

# **Constitution and Bylaws**

## **HEALTH PROFESSIONALS AND ALLIED EMPLOYEES AFT, AFL-CIO**

### **ARTICLE I. PREAMBLE TO THE CONSTITUTION**

This Union shall be known as the Health Professionals and Allied Employees (HPAE) and shall be the State Federation of the American Federation of Teachers Nurses and Health Professionals Division, AFT/AFL-CIO in New Jersey.

HPAE is a democratically run labor union of health care professionals and allied workers, committed to the growth and empowerment of our membership and all health care workers, and an advocate for the rights of healthcare workers, our patients, and our communities in an ever-changing healthcare industry.

HPAE seeks to advance the economic interests of our members, secure optimal working conditions, and respect for our professions, while serving as the leading voice for safe and effective patient care, and sound healthcare policies.

HPAE achieves its objectives through concerted action by our members and leaders through organizing, collective bargaining, community engagement, professional development, and political and legislative action.

Each Local of the HPAE shall develop a Constitution and Bylaws specific to the goals of the unit involved. Nothing in the Constitution and Bylaws of the Local shall be in conflict with this Constitution and Bylaws.

### **ARTICLE II. OBJECTIVES**

The objectives of this organization shall be as follows:

- a) To organize registered nurses, licensed nurses, advanced practice nurses, health professionals and allied health care workers, in both public and private sector, within our jurisdiction to work together to improve professional practice and economic standards in workplaces and within the health care industry.
- b) To unite our local unions into one statewide and regional organization to speak with a collective voice and maximize our power to bring social, political and economic justice to our workplaces, the healthcare industry and our communities.
- c) To provide representation for all our members to bargain collectively with respect to wages, hours and other terms and 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.

- d) To coordinate a program of legislative and political action that includes membership involvement to advance the interests of health care workers, the labor movement and our community partners at all levels of government.
- e) To work for improvement and access to quality health care for all.
- f) To seek appropriate recognition of the skills and training required of our members in all specialized professional and allied occupations and to formulate and adopt such ethical practices and personnel requirements to elevate the status of its members.
- g) 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.
- h) To engage in research and educational activities to promote a better understanding and advancement of this organization.
- i) To foster and develop harmonious relations with other labor organizations.
- j) To promote the health, economic well-being and safety of all members and to take such action as may be necessary to protect the interests of the organization and each of its members.
- k) To engage in all other lawful and incidental activities and to take such other actions as shall be necessary to effectuate the aforesaid objectives of this organization.

### **ARTICLE III. LOCAL UNIONS AND BARGAINING UNITS**

- a) The organization shall be structured in a federated manner. Each Local Union shall constitute a separate unit of the organization.
- b) Local Unions shall be established by charter granted by the AFT on recommendation of the HPAE State Executive Council.
- c) The State Executive Council shall admit new Local Unions as they are organized or affiliated. Once admitted to the organization, new Local Unions shall be entitled to representation on the State Executive Council in accordance with Article VIII Section 7.
- d) Local Unions may be constituted of one or more Bargaining Units. Bargaining Units shall be defined in accordance with the respective National Labor Relation Board (NLRA) certification, NJ Public Employee-Employer Relations Commission (PERC) certification, and/or Collective Bargaining Agreement (CBA).
- e) The State Executive Council shall create model bylaws to be adopted by Local Unions. Local Union bylaws may not conflict with this Constitution and are subject to review and approval by the State Executive Council.

## **ARTICLE IV. COLLECTIVE BARGAINING**

- a) The Health Professionals and Allied Employees shall be the collective bargaining representative of the members of the Union.
- b) Collective bargaining within established bargaining units shall be conducted under the direction of the President of the State Federation.
- c) All contracts or agreements entered into shall be in the name of the Health Professionals and Allied Employees and bear the signature of approval of an authorized agent or representative of the State Federation.

## **ARTICLE V. MEMBERSHIP QUALIFICATIONS**

### **Section 1. Qualifications**

- a) All health professionals, and allied employees and any other employee in the health care field whose membership is not specifically prohibited by this Constitution and Bylaws of this organization 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, disability, sex, sexual orientation, gender identity or expression, age, marital status, national origin, social, political, or economic status.
- b) Any other employee or groups of employees who wish membership with HPAAE may submit a written application. The HPAAE State Executive Council will render a decision on such application.
- c) Except as provided herein, membership in an affiliated Local shall be equivalent to membership in the HPAAE.
- d) Membership in Good Standing: A member in good standing is one who:
  - 1. Has submitted an application for membership on a form provided by the Union;
  - 2. 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 their paycheck in accordance with applicable laws;
  - 3. Is a member of a bargaining unit represented by HPAAE, or is serving as an elected HPAAE Officer. Members elected to serve as an HPAAE State Federation officer shall retain membership in their local union during their term in office.
- e) Membership-at-Large: A member who has left the bargaining unit represented by a local may be eligible to apply for member-at-large status. If accepted, members-at-large shall retain membership standing in their local. Members-at-large are entitled to all of the rights and privileges of membership except members-at-large are not eligible to run for local union or State Federation office, participate in strike authorization votes or ratification of collective bargaining agreements.

