

Constitution

And

By-Laws

of

Local #5094

Health Professionals and Allied Employees

AFT/AFL-CIO

Ratified by membership of Local #5094
June 8, 2011

CONSTITUTION & BY-LAWS OF LOCAL 5094

ARTICLE I. NAME

The name of this organization shall be the Health Professionals and Allied Employees, Local #5094.

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 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.
- C. To enable members to speak with a common voice on matters pertaining to their professional and common interests.
- D. To engage in research and educational activities to promote a better understanding and advancement of this organization.
- E. To foster and develop harmonious relations with other labor organizations.
- F. 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.
- G. To seek appropriate recognition of the education and skill required of its members in all specialized professional and allied occupations and to formulate and adopt such ethical practices and personnel practices to elevate the status of all members.
- H. To develop and maintain a communication network to adequately inform the membership of common concerns, benefits, and opportunities in an efficient and timely fashion.
- I. To ensure that high standards of care and research are maintained and that opportunities for professional advancement are offered to members.
- J. To ensure equal treatment for the membership without regard to race, religion, creed, gender, color, sexual orientation, nationality, or age; and to protect the membership from discrimination in these areas.
- 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.
- L. 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.

ARTICLE III. JURISDICTION

The jurisdiction of this Local 5094 is the professional bargaining unit at the University of Medicine and Dentistry of New Jersey (UMDNJ).

ARTICLE IV. MEMBERSHIP

Section 1. Qualifications

- A. All professional staff 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, sexual orientation, age, marital status, political beliefs, national origin or religion.
- B. All other individuals who wish membership with HPAE may apply, in writing, to the HPAE 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 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 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 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 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. (I) 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 the application for membership and payment of initiation fee as set forth in Section 2 of this Article.

ARTICLE V. MEMBERSHIP MEETINGS:

Section 1. Regular Membership 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.

Section 2. Special Meetings

A special meeting of members may be called at any time by the Local Executive Board or by written request of twenty-five (25%) percent of the membership. Only these 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 for a special meeting shall be no less than three (3) days prior to the meeting. For regular meetings notification shall be given no less than 14 days prior to the meeting. Notice of the meeting shall be mailed to each member or posted on the HPAE bulletin board or the Local's website.

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 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 at least 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. Campus Membership Meetings

Meetings of the membership on each campus (Newark, New Brunswick/Piscataway, and Stratford/Camden) shall be held at least 4 times a year and as necessary as determined by the Local's officers.

ARTICLE VI. LOCAL OFFICERS AND EXECUTIVE BOARD

Section 1. Executive Board

A. Definition, Purpose and Authority

The Local Executive Board (LEB) shall consist of seven (7) elected officers and the chairpersons of six (6) of its standing and special committees for which the LEB has approved voting power within its body. It shall be the governing body of the local. The LEB 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 Local Executive Board shall be the governing body of the Local. It shall have the general supervision of the affairs and property of the Local and shall have charge of all business delegated to it by the semiannual membership meeting.

B. Meetings

Regular meetings of the Local Executive Board shall be held 6 times a year and as necessary as determined by the Local Executive Board in accordance with the LEB's Meeting Attendance Policy.

Section 2. Officers

The membership shall elect seven members to the following designated Local offices:

- (2) Co-presidents
- (2) Co-secretaries
- (1) Treasurer
- (2) Grievance Chairpersons

Section 3. Co-presidents

Two co-presidents shall be elected by the local's membership. One co-president shall work at the Newark campus of UMDNJ. The other co-president shall work at the New Brunswick/Piscataway campus or the Stratford/Camden campus of UMDNJ.

It shall be the co-presidents' duty to jointly administer the affairs of the Local and to execute policies established by the Local.

The co-president who works at the Newark campus shall coordinate the activities of the Local at the Newark campus. She or he shall preside over all Newark campus membership meetings.

The co-president who works at the New Brunswick/Piscataway campus or the Stratford/Camden campus shall coordinate the activities of the Local at the New Brunswick/Piscataway and Stratford/Camden campuses. She or he shall preside over all membership and Rep Council meetings at these campuses.

The co-presidents shall jointly represent the Local on the Executive Council of the State Federation. One of the co-presidents shall serve as the "Second Vice President" on the Executive Council while the other co-president shall serve as "Grievance Chairperson" for purposes of Local representation on the Executive Council. The co-president shall rotate these positions. For example, if the co-president who works at the Newark campus is "Second Vice-President" one year, she or he shall be the "Grievance Chairperson" during the next year.

The Co-presidents shall be delegates to the State and National Conventions.

