

Constitution
And
Bylaws
of
Local 5142

Health Professionals & Allied Employees
AFT/AFL-CIO

Ratified by membership of Local 5142
March 22, 2017

LOCAL 5142
CONSTITUTION & BYLAWS

ARTICLE I. NAME

The name of this organization shall be Health Professionals and Allied Employees, Local # 5142

ARTICLE II. OBJECTIVES

The objectives of this organization shall be as follows:

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

ARTICLE III. JURISDICTION

The jurisdiction of Local 5142 shall include all health professionals and allied employees at Memorial Hospital of Salem County, Salem NJ, 08079

ARTICLE IV. MEMBERSHIP

Section 1: Qualifications

- A. All employees who are within the jurisdiction of Local 5142 shall be eligible for membership so long as they agree to abide by the Constitution and Bylaws. No person shall be denied membership on the basis of race, creed, color, gender, sexual orientation, age, marital status, political beliefs, national origin or religion.
- B. All other individuals who wish membership with HPAE may apply, in writing, to the Local Executive Board of Local 5142. This membership application is subject to a vote of the LEB for acceptance and approval by HPAE State Executive Council.
- C. If any person is convicted of a crime against the union, such conviction shall be cause for expulsion from membership and/or disqualification from union office.

Section 2. Definition

A member in good standing is one who:

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

Section 3. Dues & Assessments

- A. All members shall pay an initiation fee and dues as set by the State Federation to the State Federation as determined by the Constitution of the State Federation.
- B. A per capita assessment, in addition to dues, may be levied upon the membership if the amount and method of payment of such assessment have been approved:
 - i. By a majority vote of its members in good standing present at a regular or special meeting after a reasonable notice of the intention to vote upon such a question; or
 - ii. By majority vote of members in good standing in a membership referendum conducted by secret ballot.
- C. When an assessment is proposed by the State Executive Council, or by action at a meeting of a Local Executive Board, a notice shall be mailed to the members in good standing at least two weeks in advance of the secret ballot vote on the issue.

Section 4. Maintenance of Membership

A member who leaves the jurisdiction of this local may resign as a member in good standing. Application may be made to the State Federation for member-at-large status, in accordance with the Constitution of the State Federation.

Section 5. Reinstatement of Membership

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

ARTICLE V. MEETINGS

Section 1. Regular Membership Meetings

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

Section 2. Special Membership Meetings

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

Section 3. Notice

Written notice of each special meeting shall be mailed to each member and/or posted on an 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. In addition to the mailed or posted notice, notices may be sent electronically.

Section 4. Open and Closed Regular or Special Meetings

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

Section 5. Quorum.

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

- A. One half or more of the Local Executive Board plus a sufficient number of members in good standing so that the total number of officers and other members equals 10% of the members in good standing.
- B. In the absence of a quorum, business may be discussed and minutes taken but no vote shall be taken on any issue.

Section 6. Local Executive Board Meetings

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

ARTICLE VI. EXECUTIVE BOARD, OFFICERS and REPRESENTATIVES

Section 1. Executive Board

The Local Executive Board shall be the governing body of the Local. It shall supervise the affairs of the Local and shall have the authority to make rulings and adopt policies not covered by the Constitution and Bylaws that are consistent with the provision of the Constitution and Bylaws.

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

The Local Executive Board shall consist of four (4) members in good standing - the President and three (3) Vice-Presidents.

Section 2. President

The Local shall elect a member who shall be designated as President who will be the principal officer of the Local. It shall be the President's duty to administer the affairs of the Local and to execute policies established by the Local.

The President shall preside at all meetings of the membership and serve as ex-officio member on 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 State Executive Council of the State Federation and shall be eligible to serve on the Executive Committee of the State Federation in accordance with the Constitution of the State Federation.

Section 3. Vice Presidents

The Local shall elect members to serve in three (3) Vice President positions. 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 as may be adjusted and determined by the Local Executive Board. Duties shall include but not be limited to: coordination of the activities of the unit representatives and members in their designated areas and serve as chairpersons of designated committees.

One Vice President, by name, shall be designated by the Local Executive Board to attend the State Executive Council with the President for one year. In the absence of the President, the Vice-President designated by the Local Executive Board to attend the State Executive Committee shall perform all duties of the Office of President and when so acting shall have all the powers of and be subject to all the restrictions upon the President.