- f) HPAE will establish a Council of Retirees chapter of HPAE. Membership in the chapter will be available to all HPAE members, current and past, who have retired. The chapter will establish bylaws to address officer structure, meeting and a formal program. Members of the Council of Retirees Chapter shall also be considered to be Members-at-large.
- g) HPAE, as a State Federation, reserves to itself the ability to determine membership exclusive of, and in addition to, any ability of each of the Locals to determine membership. HPAE shall have the right to establish a council of locals on a statewide and/or regional basis to better serve the interests of our members. Any determination of membership status by a Local shall be subject to and subordinate to any membership determination by the State Federation. The State Executive Council, or designee, may adopt rules governing qualifications for membership or office.
- h) No person shall be admitted to membership in this organization or in any Local affiliated with the organization who occupies a supervisory position (as determined by relevant statute) within a bargaining unit represented by HPAE.
- i) In the case of a conflict with a Local or the State Federation concerning membership rights, the State Federation's determination shall be predominant.
- j) Any action concerning membership shall be considered by the State Executive Council, or any committee, representative or official so delegated by the State Executive Council. No person shall be expelled from or denied membership unless such person has been provided with written specific reasons or charges for denial or expulsion, given a reasonable time to prepare a response or defense and afforded a full and fair hearing as per Article 6, Section 4. The State Executive Council, or its designee, may adopt reasonable rules for the conduct of such proceedings not inconsistent with this clause.
- k) If any person is convicted of a crime against the union, or advocates the non-payment of dues or fees, the resignation of membership, or the decertification of the union, such act or conviction shall be cause for expulsion from membership and/or disqualification from union office.

## **Section 2. Application for Membership**

All applications for membership shall be made in writing on a form provided by the HPAE and shall be required of employees seeking new or reinstated membership in this organization.

## **Section 3. Membership Fees**

- a) Membership dues shall consist of an initial payment of no less than fifteen (\$15.00) dollars nor greater than forty (\$40.00) dollars as determined by the State Executive Council in addition to membership dues of one point two five (1.25%) percent of gross pay, paid to the State Federation. Said dues shall at no time be refunded in full or in part.
- b) Dues for Membership-at-large, which includes members of the Council of Retirees shall be \$40 per year. Said dues shall at no time be refunded in full or in part.
- c) The State Executive Council shall have the right, by majority vote, to waive the initial payments for newly organized locals when such payments are required.

d) Nonpayment of dues or fees:

1. A member more than one month in arrears of dues payments as required by this Section shall not be considered in good standing; except that no member shall be considered in arrears based solely on the failure of an Employer to forward to the Union appropriate initiation fees and membership dues if so authorized.
2. A member in good standing may apply for reinstatement to membership upon paying all delinquent amounts owed.

e) In the event that payroll deduction of dues is not available under the member's collective bargaining agreement or applicable law, the HPAE State Executive Council shall have the right to determine a fixed rate of dues in lieu of the percentage amount as defined in Section 3(a) and the effective date of implementation. The fixed rate shall be effective only until the next regular HPAE convention.

#### **Section 4. Transfer of Membership**

In the event that a member obtains employment at an institution where HPAE is the bargaining agent, a new dues deduction authorization form will be signed for the appropriate local.

#### **Section 5. Assessments**

The HPAE may levy a per capita assessment in addition to dues upon its membership, provided that the amount and method of payment has been approved:

- a) By a majority vote of its members in good standing at a regular or special convention after a reasonable notice of the intention to vote upon such a question.
- b) Voting shall be by secret ballot.
- c) Only the members affected by the assessment shall vote on the assessment.

### **ARTICLE VI. ADMINISTRATORSHIP**

#### **Section 1. Grounds for Administratorship**

In exceptional and unusual circumstances where an HPAE local union is incapable of taking adequate remedial measures on its own initiative, HPAE may establish a temporary administratorship for the purpose of:

- a) Restoring the rights of members in situations where there has been a significant failure either in election procedures or representation required under the HPAE or local union constitution(s) and bylaws; and/or
- b) Assisting a local that is unable to function as a bargaining representative, whose officers fail to administer existing agreements properly, or that is unable to offer adequate membership representation; and/or
- c) Correcting financial malpractice or misappropriation or loss of funds.

## **Section 2. Process for Approval of an Administratorship**

Where the State Executive Council has reason to believe that the grounds set forth in Section (1) above exist to consider an administratorship, the HPAE President shall be authorized to appoint a committee of the SEC to investigate and conduct a hearing. That hearing shall be scheduled within 30 days, at which time the affected parties will be able to appear and present evidence, witnesses and arguments. Notice of such hearing and a written statement of the grounds for the proposed administratorship will be provided to the affected local no less than two weeks prior to the hearing. After completion of the investigation, the committee shall submit its findings and recommendations to the State Executive Council for review and action. Thereafter, the State Executive Council, by a two-thirds vote, shall have the power to authorize the HPAE President to establish an administratorship and appoint an administrator.

In situations where an administratorship has been approved, the members of the affected HPAE local union will be notified of the reasons for such decision, including an explanation of the administrator's duties and functions.

