

**Constitution**

**And**

**Bylaws**

**of**

**Local 5629**

**Health Professionals & Allied Employees**

*AFT/AFL-CIO*

Ratified by membership of Local 5629  
July 20, 2017

**LOCAL 5629  
CONSTITUTION & BYLAWS**

**ARTICLE I. NAME**

The name of this organization shall be Health Professionals and Allied Employees, Local # 5629

**ARTICLE II. OBJECTIVES**

The objectives of this organization shall be as follows:

- A. To provide representation for all our members to bargain collectively with respect to wages, hours and working conditions of employment, to negotiate written agreements with the employer relating thereto and to achieve benefits and working conditions at all levels commensurate with the skills and expertise required of its members.
- B. To provide safe, effective, high quality healthcare to members of the community. By empowering our members to speak out in a common voice and become agents of change in our working environments, we are able to achieve this goal.
- C. To work for improvement and availability of health care services for all people.
- D. To foster high standards of professional practice, education and research.
- E. To promote the health and safety of nurses, health professionals and our patients.
- F. To foster involvement in the political process to promote health policies, equity and union rights.
- G. To encourage Nurses and health care workers join HPAE to advance and improve patient care and professional practices and working conditions in their health care facilities.
- H. To collaborate with other labor organizations and the community to promote awareness of issues of mutual concern.
- I. 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.
- J. To develop and maintain a communication network to adequately inform the membership of common concerns, benefits and opportunities in an efficient and timely fashion. And to promote effective communications between the employer and our members.
- K. To ensure that high standards of care are maintained and that opportunities for professional advancement are offered to members.
- L. To ensure equal treatment for the membership and to protect the membership from discrimination in all areas.
- M. 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 Local 5629 shall include all health professionals and allied employees at Sunrise House/AAC.

### **ARTICLE IV. MEMBERSHIP**

#### Section 1: Qualifications

- A. All employees who are within the jurisdiction of Local 5629 shall be eligible for membership so long as they agree to abide by the Constitution and Bylaws. No person shall be denied membership on the basis of race, creed, color, gender, 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 Local Executive Board of Local 5629. This membership application is subject to a vote of the LEB for acceptance and approval by HPAE State Executive Council.
- C. If any person is convicted of a crime against the union, such conviction shall be cause for expulsion from membership and/or disqualification from union office.

#### Section 2. Definition

A member in good standing is one who:

- A. Has remitted the appropriate initiation fees and membership dues directly to the State Federation; or has authorized their Employer, pursuant to the applicable collective bargaining agreement, to deduct appropriate initiation fees and membership dues from his/her paycheck in accordance with applicable laws;
- B. Otherwise fulfills the qualifications of membership in accordance with these Bylaws and the Constitution of the State Federation.

#### Section 3. Dues & Assessments

- A. All members shall pay an initiation fee and dues as set by the State Federation to the State Federation as determined by the Constitution of the State Federation.
- B. A per capita assessment, in addition to dues, may be levied upon the membership if the amount and method of payment of such assessment have been approved:
  - i. 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; or
  - ii. By majority vote of members in good standing in a membership referendum conducted by secret ballot.
- C. When an assessment is proposed by the State Executive Council, or by action at a meeting of a Local Executive Board, a notice shall be mailed to the members in good standing at least two 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 a member in good standing. Application may be made to the State Federation for member-at-large status, in accordance with the Constitution of the State Federation.

#### Section 5. Reinstatement of Membership

Reapplication as a member in good standing to this Local may be made in accordance with the Constitution of the State Federation.

**ARTICLE V. 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 Membership Meetings

A special meeting of members may be called at any time by the Local Executive Board or by written request of 25% 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 special meeting shall be mailed to each member and/or posted on an HPAA bulletin board 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. In addition to the mailed or posted notice, notices may be sent electronically.

Section 4. Open and Closed Regular or Special Meetings

Each meeting, regular or special, shall be restricted to members in good standing only unless otherwise stated by written notice. Determination for an open meeting is to be made by the Local Executive Board or by written request of 25% of members in good standing.

Section 5. Quorum.

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

- A. One half or more of the Local Executive Board plus a sufficient number of members in good standing so that the total number of officers and other members equals 10% 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 or at the request of a majority of the Local Executive Board.

**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 Bylaws that are consistent with the provision of the Constitution and Bylaws.

In addition to the responsibilities of the specific office as designated herein, all officers shall be responsible for determining and implementing the goals and agenda of the local.

