

# **CONSTITUTION AND BYLAWS**

**The National Union of Healthcare Workers**

## TABLE OF CONTENTS

		PAGE
Article 1	Name	3
Article 2	Purpose and Mission	3
Article 3	Jurisdiction	4
Article 4	Affiliations	4
Article 5	Member Rights and Responsibilities	4
Article 6	Membership	6
Article 7	Stewards	6
Article 8	Worksite Steward Councils	8
Article 9	Divisions and Division Steward Councils	9
Article 10	Executive Board and Officers	11
Article 11	Committees and Central Labor Council Delegates	19
Article 12	Membership Meetings/ Annual Leadership Conference	21
Article 13	Collective Bargaining	22
Article 14	Funds of the Union	23
Article 15	Strikes	24

Article 16	Due Process and Hearing Procedures	25
Article 17	Amendments	27
Article 18	Procedure and Debate	27
Article 19	Property Rights of Members	27
Article 20	Nominations and Elections	28
Article 21	Recall	30
Article 22	Obligation to Abide	31
Article 23	Non-Liability of Local Union	31
Article 24	Rights by Law	31
Article 25	Installation Pledge	32
Article 26	Membership Pledge	32

## **Article 1**

### **NAME**

This is the Constitution and Bylaws of the National Union of Healthcare Workers.

## **Article 2**

### **PURPOSE AND MISSION**

We believe that unions are the means by which working people build power, by which ordinary people accomplish extraordinary things.

We are the National Union of Healthcare Workers. We are united by the belief in the dignity and worth of workers and the services we provide, dedicated to improving the lives of our members and their families, and to creating a more just and humane society in which all people have a right to receive affordable healthcare services.

The objects and purposes of this Union shall be to promote and develop the securing of economic advantages, including better wages, hours and working conditions, through organizing the unorganized, collective bargaining, legislative and political action, and the utilization of other lawful means.

We are healthcare workers forming a strong union to build power for ourselves and to protect the people we serve. Our vision is of a society in which:

- Workers and their families live and work in dignity;
- Workers have a meaningful voice in decisions that affect them;
- Workers have the opportunity to develop their talents and skills;
- The collective voice of workers is realized in a democratic and progressive union;
- The highest quality healthcare is available and accessible to all;
- Union solidarity stands firm against the forces of discrimination and hate and the unfair practices of exploitative employers;
- Our Union fairly and honestly cooperates with employers who choose to respect workers, the work we do and our vision;
- We are not divided by forces of discrimination based on race, creed, color, religion, gender, gender identity, sexual orientation, marital status, national origin, citizenship status, ancestry, age, disability or political persuasion;
- We have achieved power and effectiveness based upon the active participation and commitment of our members;
- We have achieved effective influence over our industry and labor market;

- Government plays an active role in improving the lives of working people and workers' voices are heard at every level of government.

To Achieve This Mission We Must:

1. Organize unorganized healthcare workers, extending to them the gains of unionism while securing control over the industry and healthcare labor markets;
2. Build political power to ensure that workers' voices are heard at every level of government to create economic opportunity and foster social justice;
3. Provide meaningful paths for member involvement and participation in a strong and democratic union;
4. Be unified and inspired in a set of beliefs and principles that transcends our social and occupational diversity and guides our work.

### **Article 3**

#### **JURISDICTION**

This Union shall have jurisdiction over all healthcare workers who are eligible for membership, as well as other workers who believe it is in their best interest to join with the National Union of Healthcare Workers.

### **Article 4**

#### **AFFILIATIONS**

This Union may be affiliated with the state federation of labor, AFL-CIO, CLC and the appropriate central labor councils as directed by the Executive Board.

### **Article 5**

#### **MEMBER RIGHTS AND RESPONSIBILITIES**

##### **Rights in the Union**

The right to have opinions heard and respected, to be informed of Union activity, to be educated in Union values and Union skills.

The right to choose the leaders of the Union in a fair and democratic manner.

The right to a full accounting of Union dues and the proper stewardship over Union resources.

The right to participate in the Union's bargaining efforts, elect their bargaining committees, and to approve union contracts.

The right to have members' concerns resolved in a fair and expeditious manner.

## **Responsibilities in the Union**

The responsibility to help build a strong and more effective labor movement, to support the organizing of unorganized workers, to help build a political voice for working people, and to stand up for one's co-workers and all workers.

The responsibility to be informed about the internal governance of the Union, and to participate in the conduct of the Union's affairs.

The responsibility to contribute to the support of the Union.

The responsibility to treat all workers and members fairly.

The responsibility to bring concerns in a constructive manner to structures within the Union as defined by these Bylaws.

## **Rights on the Job**

The right to have work that is worthwhile to society and to pursue satisfying work which provides a decent standard of living, a healthy and safe workplace, and the maximum possible employment security.

The right to have a meaningful and protected voice in the design and execution of one's work and in the long-term planning by one's employer, as well as the training necessary to take part in such planning.

The right to have fair and equitable treatment on the job.

The right to share fairly in the gains of the employer.

The right to participate fully in the work of the Union on scope, content, and structure of one's job.

## **Responsibilities on the Job**

The responsibility to participate in the Union's efforts to establish and uphold collective principles and values for effective workplace participation.

The responsibility to recognize and respect the interests of all Union members when making decisions about Union goals.

The responsibility to be informed about the industry in which one works and about the forces that will affect the condition of workers in the industry.

The responsibility to participate fully in the Union's efforts to expand the voice of workers on the job.

The responsibility to provide a fair day's work for a fair day's pay.

The responsibility to advocate for the needs of the patients we serve.

## Article 6

### MEMBERSHIP

1. There shall be no discrimination against any member, or any applicant for membership, by reason of race, creed, color, religion, gender, gender identity, sexual orientation, marital status, national origin, citizenship status, ancestry, age, disability or political persuasion.
2. Newly admitted members shall subscribe to the Membership Obligation set forth in this Constitution and Bylaws, which is reprinted below. This Membership Obligation shall not be construed to require any individual member to waive any of his/her legal rights.
3. Categories of Membership

#### A. Regular Members

A regular member is an individual employed in a bargaining unit for which the Union is the recognized bargaining agent and/or for which the Union seeks to be certified as the recognized bargaining agent for matters relating to wages, hours and other terms and conditions of employment; or is a Union officer or staff member.

#### B. Associate Members

1. An associate member must be an individual who is not part of a bargaining unit for which the Union is the recognized bargaining agent and is an individual or a member of a group that has been approved by the Executive Board as being eligible for associate membership.
2. The Executive Board may enact policies, procedures and regulations to implement the establishment of the associate member classification of membership, subject to the guidelines of this Union.
3. An associate member shall not be eligible to hold office or vote in officer elections.