## **Section 3. Emergency Administratorship**

Under grounds pursuant to Section (1), the HPAE President, upon the unanimous decision of the HPAE President, Secretary-Treasurer and First Vice President, is authorized to invoke an emergency administratorship in situations requiring immediate action for the purpose of securing and safeguarding an affiliate's assets and vital records from immediate threat, with the approval of the State Executive Committee, provided that the Executive Council by a two-thirds vote approves such emergency action within five business days of its having been invoked. Within 24 hours after the President's invocation of the emergency administratorship, the President shall appoint a committee of the Executive Council, in keeping with Section 2 of this Article, to investigate and conduct a hearing; and the normal processes, timetables, hearing rights and approval requirements set forth in Section 2 of this Article shall apply.

## **Section 4. Termination of Administratorship**

The State Executive Council shall terminate an administratorship as soon as the cause for its establishment has been remedied. Where officer positions have been vacated as a result of the administratorship, then, prior to the termination of an administratorship, an administrator shall conduct an election in accordance with the applicable provisions of the governing documents of the affected local and the HPAE constitution to fill such positions. Such officers will take office as of the date of the termination of the administratorship. At such time, an administrator shall also return control of the books, records, funds and other assets to the local union.

## **ARTICLE VII. CONVENTION**

### **Section 1. State Convention**

The convention shall take place every three years at such time and in such place as the State Executive Council may determine. The rules for the convention will be in compliance with Title IV of the Labor Management Reporting and Disclosure Act (Landrum Griffin). Each local of the

HPAE shall be sent a written notice (convention call) of the time and place postmarked ninety (90) days prior to the opening date of the convention. This written notice will include regulations concerning delegate nominations and elections and the agenda.

**Section 2. Special Convention**

A Special Convention may be called at any time by the majority of the State Executive Council or by written request of twenty-five (25%) percent of the membership. Only those items set forth in the notice of a Special Convention shall be discussed and acted upon at such a meeting.

**Section 3. Quorum**

A quorum for the conduct of business at a convention shall be twenty-five (25%) percent of the delegates who have been seated.

**Section 4. Robert's Rules**

Except as specifically set forth in this Constitution and Bylaws, all organization procedures shall be governed by the most recent edition of "Robert's Rules of Order".

**Section 5. National Convention**

The membership shall nominate and elect delegates to attend the National Convention in accordance with the Landrum Griffin Act.

**ARTICLE VIII. DUTIES OF OFFICERS**

**Section 1. Number, Nominations and Elections**

a) The officers of the HPAE shall be:

- President
- First Vice-President
- Secretary-Treasurer
- Second Vice-Presidents [Local Union Presidents]
- Assistant Second Vice-Presidents [Additional Local Executive Board Representatives]

b) The President, First Vice President, and Secretary-Treasurer shall be elected by delegates in convention years. Nominations and Elections shall be made in accordance with the procedure set forth in Article XIX and by the Nomination and Election Committee. Second Vice-Presidents and Assistant Second Vice-Presidents shall be elected by members of their respective Local Union in accordance with the Local Union Constitution and Bylaws.

**Section 2. Terms of Office**

The term of office for President, First Vice President, and Secretary-Treasurer shall be three (3) years which shall commence on the first day of the first month immediately following the election of officers. The term of office for Second Vice-President and Assistant Second Vice-President shall be equal to the term of office of the Local President or Local Executive Board

member and shall commence on such date as defined by the Local Union Constitution and Bylaws.

### **Section 3. President**

The President is the principal officer of the Union. It shall be the President's duty to administer the affairs of the Union and to execute policies established by the HPAE convention and the HPAE State Executive Council. The President has the authority to direct and supervise the State Officers. In addition, each state officer has the responsibility to ensure that the other State Officers are performing their roles and duties as outlined in this constitution.

The President shall be the presiding officer at the state convention and serve as ex-officio member of all committees except the Nomination and Election Committee; may appoint chairpersons of committees, and shall discharge all duties incidental to the office of President.

The President shall be a delegate to the AFT National Convention. The President shall also be a delegate to the HPAE State Convention. The President or designee shall Chair the State Executive Council and State Executive Committee meetings.

### **Section 4. First Vice President**

The First Vice President shall assist the President in assigned executive functions and perform all duties of the office of the President in the absence of the President and when so acting shall have all the powers of and be subject to all the restrictions upon the President. Duties specific to the office of First Vice President will include chairing the committee for the HPAE State Convention, monitoring pertinent State regulatory agencies, assisting in establishment of local programs, and overseeing local officer elections.

The First Vice President shall be a delegate to the HPAE State Convention and the AFT National Convention.

### **Section 5. Secretary-Treasurer**

The Secretary-Treasurer shall keep or cause to be kept an accurate record of minutes of the meetings of the HPAE and shall in general perform all duties incidental to the office.

The Secretary-Treasurer shall supervise the maintenance, distribution, and investment of all funds of HPAE, shall keep accurate and current records of such funds, shall work with the HPAE Executive Director in developing and implementing a budget, shall oversee the annual audit, and shall report regularly to the State Executive Committee and Council.

The Secretary-Treasurer will be the Chairperson of the Budget Committee.

The Secretary-Treasurer will assist and oversee Local Secretaries and Local Treasurers in the performance of their duties. The Secretary-Treasurer shall also assume the role of recorder at the State Convention.