In addition to any other duties as determined by the Local Executive Board, the Local Executive Board shall designate specific Vice Presidents to be responsible for one of the following:

Secretary

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

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, shall work with the Treasurer of the State Federation in developing and implementing a budget and shall report regularly on the state of finances. The Treasurer shall serve on the Budget Committee of the State Federation. The Treasurer shall be bonded.

Grievance Chairperson

The primary responsibility of the Grievance Chairperson will be the grievance handling for all bargaining unit members. The Grievance Chairperson may establish a grievance committee.

Section 4. 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 communication between membership and the Local Executive Board, update bulletin boards and orient new members to the union and recruit members to participate in union activities.

Section 5. Vacancies

In the event that a vacancy occurs in any elected position due to change in status or otherwise, such vacancy shall be filled as soon as practicable in the following manner:

- A. President: a Vice President shall be appointed by the Local Executive Board until such time a special election can be held.
- B. All other officers: the President, subject to the approval of the Local Executive Board, shall appoint a member in good standing until an election of the membership can be held.

Section 6. Reimbursement for Union Business

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

Section 7. Term of Office

The term of office shall be the length of the contract, to begin the succeeding January 2nd after the ratification of a succeeding contract, not to exceed three years. Elections will be held and completed, when practicable, at least 4 months prior to the expiration of the current officers term. During that time a comprehensive period of training will be completed for all newly elected officers. Those newly elected officers will be officers-elect until installation to said office on the succeeding January 2nd.

Section 8. Convention Delegates

Elected officers shall be delegates to State and National Conventions.

Section 9. Performance of Duties

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

ARTICLE VII. COMMITTEES

Section 1. Appointment, Number and Term

The committees of the Local shall be standing or special committees. Each standing committee shall consist of no less than three (3) active members in good standing. The committee Chairperson shall be appointed by the Local Executive Board and the committee members by the chairperson of the committee all subject to the approval of the Local Executive Board. Each standing committee member's term shall be concurrent with the Local Executive Board's term of office. Each standing committee shall hold meetings as designated by the committee chairperson. Each standing committee chairperson shall report directly to the Local Executive Board.

Section 2. Standing Committees

A. Labor-Management Committee

This committee shall be responsible for meeting with the Employer to discuss mutual problems and concerns to the Union and the Employer.

B. Staffing Committee

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

C. Health and Safety Committee

This committee shall be responsible for meeting with the Employer to discuss issues and concerns and to develop a plan that will provide a healthy and safe work environment including but not limited to workplace violence and safe patient handling.

D. Committee on Political Education (COPE)

This committee shall be responsible for following legislation and political activity that may have an impact on the Local. The committee shall participate on the State Federation's COPE Committee. The committee will make recommendations to the Local Executive Board regarding the Local's participation in legislative and political issues. The committee will coordinate community education and outreach on these issues

Section 3. Special Committees

Special committees may be appointed by the President with the approval of the Local Executive Board for such special tasks as warranted. Special committees shall be limited to the activities necessary to accomplish the tasks for which they were created and upon completion of such tasks, shall be discharged. Such committee will report to the President or his/her designee.

A. Committee on Negotiations

On behalf of the membership, this committee shall investigate and formulate proposals, which are supported by the membership as a basis for entering into negotiations with the Employer. The President will chair this committee and the Local Executive Board will determine the number of committee members.

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

satisfactory tentative agreement between the negotiating committees from the Local and the employer is not reached, the membership of the local may consider and authorize actions, which are not in conflict with this Constitution and Bylaws.

B. Committee on Nominations and Elections

This committee will be composed of members in good standing that shall formulate all the rules and procedures for the conduct of elections. No member of this committee can also be a candidate in an election while the member is serving on the nominations and elections committee.

C. Constitution and Bylaws Committee

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

ARTICLE VIII. STRIKES AND JOB ACTIONS

Section 1. Local Membership Authorization

The Local membership in good standing may authorize job actions or other concerted activity including but not limited to a strike as a means of resolving deadlocked negotiations or other disputes or other action provided the procedures outlined in Article VIII, Section 2 have been followed.

