

Constitution

and

By-Laws

of

Local 5089

Health Professionals and Allied Employees

AFT/AFL-CIO

Registered Nurses

Ratified by membership of Local #5089
July 12, 2019

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 Rutgers, the State University of New Jersey and University Hospital.

ARTICLE IV. MEMBERSHIP

Section 1. Eligibility

- 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 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 to the State Federation as set by the State Federation, and codified in the State Constitution and By-Laws.

Section 3. Non-Discrimination

No person shall be denied membership, nor shall this organization ever discriminate against individual members or applicants for membership on the basis of race, creed, color, national origin, disability, sex, sexual orientation, gender identity and expression, and social, political or economic status.

Section 4. Membership in Good Standing

A member in good standing is one who:

- A. Has submitted an application for membership on a form provided by the Union;
- B. has remitted the appropriate initiation fees and membership dues directly to the State Federation; or has authorized their Employer, pursuant to a collective bargaining agreement, to deduct appropriate initiation fees and membership dues from his/her paycheck in accordance with applicable laws;
- C. is a member of a bargaining unit represented by HPAE or is serving as an elected HPAE officer.

Section 5. 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 6. 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 7. Termination of Membership

- A. A member who remains in the jurisdiction of the Local and elects to resign membership shall submit in writing to the HPAAE Secretary/Treasurer, by email, fax, or letter, a statement expressing the desire to resign his/her union membership.
- B. Withdrawal of authorization for the deduction of dues shall be in accordance with applicable laws or the terms of the agreement between the HPAAE and the member as written on the signed membership/dues authorization card or equivalent document.

Section 8. 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. ELECTION OF OFFICERS

Section 1.

Elections shall be conducted in accordance with this Local Constitution, the HPAAE State Federation Constitution, and the AFT Constitution and the standards set out by the Labor-Management Reporting and Disclosure Act (LMRDA).

Section 2.

Officers shall be elected in December of odd years. Terms of office shall be two years. The Local will elect the following officers:

- a. President
- b. Six (6) Vice-Presidents
- c. Secretary
- d. Treasurer
- e. Two (2) Grievance Chairs

Section 3:

To be eligible for office a person must be a member in good standing of the organization for a period of six months prior to the date of the election.

Section 4:

The Elections Committee shall conduct all general and special election and referenda of the local.

- a. The Elections Committee shall consist of three members in good standing appointed by the President with the approval of the Executive Board. The Elections Committee shall elect its chair.
- b. Any member of a standing Elections Committee nominated for or seeking office must vacate their position and be replaced by a member nominated by the President and approved by the Executive Board.

Section 5:

No less than sixty (60) days prior to the date of the election, the Elections Committee shall notify all members of the opening of nominations for officers, the offices to be filled and the date of the election by first class U.S. Mail to the members' last known home address.

Section 6:

The nomination of candidates for office shall be conducted as follows:

- a. To be nominated, a candidate must submit to the Elections Committee a petition containing the signatures of ten (10) percent of the membership, or twenty-five (25) members whichever is less. Said petitions must be submitted no later than the timeline set forth in the Notice of Election but in no case less than 15 calendar days prior to the date of the election.
- b. Members nominated to run for office must affirmatively accept their nomination.
- c. The Elections Committee shall determine whether the nominations were timely and if the nominees are eligible for office.

Section 7:

At least fifteen (15) days prior to the election, the Election Committee shall notify all members of the election date and the candidates for offices. If notice of the election, as required in Section 5, was provided by first class U.S. Mail this reminder notice of the election may be distributed by other means, such as: member mailboxes, union bulletin boards, election newsletter, e-mail and/or the local's website.

Section 8:

The Elections Committee shall conduct an election for officers through in-person voting or through voting-by-mail. Voting shall be by secret ballot. The majority of the ballots cast shall determine the outcome of the election.

Section 9:

In the absence of a majority, the Elections Committee shall conduct a run-off election between the two candidates who have received the most votes for the office in question.

Section 10:

Challenges and objections to the election must be submitted in writing, with a statement of supporting reasons that includes specific facts as well as any documentation to the Elections Committee within ten (10) calendar days of the publication of the count. The Elections Committee shall issue its written opinion regarding the objections no later than ten (10) calendar days after receipt of such objections.

