the approval of the Local Executive Board can appoint a co-chair of this committee. The committee will be representative of the bargaining unit including varying shifts and units. The President will make the final determination as to the number of committee members.

B. 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.

C. 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.

ARTICLE VIII. STRIKES AND JOB ACTIONS

Section 1. Local Membership Authorization.

A Local membership may utilize 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 Local for any member to commit any acts which are seriously detrimental to the union including but not limited to the following:

- 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 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.
- C. For any member to knowingly work for an employer against whom a strike has been called, unless supported by membership vote.
- D. For any member to interfere with the performance of legal or contractual obligations of the Union or its affiliates, or the officers thereof.
- E. 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 or any combination of the foregoing.

B In addition, the penalty for any violation resulting in a wrongful loss of property or money to any individual or the union may include a provision for reimbursement to the body suffering the loss.

Section 3. Charges.

- A. Charges against a member of the Local 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 Local Executive Board 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. A copy of such charge shall be forwarded to the Executive Committee and President.

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. All parties will be notified of such date, time and place by mail.
- B. An Investigation Committee will be formulated comprised of Local Representatives and/or members not to exceed *five (5)* in number, and appointed by the Executive Committee 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 *Committee* 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. Any disciplinary action taken by the Local maybe appealed to the Executive Committee, in writing by certified mail within thirty (30) days of the verdict or within such time and in such manner as designated by the Executive Committee.

Section 5. Authority

A. Locals have the option to refer charges initiated at the local level to the Executive Committee for appropriate action. In addition, the Executive Committee may exercise any independent jurisdiction it may maintain under its By-laws or Rules as they concern disciplinary or membership matters.

B. Nothing contained herein shall be in conflict with the State Constitution and By-Laws.

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.

Amended and ratified by membership of Local 5004
Health Professionals and Allied Employees, AFT/AFL-CIO
December 20, 2011