The Secretary-Treasurer shall be a delegate to the HPAE State Convention and AFT National Convention.



## **Section 6. Second Vice President (Local Presidents)**

Each Local shall elect a member who shall be designated as Second Vice President (Local President), whose functions shall include coordinating the internal activities and issues confronting the members at each respective institution.

The Second Vice President shall be a delegate for their respective Local Union to the State Convention in accordance with their Local Constitution and Bylaws.

## **Section 7. Assistant Second Vice President (Local Executive Board Representative)**

Local Unions with 500 or greater members shall be entitled to one additional representative on the State Executive Council to serve as Assistant Second Vice President. Inclusion of the additional State Executive Council representation shall be determined at the time of the HPAE convention and take effect the month immediately following the convention. Each Local Union constitution should specify which Local Executive Board positions may be appointed to Assistant Second Vice President. The Assistant Second Vice President shall assist the Second Vice President in the execution of their duties.\*

## **Section 8. Vacancies**

In the event a vacancy occurs in any office or on the State Executive Council due to a change in status or otherwise, such vacancy shall be filled in the following manner:

- a) President – The First Vice President shall assume the office.
- b) First Vice President and Secretary-Treasurer – The State Executive Council shall have the authority to appoint a member in good standing to fill the vacancy for the remainder of the term of office.
- c) The Second Vice President – Second Vice President is the Local President. Should the Local President position be vacated, the Second Vice President's Local Union shall fill the vacancy consistent with its local Constitution and Bylaws.
- d) Assistant Second Vice President – The Assistant Second Vice President's Local Union shall fill the vacancy consistent with the local constitution and bylaws.

## **Section 9. Bonding**

The State Executive Council shall see to it that all officers authorized to collect and handle monies for this Union are bonded.

## **Section 10. Transition of Officers**

All union officers shall deliver all books, records, funds and property of the Union to their successors in office by the first day of the successor's terms of office.

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\* Section 7 will be phased in through attrition with full implementation to take effect by November 1, 2024

## **Section 11. Reimbursement**

Any member or officer who shall lose time or incur expenses to attend to HPAE business, authorized by the State Executive Council of the HPAE, may be reimbursed.

## **ARTICLE IX. STATE EXECUTIVE COUNCIL AND EXECUTIVE COMMITTEE**

### **Section 1. Definition**

- a) The State Executive Council (SEC) shall be composed of the President, First Vice President, Secretary-Treasurer, Second Vice Presidents, and Assistant Second Vice Presidents.
- b) The State Executive Committee (SECee) shall be composed of the President, First Vice President, Secretary-Treasurer, and five (5) members of the State Executive Council elected by the State Executive Council at the meeting immediately following the Convention, to serve a three-year term on the Executive Committee coterminous with the State Officers.\*
- c) Each member of the State Executive Council and/or the Executive Committee including those with dual membership is entitled to a single vote.

### **Section 2. Meetings**

- a) The State Executive Council shall meet bi-monthly or as designated by the President.
- b) The Executive Committee shall meet monthly or as designated by the President.
- c) The State Executive Council and State Executive Committee may meet by tele-conference or video conference.
- d) The State Executive Council and State Executive Committee may vote between meetings provided that all members shall be notified of the question and voting procedure at least 24 hours prior to the commencement of voting. Results of any such vote must be reported at the next meet meeting and included in the minutes of the meeting.
- e) The SEC may adopt additional rules to govern electronic meetings and electronic voting.

### **Section 3. State Executive Council - Purpose and Authority**

The State Executive Council will be the governing body of the HPAE. It shall have the general supervision of the affairs and property of the Union and shall have charge of all business delegated to it by the HPAE Convention and shall act upon all the Resolutions of the Convention.

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\* This provision will be effective in October 2024. To facilitate the transition to the new SECee term of office, the current SECee will finish their one-year term in May 2022, and the next State Executive Committee members will be elected in May 2022 for a term that will expire in October 2024.

It shall have the authority to make rulings and adopt policies not covered by the Constitution and Bylaws but which are not inconsistent with the provisions of the Constitution and Bylaws.

It shall have the power to authorize the expenditure, investment, management and use of the funds and property of the Union, not only for the purpose and objectives expressly set forth in this Constitution but for such additional purposes and objectives as may be set forth in the resolutions and the programs adopted and/or ratified by the membership or which the State Executive Council believes will further the general interest and welfare of this Union.

It shall have the power to appoint Trustees or alternates to the HPAE Retiree Medical Trust or any other trust or fund established by the Union or in which the Union has an interest.

The State Executive Council shall determine the expenses, allowances and fringe benefits which will be provided to Union officers and employees in such amount and extent and pursuant to such conditions and circumstances as they may deem necessary or appropriate except as otherwise provided herein. Such determinations will be made through the Executive Committee with input from the Secretary/Treasurer and Budget Committee and, for unionized employees, in conjunction with the collective bargaining process.

#### **Section 4. State Executive Committee - Purpose and Authority**

There shall be a State Executive Committee (SECee) of the State Executive Council, chaired by the President.

The State Executive Committee shall be the governing body of the State Federation between meetings of the State Executive Council.