#### C. Retired Members

1. Retired members shall be entitled to maintain membership in the Local and shall pay less than the full dues required for working members of the Union, but shall not be eligible for nomination to any elected position, other than as Retiree Vice President, nor to hold any other office.

## Article 7

### STEWARDS

1. Stewards are the worksite leaders of the Union. A strong, democratic, and effective union is built on a solid foundation of stewards at each worksite. The responsibilities and roles of a steward are defined by this Constitution and Bylaws, union policies and procedures, as well as the provisions of the collective bargaining agreements that are negotiated with the employers.
2. The diversity and complexity of the Union only allow for a general description of the steward's roles and responsibilities in this Constitution and Bylaws. The Executive Board shall set policies as

necessary on all matters relating to stewards, except the basic policies that stewards be members in good standing, and that they be elected, by ballot or petition, in a work area (unit or department or cluster) defined by the appropriate worksite steward council.

3. A steward has no greater rights than any of the members in his/her area. However, the responsibilities of a steward do outweigh those of other members. Being a steward requires that personal opinions and preferences are subordinate to that which represents the highest good to the members.
4. Stewards shall serve without compensation. However, based on the financial ability of the Union, the Executive Board shall consider and establish guidelines and policies regarding reimbursement for lost time wages and "out of pocket" expenses.
5. The responsibilities of a steward shall include, but are not limited to:
  - A. Mobilizing members to action. Supporting the Union's efforts to process grievances and resolve worksite issues;
  - B. Orienting new workers to the Union;
  - C. Maintaining the Union's internal organization at the worksite;
  - D. Completing core steward training and any other required training;
  - E. Participating in the grievance appeal process, as appropriate;
  - F. Distributing and posting all appropriate information he/she receives from the Union and updating the union bulletin board;
  - G. Collecting dues or other monies if so authorized by the Union;
  - H. Representing her/his worksite in appropriate meetings of the Union and representing the interests of the members in their absence;
  - I. Attending facility, worksite, geographic, and other appropriate meetings;
  - J. Effectively leading members to defend and advance the interests of the membership;
  - K. Participating in, promoting, and recruiting for the Union's organizing and political programs;
  - L. Communicating with and leading members to implement the policies and programs of the Executive Board and the division steward council.
6. Stewards shall be re-elected or reconfirmed by a vote of the membership in their work area (unit, department or cluster, as defined by the worksite steward council) every three years.
7. In between the three (3) year election cycle, a steward may be elected by submitting a petition signed by a majority of the members in her/his constituent work area (unit, department or cluster, as defined by the worksite steward council).
8. In the event of dissatisfaction with a steward, the member(s) must first present the issues of concern to the worksite steward council and allow the steward council to investigate, mediate, and resolve the

issues or take satisfactory action to address the issues. After the steward council's dispute resolution process, a ballot election to recall a steward may be called by filing a petition signed by a majority of the members in the constituent's work area (unit, department or cluster, as defined by the worksite steward council).

9. The Union shall not be legally liable in any court of law or other forum for the actions and/or inaction of its stewards.

## **Article 8**

### **WORKSITE STEWARD COUNCILS**

1. The worksite steward council shall serve as the center of union activity, information and input at the workplace. The worksite steward council will take leadership in the recruitment of new stewards/activists; distributing and posting union information materials; implementing internal and external mobilization programs; orienting new members; scheduling and conducting regular facility based membership meetings. The worksite steward council will also take leadership for coordinating the Union's program for bargaining, organizing, political, legislative, grievance, and arbitration activity at the facility level.
2. Each worksite shall establish a steward council consisting of all worksite stewards at a facility or other designated area.
3. The worksite steward council shall meet at least once a month.
4. The worksite steward council shall develop ground rules for conducting steward council meetings.
5. The worksite steward council shall maintain and distribute minutes of the steward council meetings.
6. Worksite steward councils are the vehicles for defending the rights the members on a daily basis.
7. Worksite steward councils share the responsibility for organizing the worksite by sharing and distributing the responsibilities of the individual steward.
8. Worksite steward councils shall be a forum for discussing common problems and concerns, and establishing effective solutions.
9. Worksite steward councils shall help to develop an effective system of worksite communication, including distribution of written materials, updating bulletin boards, worksite meetings, and other activities.
10. Worksite steward councils shall facilitate discussion and dialogue on relevant issues, including union activities, training, education, and other concerns.
11. Worksite steward councils shall address appeals related to grievance handling as determined by division policy.
12. Worksite steward councils shall participate in, promote, and recruit for the Union's organizing and political programs.
13. The leadership positions responsible for the effective functioning of the worksite steward councils are as follows:

- A. Representative chairperson: the steward who, along with the chief stewards, has primary responsibility for the operations of the council, representation coordination, and training coordination. The representative chairperson shall preside over the worksite steward council and membership meetings and cooperate and coordinate with all stewards, officers, and the Executive Board to ensure that the worksite steward council functions are carried out. The representative chair shall also serve on the division steward council.
- B. Chief Steward(s): with the appropriate number determined by the worksite steward council, each worksite may elect a chief steward or chief stewards who in coordination with the representative chair will take responsibility for representation coordination and training coordination.
- C. Council Secretary: the steward who has responsibility for recording minutes of worksite steward council meetings and worksite membership meetings in order that a record is kept of issues, activities and recommendations for report to the division steward council and Executive Board for follow-through when necessary. The Council Secretary will also work with union staff to publish and distribute facility newsletters to inform the membership of issues of interest and activities of the Union at the worksite and in general.
- D. Mobilization Chairperson: the steward who has primary responsibility for coordinating internal mobilizations and communications in support of worksite and union-wide programs. The Mobilization Chairperson will work closely with the representative chair, the chief stewards, the COPE chair, and union staff to ensure that worksite actions and mobilizations are developed in support of facility and union-wide programs.
- E. COPE Chairperson: the steward who has the primary responsibility for the coordination, education and mobilization in support of political and legislative programs, and who is the designated representative to the Union's political action committee.
- F. Worksite steward councils shall operate within guidelines approved by the Executive Board on such matters that include, but are not limited to structure, officers, chief stewards, and other appropriate policy matters.

## **Article 9**

### **DIVISIONS AND DIVISION STEWARD COUNCILS**

1. The Union's greatest asset is the strength, unity and solidarity of its entire membership. Within the Union there is also a necessity to establish policies and programs that deal with the needs and concerns of members within a particular industry.
2. The Executive Board shall authorize the formation of divisions and division steward councils to coordinate and carry out their activities within the overall operating structure of the Union.
3. Not less than five (5) such divisions shall be formed: Convalescent and Retirement Care, Hospitals and clinics -- Public/Private, Homecare, Kaiser and Public Sector. The Executive Board may establish additional divisions and division steward councils.