The Executive Board shall consist of six (8) members in good standing who shall include:

- A. The elected officers: President, two (2) Vice-Presidents, Secretary/Treasurer and;
- B. The two elected positions: Grievance Chairperson and Chief Steward

#### Section 2. President

It shall be the President's duty to administer the affairs of the local and to execute policies established by the local in conjunction with the Local Executive Board. The President shall assign duties and responsibilities to the other officers. The President, or Executive Board designee, 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 will assure that the Back-To-Basics standards are implemented and enforced. The President shall also serve as the Second Vice-President on the State 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. The President shall be a delegate to the State and National Conventions.

#### Section 3. Vice President

There shall be two Vice President positions. The duties and responsibilities of each Vice President will be determined by the President, subject to the approval of the Local Executive Board.

In the absence of the President, the Vice-President so designated by the President and/or Local Executive Board, shall perform all 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-Presidents shall be a delegate to the State and National Conventions.

#### Section 4. Secretary/Treasurer

The Secretary/Treasurer shall keep or cause to be kept an accurate record of minutes of the meetings of the Local and shall give or cause to be given notices of all meetings in accordance with these Bylaws. The Secretary/Treasurer shall be responsible for the Local newsletter, communications and shall in general perform all duties incidental to the Office of Secretary.

The Secretary/Treasurer shall supervise the maintenance and distribution of all funds of the Local and shall keep accurate and current records of such funds. The Secretary/Treasurer shall keep all financial records on a permanent basis and be responsible for filing required financial reports. The Treasurer shall work with the State Federation Secretary/Treasurer in developing and implementing a budget and shall in general perform all duties incidental to the office of Treasurer. The Secretary/Treasurer shall serve on the Budget Committee of HPAE State Federation. The Secretary/Treasurer shall be a delegate to the State and National Conventions.

#### Section 6. Grievance Chairperson

There shall be one Grievance Chairperson. The primary responsibility of the Grievance Chairperson will be the grievance handling for all bargaining unit members. The

Grievance Chairperson may establish a grievance committee and will provide training and guidance for each committee member. The Grievance Chairperson shall be a member of the Local Executive Board. The Grievance Chairperson shall be a delegate to the State and National Conventions.

#### Section 7. Chief Steward

There shall be one Chief Steward. The primary responsibility of the Chief Steward will be to coordinate activities of the union representatives and will meet with union representatives of the departments to facilitate conflict resolution. The Chief Steward shall be a member of the Local Executive Board. The Chief Steward shall be a delegate to the State and National Conventions.

#### Section 8. Representatives

The Local Executive Board will determine the number of unit representatives, their duties and their assignments. The role of the unit representative is to assist members with grievance handling, provide communication between membership and the Local Executive Board, update bulletin boards and orient new members to the union and recruit members to participate in union activities.

#### Section 9. Vacancies

In the event that a vacancy occurs in any elected position, such vacancy shall be filled as soon as practicable in the following manner.

A. Vice-President selected by the Local Executive Board shall fill the vacancy of President.

B. For vacancy of any other officer, Grievance Chair or Chief Steward, an election shall be conducted to replace the vacancy.

#### Section 10. Reimbursement for Union Business

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

#### Section 11. Term of Office.

Term of office for officers, Grievance Chair, Chief Steward representatives, coordinators, and chairs shall be for two years. Installation of elected officers, Grievance Chair and Chief Steward shall take place on the first day of the month following the election.

#### Section 12. Eligibility

Only members in good standing are eligible to run for office. An individual, who is not a member in good standing or has been convicted of a crime against the union, shall be ineligible to run for elected office of the Local.

#### Section 13. 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. Union representatives, chairs or coordinators who are not performing their duties may be asked to step down and shall be replaced by the LEB.

#### Section 14. Reimbursement for Union Business

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

### **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 in good standing. The committee Chairperson shall be appointed by the Local Executive Board and 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 Executive Board'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 Local Executive Board.

#### Section 2. Standing Committees

##### A. Labor-Management Committee

This committee shall be responsible for meeting with the Employer to discuss mutual problems and concerns to the Union and the Employer. The Labor-Management Committee shall report directly to the Local President or his/her designee.

##### B. 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 and shall report to the Local Executive Board after each meeting.

The committee will make recommendations to the Local Executive Board regarding the Local's participation in legislative and political issues; recruit and coordinate membership participation for political events, meetings with legislators, GOTV and providing testimony to promote our issues.