The executive committee shall have the duty to advise the president, one requested, and shall be authorized, with the approval of the president and the executive council, to perform various management functions:

The Executive Committee will oversee issues and matters referred to it by the State Executive Council and report their findings to the State Executive Council. The following shall be the responsibility of the Executive Committee and performed on a regular basis:

- a) Periodic review of finances, including income, expenses and investments.
- b) Participation in annual audit through meetings with the auditor and Secretary/Treasurer at the beginning and end of the process.
- c) Review and approval of personnel policies and employment decisions of officers and staff.
- d) Review and approval of all non-budgeted expenditures greater than \$5000.00.
- e) Review and investigation of all issues relating to conflicts of interest. In the event a committee member is the subject of the investigation, such person shall be recused from all matters of the investigation including the vote.

- f) Review and investigation of complaints from locals, state officers or representatives, including requests for disciplinary action against members, officers or representatives on the State or Local level.
1. In the case of disciplinary action, no member, representative, or officer shall be fined, suspended, expelled from membership or otherwise disciplined unless such member has been provided with written specific charges, given a reasonable time to prepare their defense and afforded a full and fair hearing.
  2. Any officer, representative or member may be suspended immediately pending formal written charges by the Executive Committee in such cases where there can be immediate harm to the union.
  3. Any disciplinary action shall be reviewed by the Executive Committee or by a committee, representative or official so delegated by the Executive Committee.
  4. The Executive Committee may adopt reasonable rules for the conduct of such proceedings not inconsistent with this clause.
  5. Disciplinary action taken by the Executive Committee shall be exclusive of, and in addition to, any ability of the Locals to take disciplinary action.
  6. Any determination of a disciplinary matter by a local shall be subject to and subordinate to any determination made by the Executive Committee. The Executive Committee must be notified of any charges filed at the local level.
  7. Any disciplinary action taken by a local may be appealed to the Executive Committee under rules it may adopt for such purposes. Each or any local must adopt bylaws that conform to the appellate process herein. Each local has the option to refer charges initiated at the local level to the Executive Committee for appropriate action. The Executive Committee may elect either to assume jurisdiction of the charges or may direct the local to conduct the initial hearing.
  8. Any disciplinary action taken by the Executive Committee may be appealed to the State Executive Council under rules it may adopt for such purposes.
  9. If any person is convicted of a crime against the union, such conviction shall be cause for expulsion from membership, disqualification from union office and/or denial of membership status.
  10. Any determination by the State Executive Council shall be final.
- g) The Executive Committee will assist the President in building the membership and improving the functioning of the HPAE.

## **Section 5. Training**

There will be a formal training program for all State Executive Council and Executive Committee members addressing their role and responsibilities.

## **Section 6. Quorum**

A quorum shall be defined as a majority of the members of either the State Executive Council or the Executive Committee. In the absence of a quorum, business may be conducted which does not require a vote.

## **ARTICLE X. EXECUTIVE DIRECTOR**

### **Section 1.**

The HPAE State Executive Council shall have the right to establish a position of Executive Director. The Executive Director shall have the responsibility to run the day-to-day operations and functioning of the union. Executive Director shall have the authority to hire and supervise staff and shall be responsible for oversight of the financial operations of the union.

Executive Director's position and duties shall be determined by the President, subject to the approval of the State Executive Committee. The Executive Director shall report directly to the President.

### **Section 2.**

Executive Director will be an ex officio member of the State Executive Council and the State Executive Committee without voting privileges.

### **Section 3.**

Notwithstanding Article IV, the Executive Director shall be eligible for membership in HPAE, which position shall be without voting privileges or eligibility to run for HPAE office. and may serve as delegate and represent HPAE in such other bodies as the President may designate. Dues shall be submitted in accordance with any applicable minimum requirements.

## **ARTICLE XI. COMMITTEES**

### **Section 1. Standing Committees**

- a) Each standing committee shall consist of no less than three (3) members in good standing unless otherwise specified. The committee chairperson shall be appointed by the President, the committee members by the chairperson unless otherwise specified, all subject to the approval of the State Executive Council. Each standing committee member's term shall be concurrent with the HPAE's officers term of office and shall be appointed at the first State Executive Council meeting following the Election of Officers.
- b) Each standing committee shall hold meetings as designated by the committee chairperson. Each standing committee shall report directly to the President. Committees may meet by video conference and teleconference.
- c) Except as otherwise provided, each Committee is responsible to:
  1. Evaluate trends, developments, and issues in their area of responsibility.