4. The Executive Board shall recognize and authorize existing chapters, chapter steward councils, divisions and division steward councils and shall authorize as needed the formation of new chapters, chapter steward councils, divisions and division steward councils to coordinate and carry out their activities within the overall operating structure of the Union.
5. Chapters and chapter steward councils, where recognized, as referenced in Paragraph 2, above, are intended to assist members to organize themselves. Chapters and Chapter steward councils shall affiliate within an NUHW Professional Council. The Professional Council shall advance the local, state, and national issues of special interest to professionals, within the framework and context of the larger NUHW program. Such issues shall include but not be limited to title protection, licensing and credentialing, best practices, and the organizing of unorganized professionals in other health care systems. The Chapters shall continue to receive funds from their chapter member dues, at the discretion of the NUHW Executive Board, and the monies are to be used at the discretion of the chapters with the approval of the director of the appropriate division.
6. The division steward council shall consist of representatives from the division, based on geographical, facility or contractual units as determined by the Executive Board, who are stewards elected by their constituency. Division steward council representatives shall:
  - A. Attend division steward council meetings;
  - B. Report back to their defined constituency on the activities and decisions of the division steward council;
  - C. Convey to the division steward council any issues that might impact the division as a whole.
5. The duties and responsibilities of a division and division steward council shall include, but are not limited to, the following:
  - A. Meeting at least every three months;
  - B. Selecting a rank-and-file chair who will participate in the development of the division steward council agenda;
  - C. Maintaining and distributing minutes of the division steward council meetings;
  - D. Focusing resources, talents and energies of the Union on developing a strategic plan for each division to better serve the membership;
  - E. Providing a strong identity for members within their division as well as within the Union;
  - F. Providing a vehicle for increased membership participation in the decision-making process of the Union;
  - G. Developing training, educational, informational and communication programs;
  - H. Sharing and coordinating information on industry trends, common issues, problems and other concerns;

- I. Coordinating and implementing union-wide plans, goals and objectives in conjunction with division activities;
  - J. Developing effective “contract campaigns” and new, innovative strategies for achieving collective bargaining agreements;
  - K. Developing additional councils and/or subcommittees, as necessary, based on needs within a particular classification, shift, geographic area, temporary situation, multi-employer or multi-facility contracts and other considerations;
  - L. Deciding appeals related to the processing of grievances as appropriate;
  - M. Participating in, promoting, and recruiting for the Union's organizing and political programs;
  - N. Developing the leadership of the worksite steward councils and standardizing policies where appropriate;
  - O. Developing and implementing a code of conduct for stewards;
  - P. Developing and implementing a process for steward and member dispute resolution.
6. Division steward councils shall operate within guidelines approved by the Executive Board and shall not engage in any action that interferes with another division or with the general policies, goals and programs of the Union as a whole.

## **Article 10**

### **EXECUTIVE BOARD AND OFFICERS**

#### 1. Executive Board

The Executive Board is the governing body of the Union elected every three (3) years. The Executive Board is authorized and empowered to take all lawful action consistent with the Constitution and Bylaws of the Union.

- A. The Executive Board shall consist of a full time President; a full time Executive Vice President; a full time Secretary-Treasurer; (1) representative of the Retiree Division; rank-and-file Vice Presidents representing each of the established divisions in proportion to their numbers in the Union, and which should be constituencies defined by the Executive Board; as well as full-time Administrative Vice Presidents determined by the Executive Board. Each of the above shall be members in good standing at all times during their terms of office.
- B. Scheduling and frequency of Executive Board meetings will be determined by the Executive Board (but will be held at least every other month). Meetings shall be open to all members in good standing.
- C. Special Meetings of the Executive Board may be scheduled by the President, or the Executive Board may call a special meeting based upon a request from one half of the Board members. c

- D. The Executive Board shall approve an annual budget as recommended by the President, examine all financial statements, and approve the appropriation of funds necessary to carry out the business of the Union.
- E. All meetings of the Executive Board shall be conducted in accordance with the current edition of Robert's Rules of Order.
- F. Minutes of regular and special meetings shall be presented in writing to the Executive Board for adoption at its next regularly scheduled meeting.
- G. A majority of the filled seats of the Executive Board shall constitute a quorum for the transaction of union business at a meeting of the Board. Decisions of the Executive Board shall be decided by a majority vote of those present and voting, once a quorum has been established.
- H. The Executive Board shall have the authority to oversee and direct policy and the financial affairs of the Union.
- I. The Executive Board shall establish the compensation for the full-time officers and the full-time Administrative Vice Presidents of the Union.
- J. The Executive Board shall approve the compensation, terms and conditions of employment for the staff of the Union.
- K. The Executive Board shall approve contracts for services rendered to the Union. These contracts shall include, but are not limited to legal services, member benefit programs, auditing services, and facility leases.
- L. Members shall have the right to address the Executive Board on issues or unresolved problems in accordance with reasonable procedural guidelines established by the Board.
- M. In the event that any member of the Executive Board fails to attend three (3) regular meetings of the Executive Board in a twelve (12) month period without a reason approved by the Executive Board, that member's seat shall be declared vacant.
- N. The term of officers and Executive Board members shall expire following the election and installation of all newly elected officers and Executive Board members, as herein provided.
- O. Executive Board members shall be deemed, by virtue of their election to Union positions, and by length of membership in the Union, including length of membership in good standing in any other labor organization, as defined by the National Labor Relations Act, representing healthcare workers, elected delegates to conventions, conferences, councils and bodies to which this Union is entitled to send delegates. If it shall appear that the number of elected union officers is less than the number of delegates which the Union will be entitled to, then arrangements shall be made for nomination and secret ballot election, if required, of an additional number of eligible members as convention delegates. Nominees for such position, if unopposed, shall be deemed elected without necessity for further procedures. If the total number of elected officers is greater than the number that the Local Union is permitted to send to the convention(s), the President, Executive Vice President, and the Secretary-Treasurer shall attend as delegates. Additionally, the Administrative Vice Presidents, and other Vice Presidents will be selected in descending order of the number of votes each received in the last election. However, if the other elected members of the Executive Board run unopposed, they shall be

listed in accordance with length of membership in the Union, including length of membership in good standing in any other labor organization, as defined by the National Labor Relations Act, representing healthcare workers. The Executive Board shall determine the number of delegates and alternates which shall represent the Union at the convention.

P. In order to be eligible for nomination and election to an officer position or Executive Board position, a nominee must have been a member in good standing of the Union continuously for at least two (2) years prior to the date of the nomination being certified. For the Union's first election of officers, this requirement will include membership in good standing in any other labor organization, as defined by the National Labor Relations Act, representing healthcare workers. The President may waive this provision at her/his discretion based on good cause shown.