Section 2. Voting Procedure

- A. The decision to engage in a job action or other concerted activity must be authorized by the Local membership involved through a simple majority of votes cast by secret ballot.
- B. The decision to engage in a job action or other concerted activity will be limited solely to those members who are employees of the particular institution or employer in question.
- C. Notice, by mail (regular and/or electronic), and posting on union bulletin boards, shall be given to all eligible members at least three days prior to the vote.
- D. Voting will be conducted by secret ballot at a membership meeting. If a meeting is not possible, voting may be conducted by mail.

ARTICLE IX. RATIFICATION OF CONTRACT

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

- A. Upon reaching a tentative agreement with the employer, a general membership meeting will be scheduled.
- B. By secret ballot of members in good standing, a majority of ballots cast in favor shall be required to ratify any tentative agreement arrived at by the negotiations committee.

ARTICLE X. OFFENSES, DISCIPLINE AND HEARING

Section 1. Offenses

It shall be an offense against the Local for any member to commit any acts which are seriously detrimental to the union including but not limited to the following:

- A. For any member to knowingly make any false statements or misrepresentation in or in connection with said member's application for membership.

- B. For any member to knowingly violate or conspire or attempt to violate the Constitution and Bylaws of the organization, any laws promulgated hereunder or any lawful order of the Executive Council of the State Federation.
- C. For any member to knowingly work for an employer against whom a strike has been called, unless supported by membership vote.
- D. For any member to interfere with the performance of legal or contractual obligations of the Union or local, its affiliates or the officers thereof or to commit a crime or defalcation against the union.
- E. For any member to commit or to conspire, incite or attempt to commit violence against any other member.

Section 2. Discipline

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

Section 3. Charges

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

Section 4. Investigation and Due Process

- A. Within a thirty-day period of time of the mailing of the charge, a hearing will be scheduled. All parties will be notified of such date, time and place by mail.
- B. An investigation committee will be formulated consisting of local representatives and/or members not to exceed five (5) in number, and appointed by the HPAE Executive Committee of the State Federation.
- C. The charged party may challenge any member of the investigation committee because of conflict of interest or bias by submitting a challenge in writing to all members of the investigation committee and to the Executive Committee of the State Federation. If any challenged member does not request to be excused, the HPAE Executive Council of the State Federation shall review the merits of the challenge and, where the claim of conflict of interest or bias is sustained, shall cause the member to be relieved of serving. In the event a vacancy occurs because of a request to be excused or because of removal for interest or bias, such vacancy shall be filled by appointment from the HPAE Executive Council of the State Federation in accordance with this Article.
- D. Either party may choose any other member, an interested third party, or an attorney to represent a said member at the hearing.
- E. If insufficient evidence is presented against the charged party, the investigation committee shall dismiss the charges.

- F. If the charged party does not appear, the investigation committee nevertheless may, if presented with evidence sustaining the charge, make a finding of guilt and impose a punishment.
- G. The investigation committee may postpone the hearing for good cause shown.
- H. The burden of proof is on the charging party. Decisions shall be based only upon facts presented to the investigation committee during the proceedings and a finding of guilt shall only require a preponderance of the evidence.
- I. A stenographer may be present if requested by either party seven days prior to the hearing. The party requesting the transcript will assume the costs and will provide a copy to be distributed to the investigation committee and a copy to the other parties.
- J. The investigation committee will determine the truth of the charges by majority vote and announce its verdict and punishment at that time. A report will be prepared within fourteen days thereafter and sent by registered mail to the parties involved.
- K. Parties not complying with a verdict and punishment within thirty days of receipt of notice thereof, shall be expelled from membership. However, if an appeal has been instituted during that thirty-day period, punishment shall not be imposed pending determination of the appeal.
- L. Any disciplinary action taken by the Local may be appealed to the HPAE Executive Committee, in writing by certified mail within thirty days of the verdict or within such time and in such manner as designated by the HPAE Executive Committee.

Section 5. Authority

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

ARTICLE XI. AMENDMENTS

This Constitution and Bylaws may be amended by a vote of two-thirds of those members voting in person at any regular or special meeting or by mail ballot provided that at least two weeks in advance of any proposed amendment each member has been notified in writing or such topic has been posted.

ARTICLE XII. SAVINGS CLAUSE

If any provision of this Constitution and Bylaws is found to be invalid, such invalidity shall not impair the validity and enforceability of the remaining provisions of this Constitution and Bylaws.

Ratified by membership of Local 5142 on March 22, 2017
Health Professionals and Allied Employees, *AFT/AFL-CIO*