

# HPAE Local 5106

## Proposed Amendments to the Constitution and By-laws

### ARTICLE VI. ELECTION OF OFFICERS [*Note: Insert new article*]

Section 1. Elections shall be conducted in accordance with this Local Constitution, the HPAE 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 August of odd years. Terms of office shall be two years. The organization will elect the following officers:

1. President
2. Secretary
3. Treasurer
4. Grievance Chair
5. Vice President for the RN Bargaining Unit
6. Vice President for the Professional Bargaining Unit
7. Vice President for the Technical Bargaining Unit

### Section 3. Eligibility for Office

- a. 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.
- b. To be eligible for office as a Vice President, a person must meet all other qualifications for office under this Article and must be employed in the bargaining unit for which he or she is seeking office as Vice President.

### Section 4.

- a. The Elections Committee shall conduct all general and special elections and referenda of the organization.
- b. The Elections Committee shall consist of three members in good standing appointed by the President with the approval of the Local Executive Board. The Elections Committee shall elect its chair.
- c. Any member of the Elections Committee accepting a nominated for or seeking office must vacate their position and be replaced by a member nominated by the president and approved by the Local 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 ten (10) 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. To be nominated as a candidate for the office of Vice President, a candidate must submit to the Elections Committee a petition containing the signatures of ten (10) percent of the membership of the bargaining unit for the vice-presidential office the candidate is seeking, or ten (10) members of the bargaining unit, 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.
- c. Members nominated to run for office must affirmatively accept their nomination.
- d. 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. If there is only one candidate for an office, they shall be declared elected without balloting.

**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. Such runoff election will take place no later than 60 days following the date of the official ballot count. The winner of the runoff shall assume office immediately upon certification of the results. Until a successor is elected, the incumbent shall continue in office.

**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 results. The Elections Committee shall issue its written opinion regarding the objections no later than ten (10) calendar days after receipt of such objections. Until a successor is elected, the incumbent shall continue in office.

**Section 11:** The election results will be published and distributed to the membership within thirty (30) day 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 on September 1 following the election, except as provided for in section 9 through 10 of this Article.

**Key:** ~~Strike through~~ = delete; Underline = insert; *[Italic]* = Explanation, not to be included in final draft

**Section 13:** *[Note: formerly Article VI. Section 7]* 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. A ~~[Vice-President]~~ member of the Local Executive Board, subject to the approval of the Local Executive Board shall fill the vacancy of President for the remainder of the term. ~~[The Local Executive Board will determine which of the two Vice-Presidents should fill the vacancy.]~~
- B. For vacancy of any other officer, ~~[or Grievance Chair]~~ the President, subject to the approval of the Local Executive Board, shall appoint a member to fill the vacancy for the remainder of the term.

**ARTICLE VII. DUTIES OF OFFICERS** *[New Article, formerly part of Article VI. Executive Board, Officers & Representatives, Sections 2-6]*

~~[Section 1. Executive Board]~~ *[Note: moved to Article VII. Local Executive Board, Section 1]*

**Section ~~[2]~~ 1.** 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, or Executive Board designee, shall preside at all meetings of the membership and Local Executive Board. 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 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. The President shall be a delegate to the State and National Convention and shall be ranked as the first delegate.

~~[Section 3] Vice Presidents~~ *[Moved section 5]*

**Section ~~[4]~~ 2.** Secretary ~~[/Treasurer]~~

The Secretary ~~[/Treasurer]~~ shall perform all duties incidental to the office of Secretary ~~[and Treasurer]~~ including: keep or cause to be kept an accurate record of minutes of all meetings of the Local, 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. The Secretary shall be a delegate to the State and National Conventions and shall be ranked as the second delegate.

**Section 3. Treasurer**

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. The ~~[Secretary/]~~ Treasurer shall work with the State Federation Secretary/Treasurer in developing and implementing a budget, report regularly on the state of finances of the Local, and shall in general perform all duties incidental to the office of ~~[Secretary/]~~ Treasurer. ~~[The Secretary/ Treasurer shall be responsible for the~~

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~~local newsletter.~~ The Treasurer shall serve on the Budget Committee of the State Federation. The Treasurer shall be bonded. The ~~[Secretary/]~~ Treasurer shall be a delegate to the State and National Conventions and shall be ranked as the third delegate.

**Section ~~[5]~~ 4.** Grievance Chairperson~~[s]~~

~~[The President shall appoint a member, subject to the approval of the Local Executive Board, to serve as the Grievance Chairperson.]~~ The primary responsibility of the Grievance Chairperson will be the grievance handling for all bargaining unit members. The Grievance Chairperson will establish and train a grievance committee of Unit Representatives. The Grievance Chairperson will serve on the HPAE Executive Council in accordance with the State Federation Constitution. The Grievance Chairperson shall be a delegate to the State and National Conventions and shall be ranked as the fourth delegate.