2. Develop and recommend policies, standards, plans, and positions for adoption by the State Executive Council.
3. Provide for dissemination of information to Local Unions and members as approved by the State Executive Council
4. Committees may provide a report to the Convention and introduce resolutions for consideration by the convention delegates.
5. HPAE staff may be assigned by the President or their designee to assist each committee with the execution of its responsibilities.

d) The standing committees shall be:

Arbitration Committee  
 Budget Committee  
 Committee on Political Education  
 Health and Safety

- e) The Arbitration Committee shall be responsible for evaluating and advancing grievances to arbitration. The Arbitration Committee shall be chaired by the First Vice-President and include one of the members of the State Executive Committee, and an HPAE attorney or advocate as designated by the HPAE President. The SEC shall adopt policies for members to appeal a decision of their Local Executive Board, and for a Local Executive Board to appeal a decision of the Arbitration Committee to the SEC.
- f) The Budget Committee shall prepare and present a one-year budget to the State Executive Committee for adoption prior to the start of the fiscal year. The Budget Committee shall be chaired by the Secretary-Treasurer, and may include members of the State Executive Committee, and the Treasurer of each local union.
- g) The Committee on Political Education shall work to raise voluntary money to support the political work of the organization and shall recommend candidates for office for endorsement to the State Executive Council. COPE shall also be responsible for monitoring government actions that affect the membership and develop appropriate responses to such action in consultation with the State Executive Council.

The Committee will be composed of the Chair of each Local Committee on Political Education. Each Local Union with 500 members or greater may designate one additional representative to serve on the Committee.

A political action fund shall be maintained as a revolving fund under the direction of the COPE and State Executive Council. This fund shall be used for contributions to candidates for state or local office and/or for ballot propositions. Salaries and benefit costs for the employees and other expenses related to political activities may also be paid from the fund. The President, or their designee, shall be the Chair of the COPE Fund. The Secretary-Treasurer will be Treasurer of the COPE Fund.

- h) The members of the Health and Safety Committee shall be appointed from amongst the Local Union Health and Safety Chairpersons or any other member responsible for health and safety issues at a Local Union.
- i) Committees may be established at the discretion of the President and the State Executive Council or State Executive Committee and may include, but not be limited to:
  - Collective Bargaining
  - Contract Administration
  - Community Service and Outreach
  - Education and Training
  - Membership Engagement
  - Organizing
  - Professional Practice
  - Staffing

## **Section 2. Special Committees**

Special committees may be appointed by the President with the approval of the State Executive Council for such special tasks as warranted. Special Committees shall be limited to the activities necessary to accomplish the task for which they are created and upon completion of such task shall be discontinued.

## **ARTICLE XII. SPECIAL FUNDS**

### **Section 1. Activity Support Fund**

#### a) Definition

A Special Fund shall be maintained in a separate and special account. Such funds will be available and expended to support and sustain strikes, boycotts, or other concerted actions. In addition, such monies may be applied for special use, as approved by a two-thirds (2/3) vote of the State Executive Council at a regular meeting.

Monies from this fund shall be released at the discretion of the President and Secretary-Treasurer in accordance with standards approved by the State Executive Council.

#### b) Funding

Ten (10%) percent of the membership dues may be set aside in a separate and special account. The State Executive Council may temporarily suspend deposits into the special account when it determines a reasonable balance has been achieved. A financial report on this fund shall be made annually to the State Executive Council and at the triennial State Convention or any Special Convention.

### **Section 2. Donna Benjamin Special Assistance Fund**

#### a) Definition

A separate fund will be established for the exclusive purpose of assisting members who are experiencing undue financial hardship. An initial amount of ten thousand dollars (\$10,000) will be budgeted for this purpose. Up to five thousand dollars (\$5,000) may be added to the fund annually through the normal budgeting process, based on the activity of the fund.

b) Administration

Application for monies from the account, not to exceed one thousand dollars (\$1,000), can be made by any member in good standing experiencing undue financial hardship. Certain criteria must be met according to HPAE policy. Application shall be made to the State Executive Council or in an emergency (when time is of the essence) to the Executive Committee.

## ARTICLE XIII. CONVENTION

### Section 1. Representation

- a) **Election of Delegates/Alternates** - Delegates and/or alternates to the convention from a local shall be elected by secret ballot. Members of each local must be given suitable opportunity to nominate candidates for the position of delegate and alternate. Notice of the right to make nominations and notice of the election may be combined in one notice. Election of delegates to take place no later than thirty (30) days prior to the start of the convention. The results of the election must be published and the ballots kept for one (1) year.
- b) **Delegate/Alternate Lists** - Each local chairperson must send to the HPAE office a list of all elected delegates and alternates no later than thirty (30) days prior to the opening date of the convention. Only delegates and alternates on this list shall be registered and seated at the convention.
- c) **Delegate/Alternate Eligibility** - All members have an equal opportunity to become a delegate to the convention as long as they are a member in good standing.
- d) **Membership at Large** - Members at Large shall be considered in the numbers of their last local membership.
- e) **Delegate Entitlement**
  - 1. The number of delegates a Local and Retiree chapter is eligible to send to a convention will be determined by the number of members in good standing sixty (60) days prior to the date of the convention.
  - 2. A Local and Retiree chapter shall be entitled to up to two (2) delegates for the first thirty (30) members.
  - 3. For every additional thirty (30) members, a local will be entitled to one (1) additional delegate.



- f) **Voting Strength & Distribution** - Each local represented shall be entitled to the number of votes equal to the number of members of said local as of thirty (30) days prior to the opening of the convention. The votes of a local shall be distributed evenly among the delegates present at the time of the voting. The credentials committee shall evenly divide votes to four (4) decimal positions at the time of the tabulation.
- g) **Alternates** - When a delegate leaves the convention, their place in the convention may be taken by an alternate, if any has been certified as provided in Article X., Section 1 (b), and in the order as listed. No other transfer or substitution of voting rights shall be allowed.