Q. The two (2) year membership requirement may be waived by the Executive Board for those nominees from newly organized facilities and/or newly affiliated members who are running for Executive Board Vice President or Administrative Vice President, but not any other office.

## 2. Vice Presidents

- A. Vice Presidents shall be elected by regular members employed in bargaining unit constituencies defined and designated by the Executive Board, and shall be voting members of the Executive Board.
- B. Vice Presidents shall serve without compensation but shall be reimbursed for any lost time wages and "out of pocket" expenses.
- C. In the event that a Vice President changes jobs from employment in one division to another, but remains a continuous member in good standing, and remains covered by a union contract in either or both divisions the Vice President shall continue as an Executive Board Vice President for the remainder of her/his term.
- D. In the event that a Vice President's bargaining unit facility is closed or sold, if they remain a continuous member in good standing, the Vice President shall continue as an Executive Board Vice President for four months. If the Vice President has secured employment in a NUHW bargaining unit within the four months, they will serve the remainder of her/his term. If the Executive Board Vice President has not secured a bargaining unit position within the four month period they will be terminated from the position
- E. Responsibilities of the Vice President shall include:
  - 1. Representing the interests of all members within her/his constituency;
  - 2. Being a steward;

3. Leading division meetings, including helping to structure, plan, publicize, recruit for and chair the meetings;
  4. Understanding the issues affecting the membership by talking to stewards, members, and union staff; attending steward council meetings; conducting facility visits; being accessible to members; and attending membership meetings;
  5. Being visible by attending actions for the Union and other unions; representing the Union at central labor council, public board, and community meetings;
  6. Identifying, promoting, recruiting, training, and mentoring stewards and members;
  7. Participating in and recruiting members to participate in the Union's organizing campaigns;
  8. Leading and participating in the Union's COPE committees; working with central labor councils to recruit members for political activities; participating in regulatory activities and commissions; and lobbying.
- f.

F. Vice Presidents shall automatically become members of their division steward councils.

G. In the event of a vacancy in the office of a Vice President, the Executive Board shall appoint a steward from the division in which the vacancy occurred to fill the unexpired term. All stewards from the division where the vacancy occurred shall be notified of the vacancy and the procedures adopted by the Executive Board for filling the position.

### 3. President

- A. The President shall be a regular member elected by the regular members and retired members at large to serve as the Union's chief Executive officer on a full-time basis. It shall be the President's duty to administer the affairs of the Union and to implement the policies of the Union on a day-to-day basis. The President's duties shall include but are not limited to:
1. Complying with the mandates of all membership votes and/or decisions of the Executive Board;
  2. Presiding at all meetings of the Executive Board and at membership meetings, conferences, conventions and other Union functions as necessary;
  3. Hiring, firing, assigning and directing the Union's staff in accordance with any applicable bargaining agreement, rules, laws and regulations, and pursuant to any staff related policies adopted by the Executive Board;
  4. Assigning and directing the Union's staff within an operating budget approved by the Executive Board;

5. Calling special meetings of the Executive Board, membership or specific committees and other bodies of the Union, as necessary;
  6. Together with the Executive Vice President and Secretary-Treasurer, sign checks, vouchers, financial contracts and agreements subject to the policies of the Executive Board and the Constitution and Bylaws;
  7. Signing all collective bargaining agreements as the Union's official representative after ratification by the membership and signing by the appropriate negotiating committees and/or staff;
  8. Representing the Union in the community, in the media and at meetings, conferences or conventions of organizations that the Union is affiliated with; and generally acting as the chief spokesperson for the Union;
  9. Voting on any matter before the Executive Board where his/her vote shall be the deciding vote;
  10. Fulfilling such other duties as his/her office requires and as are consistent with the Constitution and Bylaws;
  11. Presenting an annual budget to the Executive Board for their review, discussion and final adoption;
  12. As the Chief Executive Officer, the President shall serve as the Union's first delegate to conventions and conferences in which the Union is eligible for participation;
  13. Serving as an ex-officio member of all committees of the Union.
  14. Subject to the approval of the Executive Board, the President may establish committees and appoint representatives to committees, standing or ad hoc, that may be necessary to further the interests of the membership or improve the functioning of the Union.
- B. The President shall have the authority to interpret the Constitution and Bylaws, subject to the approval of the Executive Board.
- C. In the event of a vacancy in the office of the President, an election to fill the unexpired portion of the term of office shall be held within ninety (90) days. The Executive Vice President shall assume the duties of the President until the newly elected President is seated.

An election to fill the unexpired term of office shall not be held if a regular general election is scheduled to take place within eighteen (18) months of the vacancy. In this case, the Executive Vice President will assume the duties of the President until the newly elected President is seated.

#### 4. Executive Vice President

- A. The Executive Vice President shall be a regular member elected at large by the regular members and retired members to serve the Union on a full-time basis. The Executive Vice President is a voting member of the Executive Board. The duties of the position include but are not limited to:

1. Complying with the mandates of all membership votes and/or the decisions of the Executive Board;
2. Assuming the duties of the President in his/her absence and assisting the President as he/she requests;
3. Directing staff at the request of the President;
4. Representing the Union when the President is unable or unavailable to do so;
5. Negotiating collective bargaining contracts at the request of the President;
6. Representing the Union and members in various forums with employers, the community, the labor movement, the media, legislative and regulatory bodies and other such forums;
7. Together with the President and the Secretary-Treasurer signing checks, vouchers, financial contracts and agreements subject to the policies of the Executive Board and the Constitution and Bylaws;
8. The Executive Vice President shall serve as the Union's second delegate to conventions and conferences in which the Union is eligible for participation.

B. In the event of a vacancy in the office of the Executive Vice President, the President, subject to the approval of the Executive Board, shall appoint a replacement to fill the unexpired portion of the term of office.

#### 5. Secretary-Treasurer

The Secretary-Treasurer shall be a regular member elected at large by the regular members and retired members to serve the Union on a full-time basis.