Section 11:

The election results will be published and distributed to the membership within thirty (30) days of the count. All elections materials, including the ballots, will be kept in a secure location for one (1) year.

Section 12:

Successful candidates shall assume office at the next regularly held Local Executive Board meeting but in no case later than 30 days after the conclusion of the election.

Section 13:

With the exception of the President, the Local Executive Board will have the power to fill vacancies in its membership until the next general election of officers.

ARTICLE VI. DUTIES OF OFFICERS

Section 1. 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 six (6) Vice Presidents shall be elected by the members of their respective area or division: University Hospital (four areas); Rutgers Biomedical and Health Sciences (RBHS) facilities and sites; and Rutgers University Correctional Health Care (UCHC) facilities and sites.

There shall be one (1) Vice President, whose responsibility will primarily be the RBHS facilities and sites, including but not limited to Cancer Institute of New Jersey (CINJ), New Jersey Medical School (NJMS), Robert Wood Johnson Medical School (RWJMS), and Rutgers School of Dental Medicine (RSDM) and University Behavioral Health Care (UBHC) excluding UCHC.

There shall be one (1) Vice President, whose responsibility will primarily be the UCHC facilities and sites.

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

There shall be one (1) Vice President, whose responsibility will primarily be the Med-Surg 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.

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, and 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. Secretary

The Secretary 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 By-Laws. The Secretary shall be responsible for the Local newsletter and shall in general perform all duties incidental to the Office of Secretary. The Secretary shall be a delegate to the State and National Convention.

Section 6. Grievance Chairs

The primary responsibility of one Grievance Chair will be to coordinate grievance handling for bargaining unit members employed by University Hospital. The primary responsibility of the other Grievance Chair will be to coordinate grievance handling for bargaining unit members working at Rutgers, the State University of New Jersey.

Each Grievance Chair will establish and help to train a Grievance Committee of union representatives for his/her area of responsibility.

ARTICLE VII. LOCAL 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 consistent with the provision of the Constitution and By-Laws.

The Local Executive Board shall consist of eleven (11) elected officers: one (1) President, four (4) Vice Presidents for the University Hospital, one (1) Vice President for RBHS, one (1) Vice President for UCHC, a Secretary, a Treasurer, and two (2) Grievance Chairs.

Section 2. 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 3. Performance of Duties

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

ARTICLE VIII. UNION REPRESENTATIVES

The role of the union representative is to assist members with grievance handling, including participation at the Step One Level of the Grievance Procedure, and to provide communication between the membership and the Local Executive Board.

The Local Executive Board will determine the number of union representatives and their assignments (area, department). In the event two (2) or more members-in-good-standing desire to be the union representative for the same assignment, the Local Executive Board shall conduct an election for union representative in the assignment area.

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

The LEB, at its discretion, may remove Union Representatives who fail to perform their duties.

ARTICLE IX. MEMBERSHIP 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 and at UCHC facilities 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 an HPAE bulletin board no less than three days prior to the meeting. For regular meetings notification shall be given no less than 14 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 X. 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 Committees

These committees shall meet once a month with management to discuss issues of mutual concern to the Local or the employer. They shall adhere to the Labor-Management Committee guidelines as set forth in the provisions of the applicable collective bargaining agreement.

B. Joint Staffing Committees

These committees shall meet with management and are responsible for monitoring and reviewing staffing minimums and targets set forth in the master staffing policies and the collective bargaining agreements. They will adhere to the staffing guidelines as set forth in the provisions of the applicable collective bargaining agreement.

C. Health and Safety Committee

This committee shall coordinate the Local's efforts to ensure 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 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. Committees on Negotiations

There shall be a separate Committee on Negotiations for each employer. These Committees shall investigate and formulate proposals desired by the membership as a basis for entering into negotiations with the Employer. The President and/or his/her designee will chair the committees and will determine the number of committee members. The Vice-Presidents shall serve on their respective committee.

These Committees will bargain in good faith as representatives of the membership. In the event a satisfactory tentative agreement between a 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 XI. 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 XI, 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 XII. 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 XIII. 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; 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 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 XIV. 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 XV. 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
February 4, 2004
November 6, 2009
July 1, 2011
July 12, 2019