## **ARTICLE XIV. CONVENTION RECORDER**

### **Section 1. Recording Officer**

The convention recorder will be the Secretary/Treasurer of the HPAAE.

## **ARTICLE XV. STATE CONVENTION PROGRAM**

### **Section 1. Program**

The convention shall be called to order and conducted according to the printed program.

### **Section 2. Voting**

- a) Except on ballot votes, all voting shall be by a show of hand, but the chair may call for a standing vote when in doubt. A motion calling for a ballot vote shall require a one-fourth (1/4) vote for adoption. When a ballot vote has been ordered, the presiding officer shall at once call for the next item on the agenda, action of the pending motion being automatically postponed pending the tabulation of the results of the ballot vote. No debate, amendment, or other motion affecting the question on which the ballot vote was ordered may be made after a ballot vote has been ordered.
- b) Each local shall select a ranking delegate who shall be the most senior officer present. The ranking delegate shall be responsible for securing ballots, delivering them to the delegates and returning the executed ballots at the same place they were first distributed. The Credentials Committee shall distribute ballots to the ranking delegate. The ranking delegate shall receive only the number of ballots necessary for the delegation as certified by the Credentials Committee. (These ballots shall be prepared in advance.)
- c) Each delegate voting shall enter on their ballot the number of their local, full name, and the number of votes. Each delegate may choose to deliver their ballot directly to the committee on credentials at the same place they were first distributed.
- d) No vote shall be accepted later than one (1) hour following the ordering of a ballot vote.
- e) After the end of one (1) hour, the results of the ballot vote shall be tabulated by the committee on credentials. The votes of a local shall be distributed evenly among the delegates present at the time of the voting. The credentials committee shall evenly divide votes to four (4) decimal positions at the time of the tabulation.

- f) The results of the ballot vote shall be reported to the convention immediately upon completion of the tabulation according to the following procedure:
1. The total vote shall be read.
  2. If any delegate challenges the vote of their local, the ballots of the delegates from that local shall be read, and each delegate shall rise as their name is called, announce their vote and state the number of votes they are casting.
  3. The report on the ballot vote shall then be revised to agree with the oral vote just taken.

### **Section 3. Delegate Seating**

Delegates shall be seated upon meeting the requirements of the credentials committee. This list of delegates shall be made available to the members of the convention.

### **Section 4. Order of Business**

The order of business for business sessions of the convention shall be as follows:

- a) Action on minutes of the previous convention as summarized in the delegate's reports prepared by the convention reporter.
- b) Report of the State Executive Council
- c) Report of special committees.
- d) Report of standing committees.
- e) Report of convention committees
- f) Officer Election

## **ARTICLE XVI. CONVENTION PROGRAM COMMITTEE**

### **Section 1. Appointment**

The committee on convention program shall be appointed by the President with the approval of the State Executive Council and shall be notified of their appointment at least four (4) months prior to the convention. This committee shall consist of at least three (3) members and shall prepare the tentative program and shall submit it to the State Executive Council one hundred and twenty (120) days before the convention.

Section 2. The convention program shall provide for business sessions, including one for elections.

## **ARTICLE XVII. COMMITTEE ON CREDENTIALS**

Registration of delegates and visitors.

### **Section 1. Appointment**

The committee on credentials shall be appointed by the State Executive Council at the meeting immediately prior to the Convention and be composed of delegates and shall be responsible

for registration of delegates, State Executive Council members, and visitors. Visitors can include members in good standing not elected as delegates.

## **Section 2. Registration Procedures**

Registration of delegates, members of the State Executive Council and visitors shall begin one (1) hour preceding the convention or at a time approved by the State Executive Council on the day preceding the convention. The First Vice-President shall furnish the committee on credentials with copies of the lists of delegations as reported by the various locals. Each delegate, member of the State Executive Council and visitor shall be furnished with an appropriate official badge to be worn at the convention.

## **ARTICLE XVIII. GENERAL CONVENTION PROCEDURE**

### **Section 1. Convention Floor Admission**

Only credentialed delegates and members of the State Executive Council shall be admitted to the convention floor except invited guests who are participating in the program of the convention. All visitors shall secure a pass from the credentials committee and shall be seated only in a special section reserved for them.

### **Section 2. Resolution Procedure**

Resolutions to the convention may be introduced by members, locals, or the State Executive Council of the HPAE. No resolution shall be introduced no later than thirty (45) days prior to the opening of the convention except by two-thirds vote of the convention. The resolutions shall contain the title and shall be submitted to the State Executive Council in type written form.

The State Executive Council shall provide all locals with a copy of the proposed resolutions no later than thirty (30) days prior to the opening of the convention.

### **Section 3. Presiding Officer**

The President of HPAE shall be the presiding officer and chair of the convention.

### **Section 4. Sergeant-at-arms**

The president or presiding officer of the convention shall appoint an appropriate number of ushers whose duty it shall be to see that only persons entitled to admission shall be admitted to the convention floor. The ushers shall see that visitors are seated in the section assigned to them. They shall assist the presiding officer in such other ways as may be directed.

