

# **Constitution and Bylaws of Local 5106**

**Health Professionals & Allied Employees**  
AFT/AFL-CIO

Amended and ratified by membership of Local 5106  
March 5, 2021

# **HPAE Local 5106 CONSTITUTION & BYLAWS**

## **ARTICLE I. NAME**

The name of this organization will be the Health Professionals and Allied Employees, AFT/AFL-CIO, Local 5106.

## **ARTICLE II. OBJECTIVES**

The objectives of this organization will be as follows:

- A. To provide 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 appropriate recognition of the skills and training required of its members in all specialized professional and allied occupations and to formulate and adopt such ethical practices and personnel requirements to elevate the status of all of its members.
- C. To achieve an optimal working environment through a more satisfied membership.
- 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.
- 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 other lawful and incidental activities and to take such other action as will be necessary to effectuate the aforesaid objectives of this organization.
- J. To develop an effective channel of communication between the employer and our members.
- 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 5106 is the health professionals and allied employees at Temple University Hospital/Episcopal Campus, Philadelphia, PA 19125.

## **ARTICLE IV. MEMBERSHIP**

### **Section 1. Qualifications**

- A. All hospital professionals and allied employees and any other employee in the health care field 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 will be denied membership on the basis of race, creed, color, sex, age, marital status, national origin or religion.
- B. All other groups who wish membership with HPAE may apply, in writing, to the HPAE Executive Council. This membership application may be subject to a membership vote for acceptance.

### **Section 2. Dues**

All members shall pay an initiation fee and dues as set by the State Federation to the State Federation as determined by State Constitution and By-Laws.

### **Section 3. Assessments**

A per capita assessment, in addition to dues, may be levied upon the membership if the amount and method of payment of such assessment has been approved:

- A. By a majority vote of its members in good standing at a regular or special meeting after reasonable notice of the intention to vote upon such a question.
- B. By majority vote of members in good standing in a membership referendum conducted by secret ballot.
- C. When an assessment is proposed by the Executive Council, or by action at a meeting of a local union, a notice shall be mailed to the members in good standing at least two (2) weeks in advance of the secret ballot vote on the issue.

### **Section 4. Termination of Benefits**

If a member wishes to resign his/her membership they must follow the procedure outlined in Article IV, Section 1 of the contract.

### **Section 5. 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 application for membership and payment of an initiation fee as set forth in Section 2 of this Article.

### **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.

## **ARTICLE V. MEETINGS**

### **Section 1. Regular Membership Meetings**

Regular meetings of the general membership shall be held semiannually and as necessary as determined by the Executive Board and representatives of the Local.

## **Section 2. Special Membership Meetings**

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

## **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 (3) days prior to the meeting. For regular meetings notification shall be given no less than 14 days prior to the meeting.

## **Section 4. Quorum**

A quorum for the transaction of business at a Regular or Special Meeting shall be defined as follows:

- A. One-half ( $\frac{1}{2}$ ) or more of the 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. In the absence of a quorum, business may be discussed and minutes taken but no vote shall be taken on any issue.
- B. In the absence of a quorum, business may be discussed and minutes taken but no vote shall be taken on any issue.

## **Section 5. Local Executive Board Meetings**

Regular meetings of the Local Executive Board will take place bimonthly. Additional meetings may be scheduled as necessary by the President or at the request of a majority of the Local Executive Board.

# **ARTICLE VI. ELECTION OF OFFICERS**

## **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 nomination 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.

## **Section 13**

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 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.
- B. For vacancy of any other officer, 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**

## **Section 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 2. Secretary**

The Secretary shall perform all duties incidental to the office of Secretary 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 Treasurer shall supervise the maintenance and distribution of all funds of the Local and shall keep accurate and current records of such funds. The Treasurer shall keep all financial records on a permanent basis. The Treasurer shall work with the State Federation 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 Treasurer. The Treasurer shall serve on the Budget Committee of the State Federation. The Treasurer shall be bonded. The Treasurer shall be a delegate to the State and National Conventions and shall be ranked as the third delegate.

## **Section 4. 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 5. Vice Presidents**

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 bargaining unit; one Vice-President shall be nominated and elected by the members of the Professional bargaining unit; 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.

# **ARTICLE VIII. LOCAL EXECUTIVE BOARD**

## **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 seven elected officers: President, three (3) Vice-Presidents, Secretary, Treasurer, and 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

## **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 IX. UNIT REPRESENTATIVES**

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.

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 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**

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. 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.

**ARTICLE XI. STRIKES AND JOB ACTIONS**

**Section 1. Local Membership Authorization**

The Local membership may utilize 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 VIII, 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 at a membership meeting 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. If a meeting is not possible, voting may be conducted by mail.

## **ARTICLE XII. RATIFICATION OF CONTRACT**

The ratification of a negotiated Collective Bargaining Agreement will be accomplished:

- A. Upon reaching a 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 there under or any lawful order of the Executive Council of the State Federation.
- C. For any member to knowingly work for an employer against whom a strike has been called, unless supported by membership vote.
- D. For any member to interfere with the performance of legal or contractual obligations of the Union or its affiliates, or the officers thereof.
- E. For any member to interfere with the performance of legal or contractual obligations of the Union or its affiliates, or the officers thereof--or to commit a crime or defalcation against the union.

### **Section 2. Discipline**

- A. The term "discipline" when used in this Article, shall include without limitation a fine, suspension or removal from office, disqualification to run for office, suspension or expulsion from membership or any combination of the foregoing.
- B. In addition, the penalty for any violation resulting in a wrongful loss of property or money to any individual or the union may include a provision for reimbursement to the body suffering the loss.

### **Section 3. Charges**

- A. Charges against a member of the Local for any violation of the provisions of this Constitution and By-Laws must be made in writing, signed by the members making such charges and presented to the Local Executive Board within six (6) months of the occurrence of the offense or knowledge of occurrence of the offense.
- B. In the case where charges are filed against an officer, such charges will be presented to the highest ranking officer who is not named in the charges.
- C. The officer receiving such charge will forward a copy to the member or officer cited by registered mail to the last known address of the charged party. A copy of such charge shall be forwarded to the Executive Committee and Co-presidents.

#### **Section 4. Investigation and Due Process**

- A. Within a thirty (30) day period of time of the mailing of the charge, a hearing will be scheduled. The hearing date shall not exceed sixty (60) days from the date of the mailing of the charges. All parties will be notified of such date, time and place by certified 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. The Investigation Committee may postpone the hearing for good cause shown.
- G. 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.
- H. A stenographer may be present if requested by either party, seven (7) days prior to the hearing. The party requesting a transcript will assume the costs and will provide a copy to be distributed to the Investigations Committee and a copy to the other parties.
- I. 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.
- J. 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.
- K. 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 and amended by the membership of Local 5106  
Health Professionals and Allied Employees; AFT/AFL-CIO  
March 5, 2021  
June 8, 2011  
April 18, 2000  
1997