The Secretary-Treasurer is responsible for all financial records and transactions, membership information and record keeping. The Secretary-Treasurer is a voting member of the Executive Board. The duties of the position include but are not limited to:

- A. Complying with the mandates of all membership votes and/or decisions of the Executive Board;
- B. Working with professional staff to aid and assist in maintaining accurate records of all the financial affairs, membership records and information of the Union;
- C. Keeping an accurate accounting of all receipts and disbursement of all monies, savings, securities and/or property owned by the Union, and depositing all monies in a bank approved by the Executive Board;
- D. The Secretary-Treasurer shall prepare and submit to the Executive Board an annual financial report, certified by a certified public accountant, which shall be published to the membership;
- E. Together with the President and Executive Vice President, signing checks, vouchers, financial contracts and agreements subject to the policies of the Executive Board and the Constitution and Bylaws;

- F. Keeping a record of all members admitted by initiation or otherwise, as well as the current status of members; keeping a record of all fines or assessments by the Union; keeping a correct account of each member's standing; signing and issuing cards of membership; noting and listing the names of members deceased;
- G. Reporting monthly to the Executive Board on income and expenses for the previous month;
- H. Providing membership accessibility to financial records and Executive Board minutes. The Executive Board shall adopt reasonable rules and procedures for this process that shall not abridge the rights of the membership nor unduly burden the Secretary-Treasurer and his/her assigned staff;
- I. Being covered by the appropriate bond and provides for the bonding of the President, Executive Vice President and any other individuals proposed by the Secretary-Treasurer and approved by the Executive Board. The cost of any bonds shall be at the Union's expense;
- J. Assisting with the preparation, presentation and adoption of an annual budget by the Executive Board;
- K. Assuring that accurate minutes of each Executive Board meeting are kept and presented at the next Board meeting for formal adoption;
- L. The Secretary-Treasurer shall have the authority to extend the usual period on dues or waive such, subject to the approval of the Executive Board or at the direction of the Executive Board.
- M. In the event of a vacancy in the office of the Secretary-Treasurer, the President, subject to the approval of the Executive Board, shall appoint a replacement to fill the unexpired portion of the term of office.
- N. In the event of a vacancy in both the office of the President and the office of the Executive Vice President, an election to fill the unexpired portion of the President's term of office shall be held within ninety (90) days. The Secretary-Treasurer shall assume the duties of the President until the newly elected President is seated.

An election to fill the unexpired term of office shall not be held if a regular general election is scheduled to take place within eighteen (18) months of the vacancy. In this case the Secretary-Treasurer will assume the duties of the President until the newly elected President is seated.

## 6. Administrative Vice Presidents

The Administrative Vice Presidents shall be voting members of the Executive Board, whose duties shall include, but not be limited to:

- A. Assisting the President in the administration of the Union;
- B. Attending steward council and membership meetings, talking to members, stewards and staff, visiting facilities and being accessible to the membership;

- C. Attending actions for the Union and other unions, attending and representing the Union at central labor council, public board and community meetings;
- D. Identifying, promoting, recruiting, training and mentoring stewards and members;
- E. Recruiting members to participate in the Union's organizing campaigns;
- F. Helping lead and participate in the Union's COPE committees; working with central labor councils to recruit members for political activities; participating in regulatory activities and commissions, and lobbying;
- G. The Administrative Vice Presidents shall be regular members elected at large by the regular members and retired members to serve the Union on a full-time basis;
- H. The Administrative Vice Presidents shall be responsible for the proper performance of their duties to the President, the Executive Board and the membership;
- I. The number of Administrative Vice Presidents to be elected shall be determined by the Executive Board;
- J. In the event of a vacancy in the office of Administrative Vice President, the President, subject to the approval of the Executive Board, shall appoint a replacement to fill the unexpired portion of the term.

7. Retiree Vice President

- A. In order to ensure input and representation regarding overall policy matters, the retired members shall elect one (1) Vice President;
- B. The retiree Vice President shall be a retired member;
- C. The retiree Vice President shall be elected by the retired members of the Union;
- D. The retiree Vice President is responsible for representing the interests of all retired members;
- E. The retiree Vice President shall serve without compensation but shall be reimbursed for any "out of pocket" expenses.
- F. In the event of a vacancy in the office of retiree Vice President, the President, subject to the approval of the Executive Board, shall appoint a retired member to fill the unexpired portion of the term. All retired members shall be notified of the vacancy and the procedures adopted by the Executive Board for filling the position.

8. Officer Liability

The opinion of any attorney, accountant or other professional consultant or expert hired or retained shall constitute full and complete authority and protection in respect of any action taken, suffered or omitted by officers of this Union in good faith and in accordance with such opinion. Neither the President, nor any other officer of this Union shall be liable to any person or organization for any act

which is not willful misconduct or in bad faith, done by the officer in effectuation of the purposes and objects of this Constitution and Bylaws and in the interests of the members of this Union.

9. Authorized Representatives of the Union

The President, Executive Vice-President and Secretary-Treasurer shall be the only persons authorized to act for, or on behalf of the Union. And the actions, declarations or conduct of any other person except those officers herein named, whether performed or made with respect to the Union or not, are not, and shall not be considered to be the acts of any officer or agent of the Union and shall not constitute any authorized acts for, or on behalf of the Union, nor shall they cause or form the basis for liability of any nature whatsoever on the part of the Union.

**Article 11**

**COMMITTEES AND CENTRAL LABOR COUNCIL DELEGATES**

1. Committees are vitally necessary in order to develop the policies, positions and programs of the Union. Committees are intended to maximize membership participation and input in the decision-making process.
  - A. Committees that have an ongoing or permanent necessity to develop positions, policies and programs that guide, advise and provide direction to the Executive Board shall be known as standing committees.
  - B. Committees that deal with a specific subject, project, issue and/or problem and are temporary in duration, based on the needs of the particular situation, shall be known as special committees.
  - C. Each type of committee may also need to establish subcommittees based on regional or geographic issues, classification needs and other factors that affect participation, decision-making and the operations of the committee.
  - D. The Executive Board of the Union shall establish policies and procedures for committee operations that enhance membership participation and involvement in the day to day activities of the Union. Factors such as committee size, chairpersons, shift representation and frequency of meeting shall all be considered in establishing the operating guidelines.
  - E. The President, subject to the approval of the Executive Board, shall appoint a chair as well as an appropriate number of members. The President shall appoint a staff person to work with the committee.
  - F. All committees shall keep minutes of their meetings and shall send the minutes to the President for distribution at the next Executive Board meeting.
2. Standing Committees

The standing committees of the Union are:

A. Retiree Members Committee(s)

The committee(s) shall endeavor to recruit an active committee of retiree members to assist in developing programs for retiree members to find ways to integrate retirees into the organizing, legislative, and political programs of the Union. Typical responsibilities include but are not limited to:

1. Providing a vehicle for the continuing involvement of retired members in the activities of the Union;
2. Recommending, monitoring and organizing for legislation that will improve areas of concern such as: pensions, housing, healthcare, taxes, consumer concerns, and other issues;
3. Informing retired members of benefits and services that are available to them through the Union, community groups, government, and other appropriate agencies;
4. Developing social and cultural programs that enhance the quality of life of retired members.