**Section ~~[3]~~ 5.** Vice Presidents [*Moved from Section 3*]

The Local shall elect members to serve in three (3) Vice-President positions. One Vice-President shall be nominated and elected by the members of the RN[s] bargaining unit; ~~[and]~~ one Vice-President shall be nominated and elected by the members of the Professional[s] bargaining unit; ~~[The third]~~ and one Vice-President shall be nominated and elected by the members of the Technical bargaining unit of the Local.

It shall be the Vice-Presidents' job to perform all duties of the Office of Vice President as determined by the Local Executive Board and may be adjusted and determined by the Local Executive Board. Duties shall include but not limited to: coordination of the activities of the unit representatives and members in their designated bargaining unit and serve as chairpersons of designated committees.

In the absence of the President, a Vice-President appointed by the 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 will assist and direct the Secretary in gathering information for the newsletter. The Vice-Presidents shall be delegates to the State and National Conventions and shall be ranked as the fifth, sixth, and seventh delegate in descending order based on the size of bargaining unit they represent.

~~[Section 6. Representatives]~~ [*Note: moved to new Article VIII*]

~~[Section 7. Vacancies]~~ [*Note: moved to new Article VI. Election of Officers, Section 13*]

~~[Section 8. Reimbursement for Union Business]~~ [*Note: moved to Article VIII. Local Executive Board, Section 2*]

~~[Section 9. Term of Office]~~ [*Note: moved to new Article VI. Election of Officers, Section 2*]

~~[Section 10. Performance of Duties]~~ [*Note: moved to Article VIII. Local Executive Board, Section 3*]

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**ARTICLE VIII. LOCAL EXECUTIVE BOARD** *[Note: formerly part of Article VI. Executive Board, Officers & Representatives]*

**Section 1. Executive Board**

The Local Executive Board (LEB) 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 Executive Board shall consist of ~~[five]~~ seven ~~[members. The four]~~ elected officers: President, ~~[two (2)]~~ three (3) Vice-Presidents, Secretary, ~~[1]~~ Treasurer, and ~~[the appointed]~~ Grievance Chairperson. A quorum for the Executive Board shall be four (4) of its members. *[Note: formerly Article VI. Executive Board, Officers & Representatives, Section 1]*

**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 will be reimbursed for expenses incurred according to the Local's Rebate Policy and State Policy. *[Note: formerly Article VI. Executive Board, Officers & Representatives, Section 8]*

**Section 3. Performance of Duties**

Each officer has the responsibility to ~~[insure]~~ ensure that the other officers are performing their roles and duties as outlined in this Constitution. *[Note: formerly Article VI. Executive Board, Officer & Representatives, Section 10]*

**ARTICLE IX. UNIT REPRESENTATIVES** *[Note: New Article, formerly part of Article VI Executive Board, Officers & Representatives, Section 6)*

The Local Executive Board will determine the number of unit representatives and their assignments. The role of the unit representative is to assist members with grievance handling, provide communications between membership and Local Executive Board, update bulletin boards and recruit and orient new members about the union, and attend rep meetings as scheduled. ~~[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.]~~

Unit Representatives must be a member in good standing and shall serve a term concurrent with the LEB's elected officers. Appointment and reappointment to the Unit Representative position is subject to the LEB's approval.

In the event two (2) or more members-in-good-standing desire to be the unit representative for the same assignment, the Local Executive Board shall conduct an election for union representative in the assignment area.

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

## ARTICLE ~~IV~~ 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 Executive Board of the Local, and 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 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. 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.

#### B. Elections Committee *[Moved from Section 3]*

This committee will be composed of members in good standing as specified in Article VI, Section 4, who shall formulate all the rules and procedures for the conduct of elections in accordance with Article VI. No member of this committee can also be a candidate in an election while the member is serving on the nominations committee.

#### C. Grievance Committee

### Section 3. Special Committees

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

#### A. Committee on Negotiations

This Committee shall investigate and formulate proposals desired by the membership as a basis for entering into negotiations with the Employer. The President will chair this committee and will determine the number of committee members. The committee will bargain in good faith as representatives of the membership and shall have the authority of the membership to negotiate a contract which it shall present for ratification to the general membership. In the event a satisfactory tentative agreement between the negotiating committee for 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]~~ *[Moved to Section 2]*

~~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. B. Constitution and By-Laws Committee

This committee shall be responsible for reviewing, interpreting and evaluating the need for amendments to this constitution and by-laws.

*[Renumber all subsequent Articles]*