### **Section 5. Priority of Constitution Committee**

The Constitution Committee shall be heard in full prior to other committee reports. The Constitution Committee shall report only the proposed amendments which it recommends for adoption.

At the conclusion of the committee's full report, any delegate may move adoption of a proposed amendment not recommended by the committee. The chair shall allow one

statement for the proposed amendment and one statement against the proposed amendment. The chair shall then immediately put the question of whether the convention desires to debate the proposed amendment. If this motion prevails by one-third (1/3) vote, the proposed amendment shall be before the convention.

### **Section 6. Resolution Duration**

Resolutions upon which no action has been taken shall die when the convention adjourns.

### **Section 7. Rule Adoption**

A copy of the rules of conduct for conventions should be provided for delegates and visitors upon convention registration and should be voted on at the opening session at the beginning of the convention. The rules adopted at the preceding Convention shall be in force until new rules have been adopted.

## **ARTICLE XIX. NOMINATION AND ELECTION PROCEDURES**

### **Section 1. Officers**

- a) The following State Federation officers will be elected by delegates in convention years for a three (3) year term:

President  
First Vice-President  
Secretary Treasurer

- b) Eligibility

To be eligible for office a person must be a member in good standing of the organization for a period of two (2) years preceding the date of the convention.

### **Section 2. Nomination and Election Committee**

- a) The State Executive Council shall appoint three (3) members to serve on the Nomination and Election Committee and designate the chair of the committee no later than six months prior to the convention. Members of the Nomination and Election Committee shall resign from the committee if the member is to be a nominee for State Officer.
- b) The Nomination and Election Committee shall have plenary powers to run the election. The committee is authorized to resolve any disputes that may arise, during or out of the election, and to develop, interpret, and apply election and campaign procedures subject only to the provisions of the HPAE Constitution. The Nomination and Election Committee may retain an independent third-party company to assist with the election.
- c) The Nomination and Election Committee shall be empowered to modify procedures and timelines in the event of extenuating or unforeseen circumstances, or the requirements of either law or HPAE's affiliates. Notification will be provided in the event there is a material change in these procedures or timelines.

- d) The names of all certified candidates will be provided to Local unions no later than thirty (30) days prior to the opening of the convention and shall also be listed in the convention printed materials.

### **Section 3. Nomination Procedure**

- a) Notice of Nominations and Election shall be included in the Convention Call.
- b) All nominations of officers shall be by petition signed by no fewer than fifty (50) members in good standing and be inclusive of a minimum of five (5) signatures from no fewer than five (5) separate HPAE Local Unions. Nomination petitions must be submitted to the Chair of the Nomination and Election Committee no later than 45 days prior to the start of the convention.
- c) Members nominated to run for office must affirmatively accept their nomination.
- d) A member may not nominate more than one candidate for the same position. A member may not be a candidate for more than one position.
- e) If there are only as many nominations as there are positions, elections may be by unanimous consent, and the voting procedure outlined in Section 4 below will not take place. The Chair of the Nomination and Election Committee will certify the only candidate as the winner during the Convention.

### **Section 4. Voting Procedure**

Except when the election is by unanimous consent, the election shall be by roll call vote in accordance with Article XV Section 2 and the following procedures:

- a) Balloting for the election of officers and delegates shall take place under supervision of the Nominations and Election Committee. No other official business shall be conducted during balloting. Only delegates who are officially seated may vote in the election.
- b) A majority of the votes cast for the offices of the President, First Vice President, and the Secretary-Treasurer be required to elect the President, First Vice President, and the Secretary-Treasurer. In the event that no candidates for the positions of President, First Vice President, or the Secretary-Treasurer receive a majority, a runoff election between the two candidates receiving the highest number of votes shall be conducted by roll-call vote.
- c) Ballots shall be deposited in the ballot boxes not later than one hour following the opening of the polls. Ballots may be deposited by the ranking delegate or delegates may elect to deposit their own ballots.
- d) After the polls have closed, the Nomination and Election Committee shall supervise the counting of the ballots. The tally sheet shall be certified as accurate. The chair of the Nomination and Election Committee shall report the results of the election to the Convention.
- e) Ballots shall be retained for one year. At the end of one year, ballots may be shall destroyed.

## **ARTICLE XX. AFFILIATIONS**

**Section 1.** This organization shall maintain affiliation with the Central Trades and Labor Councils.

**Section 2.** This organization shall maintain affiliation with the State AFL/CIO.

**Section 3.** This organization shall maintain affiliation with the American Federation of Teachers.

## **ARTICLE XXI. AMENDMENTS TO THE CONSTITUTION AND BYLAWS**

Amendments to this Constitution and changes in the Bylaws may be proposed by any local in good standing or the State Executive Council of the HPAAE, for action at the convention provided that such amendments and changes have been submitted in writing to the State Executive Council no later than 60 days prior to the opening of the convention. The State Executive Council shall provide all locals with a copy of the proposed amendments no later than 30 days prior to the opening of the convention.

Amendments to the Constitution and Bylaws shall require a two-thirds (2/3) vote of delegates present at the convention.

## **ARTICLE XXII. 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.

**Revised and Ratified, October 7, 2021**