B. Social and Economic Justice Committee(s)

The committee(s) shall assist in developing programs and taking positions on a variety of social and economic justice issues and report to the Board. Typical responsibilities include but are not limited to:

1. Promoting equality of economic, social and political opportunities within the Union, with employers, and in the community;
2. Organizing activities that will advance the interests of the membership of this Union and of workers everywhere in the improvement of general economic, social and political conditions;
3. Working with other unions and community organizations whose goals and purposes are similar to and consistent with those of the Union.

C. Committee(s) on Political Education (COPE)

The committee(s) shall assist the Executive Board in developing and carrying out a sound political and legislative program. Typical responsibilities include but are not limited to:

1. Interviewing candidates for political office;
2. Reviewing requests for campaign contributions for endorsed candidates;
3. Developing fund raising and other support activities or events;
4. Voter registration programs and "Get Out The Vote" activities;

5. Reviewing and monitoring legislation of interest to the Union's members and making recommendations to the Executive Board on the Union's position.

D. Organizing Committee(s)

It is intended that this committee(s) be an activist volunteer committee that is actively involved in carrying out the organizing program of the Union and in recruiting larger numbers of members to organize the healthcare industry.

E. Budget Committee(s)

The committee(s) shall assist the Secretary -Treasurer and the Executive Board in carrying out their duties with respect to the finances of the Union, including but not limited to:

1. Recommending the employment of a certified public accountant to the Executive Board of the Union;
2. With the Secretary-Treasurer, making an annual report certified by a certified public accountant that shall be published in the Union's publication and available to the membership;
3. With the Secretary-Treasurer, reviewing all necessary financial reports and records to project an annual budget based on the projected goals of the Executive Board and the Union. The projected budget will be subject to review and approval by the Executive Board;
4. Conducting a midyear review of the finances and budget and proposing changes as may be appropriate, subject to Executive Board review and approval;
5. Reviewing and submitting recommendations for staff and officer compensation for review and approval by the Executive Board.
6. Central Labor Council Delegates

The Union may participate in the appropriate central labor councils and if so, shall strive to maintain an active complement of delegates who shall represent the positions and policies of the Union. The President shall receive all recommendations for delegate appointments and shall present those to the Executive Board for final approval.

## **Article 12**

### **MEMBERSHIP MEETINGS/ANNUAL**

### **LEADERSHIP CONFERENCE**

Other articles in this Constitution and Bylaws describe the various meetings for membership input and decision-making, which include worksite meetings, worksite steward councils, division steward councils, standing and special committees and the Executive Board meetings.

In addition there are three other significant types of meetings:

1. Worksite Membership Meetings

- A. Worksite membership meetings shall take place at least once every two months.
- B. The Executive Board shall adopt a schedule of worksite membership meetings, as proposed by the worksite steward council, on a yearly basis and shall publish the schedule to the members.
- C. Each meeting shall be well publicized in advance in order to maximize membership attendance at the meetings. The worksite membership meetings will be open to all members and will be held at times and places convenient to the membership.
- D. The worksite membership meeting shall be chaired by the representative chairperson for the facility and conducted by worksite leaders from the worksite steward council.
- E. The facility council secretary shall record minutes of the meeting. The council COPE chair, council mobilization chair and chief stewards shall report on union program issues and organize the membership to become involved in building power at the worksite and in the community.
- F. The Union's elected officers or Executive Board members may attend any worksite meetings and be allowed time on the agenda, if requested.
- G. The agenda of the worksite membership meeting shall include specific discussion about the specific plans and programs of the Union and concerns of members of the bargaining unit. The worksite membership meetings shall include a dialogue with the members of the bargaining unit on how to increase their power, consistent with the mission and purpose of the Union. A written summary of the recommendations on how to increase the power of the workers in the bargaining unit, how to implement the Union's program more effectively and problems that need to be addressed shall be submitted to the worksite steward council for review and recommendation.
- H. Two or more work sites or bargaining units may be combined in the same meeting for geographic or organizational purposes.

2. Special Meetings

- A. Members in a division can call a special meeting by submitting a petition signed by ten percent (10%) of the members in good standing of that particular division. The President shall convene the special meeting within ten days of the receipt of the petition.
- B. Meetings shall be scheduled at times and places that are convenient to the membership.

3. Annual Leadership Conference

- A. Each year a leadership conference shall be held to discuss issues, policies, and programs of concern to the membership.
- B. The conference shall review the work of the Union from the preceding year, and adopt goals for the coming year.
- C. The conference shall include items that relate to all members as well as those that relate to divisions, classifications, or industries within the Union.

### **Article 13**

#### **COLLECTIVE BARGAINING**

1. The right of employees to engage in collective bargaining is a matter of national policy contained in the National Labor Relations Act. Section 7 of the Act states: "Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargaining collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection."
2. Collective bargaining is an important activity of the Union. Our purpose is to negotiate a binding contract that secures and improves the wages, hours, benefits, and working conditions of members covered by that agreement.
3. A collective bargaining agreement also creates a framework of rules that is binding on the employer, and has a grievance procedure for dispute resolution if a problem arises as to the meaning of the contract or its application.
4. Collective bargaining is intended to involve members directly and actively in determining their wages, hours, and working conditions.
5. We achieve success in collective bargaining through organization, united action, legislative and political activity, and the use of creative strategies and tactics.
6. Bargaining committees shall be elected by the members in the bargaining unit. The size and method of selecting a negotiating committee will vary based on various representational factors.
7. The results of any collective bargaining session shall be subject to ratification by the members affected, with sufficient notice given to the membership and in accordance with other policies and procedures as determined by the negotiating committee and/or the Executive Board of the Union. If a contract is to be ratified at a meeting, that meeting should be scheduled as much in advance as possible. Affected members shall be given at least twenty-four (24) hours notice of such meeting.
8. The Executive Board shall establish policies regarding the reimbursement of lost time wages and "out of pocket" expenses by members of a negotiating committee.

### **Article 14**

#### **FUNDS OF THE UNION**

1. The funds of the Union shall be derived from dues, fines, assessments, and by any other legal means that have been approved by the Executive Board or a general or special membership meeting. Funds paid to the Union in accordance with this section shall be deposited or disbursed in accordance with instructions from the Executive Board or a general membership meeting.
2. The dues of the Union shall be one and one-half percent (1.5%) of a member's regular earnings, up to a maximum of forty (40) hours per week at the straight time rate. Dues will be capped at ninety dollars (\$90.00) per month in 2009, and the cap on this monthly dues rate will increase by four dollars (\$4.00) per year thereafter.

Any member who works in a bargaining unit where the dues rate under SEIU was based on a flat rate rather than a percentage based system shall immediately have their dues reduced by twenty-five percent (25%) when their bargaining unit becomes covered by a NUHW collective bargaining agreement. Dues will be capped at ninety dollars (\$90.00) per month in 2009, and the cap on this monthly dues rate will increase by four dollars (\$4.00) per year thereafter.