##### C. Staffing Committee

This committee shall be responsible for meeting with the Employer to discuss staffing issues and concerns and to develop a plan that will provide safe, proper and enforceable staffing levels. The staffing committee shall report directly to the Local President or designee.

#### 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. Such committee will report to the President or his/her designee.

##### A. Committee on Negotiations

On behalf of the membership, this committee shall investigate and formulate proposals, which are supported by the membership as a basis for entering into negotiations with the Employer.

The President will chair this committee and the Local Executive Board will determine the number of committee members. A nomination and election process will be utilized to determine the committee.

The committee will bargain in good faith as representatives of the membership and shall have the authority of the membership to negotiate a tentative agreement, which it shall present for ratification as a contract to the general membership. In the event a satisfactory tentative agreement between the negotiating committees from 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 Bylaws.

**B. Committee on Nominations and Elections**

This committee will be composed of members in good standing that 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 and elections committee.

**C. Constitution and Bylaws Committee**

This committee shall be responsible for reviewing, interpreting and evaluating the need for amendments to this Constitution and Bylaws.

**ARTICLE VIII. STRIKES AND JOB ACTIONS**

**Section 1. Local Membership Authorization**

The Local membership in good standing 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 or other action provided the procedures outlined in Article VIII, Section 2 have been followed.

**Section 2. Voting Procedure**

- 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 (regular and/or electronic), and posting on union bulletin boards, shall be given to all eligible members at least three days prior to the vote.
- D. Voting will be conducted by secret ballot at a membership meeting. If a meeting is not possible, voting may be conducted by mail.

**ARTICLE IX. RATIFICATION OF CONTRACT**

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

- A. Upon reaching a tentative agreement with the employer, a general membership meeting will be scheduled.
- B. By secret ballot of members in good standing, 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 misrepresentation in or in connection with said member's application for membership.
- B. For any member to knowingly violate or conspire or attempt to violate the Constitution and Bylaws of the organization, any laws promulgated hereunder 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 local, its affiliates or the officers thereof or to commit a crime or defalcation against the union.
- 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, 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 Bylaws must be made in writing, signed by the members making such charges and presented to the Local Executive Board within six 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 HPAE State Executive Committee and President.

### Section 4. Investigation and Due Process

- A. Within a thirty-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 consisting of local representatives and/or members not to exceed five (5) in number, and appointed by the HPAE Executive Committee of the State Federation.
- C. The charged party may challenge any member of the investigation committee because of conflict of 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 HPAE Executive Council of the State Federation shall review the merits of the challenge and, where the claim of conflict of interest or bias is sustained, shall cause the member to be relieved of serving. In the 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 HPAE 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 a said member at the hearing.
- E. If insufficient evidence is presented against the charged party, the investigation committee shall dismiss the charges.
- 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 days prior to the hearing. The party requesting the transcript will assume the costs and will provide a copy to be distributed to the investigation committee and a copy to the other parties.
- J. The investigation committee will determine the truth of the charges by majority vote and announce its verdict and punishment at that time. A report will be prepared within fourteen days thereafter and sent by registered mail to the parties involved.
- K. Parties not complying with a verdict and punishment within thirty days of receipt of notice thereof, shall be expelled from membership. However, if an appeal has been instituted during that thirty-day period, punishment shall not be imposed pending determination of the appeal.
- L. Any disciplinary action taken by the Local may be appealed to the HPAE Executive Committee, in writing by certified mail within thirty days of the verdict or within such time and in such manner as designated by the HPAE Executive Committee.

#### Section 5. Authority

- A. Locals have the option to refer charges initiated at the local level to the HPAE Executive Committee for appropriate action. In addition, the HPAE Executive Committee may exercise any independent jurisdiction it may maintain under its Bylaws or Rules as they concern disciplinary or membership matters.
- B. Nothing contained herein shall be in conflict with the Constitution and Bylaws of the State Federation.

#### **ARTICLE XI. AMENDMENTS**

This Constitution and Bylaws may be amended by a vote of two-thirds of those members voting in person at any regular or special meeting or by mail ballot provided that at least two 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 Bylaws is found to be invalid, such invalidity shall not impair the validity and enforceability of the remaining provisions of this Constitution and Bylaws.

Ratified by membership of Local 5629 on July 20, 2017  
Health Professionals and Allied Employees, *AFT/AFL-CIO*