Section 4. Co-secretaries

The Co-secretaries, one for Newark and one for Central/South, shall jointly share the responsibility to keep or cause to be kept an accurate record of minutes of the Local membership meeting and the Local Executive Board meetings. The Co-secretaries shall give or cause to be given notices of these meetings. The Co-secretaries shall also assist in coordination of the activities of the along with the Communications Committee Chairperson. The Co-secretaries shall be delegates to the State and National Conventions.

Section 5. Treasurer

The Treasurer shall be elected by the local's membership. The Treasurer shall supervise the maintenance and distribution of all funds of the Local and shall keep accurate and current records of such funds. The Treasurer shall keep all financial records on a permanent basis. The Treasurer shall work with the State Federation Treasurer in developing and implementing a budget and shall in general perform all duties incidental to the office of Treasurer. The Treasurer shall serve on the Budget Committee of the State Federation. The Treasurer shall be a delegate to the State and National Conventions.

The Treasurer shall give a quarterly report to the LEB.

The Treasurer shall give an annual financial report to the LEB for distribution to the membership.

Section 6. Grievance Chairpersons

The local's membership at each campus (Newark and Central/South) shall elect one of the Reps to be a Grievance Chairperson. The Grievance Chairperson shall, in conjunction with the Co-president, be responsible for the campus, coordinate the activities of the Reps. The Grievance Chairpersons shall monitor the progress of all grievances and assist Reps in the handling of grievances. The Grievance Chairpersons shall be delegates to the State and National Conventions.

Section 7. Eligibility for Office

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

Section 8. 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. Co-president; a special election shall be held within 60 days of the vacancy.
- B. All other officers and elected position vacancies; to be appointed at a special meeting of the Local Executive Board.

Section 9. 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 the Local's Rebate Policy and State Policy.

Section 10. Term of Office

Term of office shall be in conjunction with the State Federation Constitution and for up to two (2) years.

Section 11. Performance of Duties

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

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 chairpersons shall be appointed by the Co-presidents 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. Each standing committee chairperson shall report directly to the Co-presidents.

Section 2. Standing Committees

- A. Communications Committee

This committee shall be responsible for collecting information, soliciting articles, and helping to determine the content of the Local's website and newsletter. The committee shall coordinate their efforts with the State officer responsible for the production and distribution of Local newsletter and other member communications.

B. 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.

C. Membership Committee

This committee shall oversee the orientation of newly eligible employees. The membership committee shall coordinate the meetings with potential new members and their respective Representative, and ensure that these meetings are carried out in an appropriate and timely fashion. In addition, this committee shall maintain an updated membership list containing all necessary information about the membership.

D. Committee on Political Education (COPE)

This committee shall be responsible for following state and federal legislation, University policies, and political activity that may have an impact on the Local. The committee shall make recommendations to the Local Executive Board regarding the Local's participation in legislative and political issues. The members of this committee shall participate in the State Federation's Committee on Political Education.

Section 3. Special Committees

Special Committees may be appointed by the Co-presidents 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 Co-presidents 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 & 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.

D. IST Committee

This committee shall be responsible for handling problems with management that arise within the Information Systems Technologies (IST) Department that require special expertise in the field of information systems technologies.

E. Research Committee

This committee shall be responsible for handling problems with management that arise within the Research Department that require special expertise in the field of research.

ARTICLE VIII. UNION REPRESENTATIVES, AND LIAISONS

Section 1. Union Representatives

The membership shall elect, in specified departments or areas, Union Representatives (Reps).

The Reps will (1) handle grievances, (2) provide a means of communication between the membership and the Local Executive Board, (3) update Union bulletin boards, (4) sign up new or non-union employees into the Union, (5) recruit Liaisons from each unit of the location that the Rep covers, and (6) seek to have problems and issues reported by members in the locations they cover addressed at regular labor-management meetings, when those problems and issues are deemed sufficiently substantial.

Reps shall serve a term concurrent with the LEB's elected officers. Reappointment to the Rep position is subject to the LEB's approval.

Section 2. Union Liaisons

Union Liaisons shall help coordinate the activities of the union for the unit where they are employed, and neighboring units as needed. Liaisons shall gather and report any problems and issues for their unit to the Rep covering their area. Liaisons shall also help disseminate important information to members, and keep them apprised of the latest news and developments for the union.

ARTICLE IX. 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 X, 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
- 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 X. 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 XI. 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 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 there under 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 interfere with the performance of legal or contractual obligations of the Union or its affiliates, or the officers thereof--or to commit a crime or defalcation against the union.

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 Co-presidents.

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. 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. 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 XII. 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 XIII. 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 5094
Health Professionals and Allied Employees, AFT/AFL-CIO
Newark Campus, June 8, 2011
Piscataway Campus, June 8, 2011
New Brunswick Campus, June 8, 2011
Stratford Campus, June 8, 2011