3. The Union shall have a strike fund to be used for any and all strikes, strike-related activities, lockouts, and to protect the integrity and welfare of the Union as determined by the Executive Board.
4. The Strike Fund shall be funded by one dollar (\$1.00) per month per member set aside from members' dues, and may be funded by such other amounts as the Executive Board may from time to time determine.
5. The Executive Board shall have the authority to maintain current alternative dues rates.
6. Notwithstanding the above, no member shall pay less than the minimum dues rate of twenty-five dollars (\$25.00) per month.
7. In no case will a member covered by the one and one-half percent (1.5%) dues formula above be required to pay dues deducted by more than one employer.

8. All dues and other financial obligations are due and payable on or before the last day of the current month. In order for a member to be in good standing, her/his dues (including all other financial obligations) must be paid on or before the last day of each month. All dues or other financial obligations not paid on or before the last day of the month in which the same are due shall become delinquent. A member who is delinquent in the payment of her/his dues or other financial obligations shall be suspended from membership, and shall not be entitled to any benefits and/or privileges heretofore or hereinafter referred to in these Bylaws. Such a member shall not be considered a member in good standing whenever such status is required to confer upon said member a benefit and/or privileges under these Bylaws. Reinstatement to good standing shall be accomplished by paying all delinquent amounts due and owing.

However, when a member is laid off from employment, or is absent from work due to employer lockout or a union-authorized strike for more than twenty (20) days in any calendar month, such member will be credited for membership dues for the period of unemployment but not to exceed six months in any calendar year, except in the case of a member who is on active recall status, who will be credited for the period of time she/he is on active recall and not employed.

9. Any provision of this Constitution and Bylaws which conflicts with any provision of this Article 15 shall be invalid and ineffective insofar as it so conflicts, and this said Article 15 shall be effective despite the fact that any other provision of this Constitution and Bylaws may conflict with it.

10. Retired members who are seventy-five (75) years of age or older, and who have been paying dues continuously to the Union, either as full members or as retired members, for at least ten years immediately prior thereto, shall be considered members for life, and shall have no continuing dues obligations to the Union.

## **Article 15**

### **STRIKES**

1. The Executive Board shall establish policies regarding strike authorization procedures for bargaining units represented by the Union.
2. The members of the affected bargaining unit must vote in order to authorize a strike. A majority of those voting is required to authorize a strike.

## **Article 16**

### **DUE PROCESS AND HEARING PROCEDURES**

Section 1. Charges, Trials, and Appeals.

All charges, trials, penalties, and appeals shall be conducted as set forth below.

Section 2. Agreement to Exhaust All Remedies

Subject to the provisions of applicable statutes and laws, every member, Executive Board member, or officer of this Union against whom charges have been preferred and disciplinary action taken, or who has a grievance, claim, or dispute against the Union or any officer thereof, agrees as a condition of membership or affiliation, to exhaust all remedies provided in the Constitution and Bylaws of the Union, and further agrees not to file or prosecute any action in any court, tribunal or other agency until those remedies have been exhausted.

Section 3. Enforcement of Member Rights and Responsibilities

The Union Member Rights and Responsibilities shall be enforced exclusively through the procedures provided in this article, and any decision rendered pursuant to these procedures, including any appeals, shall be final and binding on all parties and not subject to judicial review.

Section 4. Trials and Appeals

In order to ensure members' protection from the filing of frivolous charges, the following procedures shall apply:

- A. The Union, its officers or members may be charged with:

- (1) Violation of any specific provision of this Constitution;
- (2) Violation of an oath of office;
- (3) Gross disloyalty or conduct unbecoming a member;
- (4) If an officer, gross inefficiency which might hinder and impair the interests of the Union;
- (5) Financial malpractice;
- (6) Engaging in corrupt or unethical practices or racketeering;
- (7) Advocating or engaging in dual unionism or secession;
- (8) Violation of democratically or lawfully established rules, regulations, policies or practices of the Union;
- (9) The wrongful taking or retaining of any money, books, papers or any other property belonging to the Union; or the wrongful destruction, mutilation or erasure of any books, records, bills, receipts, vouchers, or any other property of the Union;
- (10) Working as a strike breaker or violating wage or work standards established by the Union; and
- (11) The bringing of false charges against a member or officer without good faith or with malicious intent.

B. Charges must be specific and in writing.

Charges against any member or officer of the Union shall be filed in duplicate with the Secretary-Treasurer of the Union, who shall serve a copy thereof on the accused either personally or by registered or certified mail, directed to the last known address of the accused, at least ten (10) days before the hearing upon the charges. The charges must specify the events or acts which the charging party believes constitute a basis for charges and must state which sub-section(s) of Section 4.A of this Article the charging party believes has been violated. If the charges are not specific, the trial body may dismiss the charges either before or at the hearing, but the charging party shall have the right to re-file more detailed charges which comply with this Section. No charges may be filed more than six (6) months after the charging party learned, or could have reasonably learned, of the act or acts which are the basis for the charges.

The Executive Board of the Union shall appoint the trial body. The accused may appear in person and with witnesses to answer the charges against him or her and shall be afforded a full and fair hearing. The accused may select a member of the Union or an attorney to represent the accused in the presentation of a defense.

If the charges, or any portion thereof, are sustained, then the trial body shall render judgment and impose appropriate disciplinary action. If the charges are not sustained, the same shall be dismissed and the accused restored to full rights of membership or office in the Union.

The decision of the trial body shall be reported to the next regular membership meeting of the Union.

If the President of the Union believes that the charges filed against an officer of the Union involve a situation which may seriously jeopardize the interests of the Union, the President of the Union may suspend such officer from the Union until a decision has been reached.

In all trials provided herein, if the member filing charges is a member of the trial body, she or he may appear and be heard in support of the charges, but shall be ineligible to participate in the consideration of or decision of such charges. If the accused is unable or unwilling to be present at any hearing provided herein, a defense may be presented in writing. In default of appearance or defense, the trial body shall proceed with the trial regardless of the absence of the accused.

The trial body, after requisite due process has been afforded, may impose such penalty as it deems appropriate as the case requires.

## Section 5. APPEALS

### WHAT MAY BE APPEALED.

Any subordinate body or member thereof shall have the right under this Article to appeal any action, decision, or penalty by any of the following, unless otherwise provided: the Union, or any of its committees, officers, committeepersons or stewards.

A failure or refusal to act by any of the foregoing, where it allegedly results in an injury, may also be appealed.

### LEVELS OF APPEAL.

This Section specifies the levels of appeal for various types of cases. An appeal may be submitted as follows:

Step One: to the trial body immediately responsible for the official, officer, action or decision under challenge; this appeal must be presented in writing within fifteen (15) days of the trial body's initial decision; and

Step Two: to the Executive Board of the Union; this appeal must be presented in writing to the Executive Board within fifteen (15) days of the decision issued by the trial body in the initial appeal.

## **Article 17**

### **Amendments**

A vote of the majority of members of the Union who cast valid ballots shall be necessary to adopt any amendment(s) to this Constitution and Bylaws.

Any amendment(s) to the Constitution and Bylaws shall be submitted in writing to the Executive Board for consideration and recommendation.

Should two-thirds (2/3) of the Executive Board fail to support taking a member's proposed amendment(s) to a vote of the membership, no vote will be scheduled on the proposed amendment(s) unless a petition supporting the proposed amendment(s), is signed by at least twenty-five percent (25%) of the members in good standing of the Union, and is submitted to the Executive Board.

The Executive Board may propose an amendment or amendments to this Constitution and Bylaws at any time provided two-thirds (2/3) of the Board supports the amendment.

Whenever the Executive Board reports upon any amendment or amendments to the Constitution proposed by members or initiated by the Executive Board, the Union shall send a written notice to all members and a vote shall take place within one hundred eighty (180) days from the date of said report. When a notice is sent, all forms of media communication can and may be used.

## **Article 18**

## PROCEDURE AND DEBATE

Meetings of this Union shall be governed by the current edition of Robert's Rules of Order. Every member shall follow and be subject to such rules governing debate at all meetings of this Union.

### **Article 19**

#### PROPERTY RIGHTS OF MEMEBERS

The title to all property, funds, and other assets of this Union except for real property, which may be held by a corporation created pursuant to Internal Revenue Code Section 501(c)(2), shall at all times be vested in the Executive Board for the joint use of the membership of this Union. No member shall have any severable proprietary right, title or interest therein.

Membership in this organization shall not vest any member with any right, title or interest in or to the property of this Union, including the funds of this Union.

### **Article 20**

#### NOMINATIONS AND ELECTIONS

The General Election for all members of the Executive Board shall take place every three years.

##### 1. Election Committee

- A. An election committee shall be established no later than four (4) months prior to a general election. The committee shall consist of no less than five (5) members, appointed by the Executive Board. In addition, the President shall name a chairperson of the committee. The duties of the election committee shall be to:
  1. Conduct the election;
  2. Establish safeguards to ensure a fair and democratic election;
  3. Validate the qualifications of the nominees for candidacy;
  4. Validate the eligibility to vote;
  5. Tabulate the results and certify the election;
  6. Determine the method of voting.
- B. No member of the incumbent Executive Board shall be eligible to be a member of the election committee.
- C. Members of the election committee shall not be nominated for any office.

- D. A member not satisfied with a ruling of the election committee may petition an impartial third-party hired by the Union within fifteen (15) days after the act complained of, to review the action of the election committee pursuant to the provisions of the Union's Constitution and Bylaws.
- E. Lost time wages and other appropriate "out of pocket" expenses shall be paid for by the Union for members of the election committee.

## 2. Nominations

- A. Nominations for all members of the Executive Board shall take place during January of the appropriate election year.
  - B. A member is eligible for nomination if she/he has been a member in good standing of the Union continuously for at least two (2) years prior to the date of the nomination being certified. For the Union's first election of officers, this requirement will include membership in good standing in any other labor organization, as defined by the National Labor Relations Act, representing healthcare workers. The President may waive this provision at her/his discretion based on good cause shown.
  - C. The election committee shall prepare an official nominating petition for use in each general election.
  - D. The official nominating petition(s) must be signed by the nominee in order for the nomination to be considered valid.
  - E. The official nominating petition(s) for Vice Presidents shall be signed by at least twenty-five (25) members in good standing in the appropriate constituency of the vice presidential candidate. The official nominating petition(s) for President, Executive Vice President, Secretary-Treasurer, and Administrative Vice Presidents shall be signed by at least one percent (1%) of the members in good standing in each of a majority of the Union's divisions, or sixty (60) members in good standing in each of a majority of the Union's divisions, whichever is less.
  - F. All nominees shall be promptly certified for candidacy or notified in writing of the reasons for his/her disqualification. Any question regarding the eligibility of a nominated candidate shall be decided by the election committee. Appeals shall be made in writing and postmarked by registered mail-return receipt requested to the chairperson of the election committee no later than three mail delivery days after receiving notice. All nominees not complying with this notice requirement shall be considered to have withdrawn.

## 3. Election Procedures

- A. The election committee shall provide adequate safeguards to ensure a fair and democratic election, including written procedures and setting forth dates, times, and places for the conduct of the election.
- B. Any candidate shall have the right to have an observer present at the counting of the ballots, and any member desiring to observe the counting of the ballots shall be permitted.
- C. For the offices of President, Executive Vice President and Secretary-Treasurer, the candidate receiving the highest number of at-large membership votes shall be declared elected. For the

Executive Board Vice President positions, the candidate from each constituency as defined by the Executive Board receiving the highest number of votes, from the specific constituency as defined by the Executive Board from which they have been nominated, shall be declared elected. For the Administrative Vice Presidents, those candidates receiving the highest number of at-large membership votes shall be declared elected.

D. If only one candidate is nominated for a particular office she/he shall be elected without further procedures.

E. Every bona fide candidate for office shall have the right, once within the thirty (30) days prior to an election in which she/he is a candidate, to inspect a list containing the names and last known addresses of all members of the particular constituency of the office being sought.

F. The general election shall be held during the first quarter of the appropriate year.

G. All members shall be notified of the election procedures at least thirty (30) days prior to conducting the election.

H. Each candidate shall be encouraged to prepare a statement of qualifications and a platform, which shall not be longer than two hundred (200) words. These statements shall be included in a "voter pamphlet" along with the appropriate ballots for each constituency.

I. No candidate (including a prospective candidate) for any office in this Union or affiliate body or supporter of a candidate may solicit or accept financial support or any other direct or indirect support of any kind from any non-member of the National Union of Healthcare Workers.

J. No write-in or proxy voting shall be allowed.

K. The Union shall refrain from discrimination in favor of or against any candidate.

L. The Union will comply with all reasonable requests of any candidate to distribute by mail or otherwise, at the candidate's expense, campaign literature in aid of that person's candidacy. In addition, any such assistance given to any candidate shall also be made available to all other candidates, at their own expense.

M. When an election committee has certified the results of an election, the committee shall turn over ballots and other records to the Secretary-Treasurer who shall preserve for one year the ballots and all other records pertaining to the election.

N. Installation of officers and Executive Board Vice Presidents shall take place at the next scheduled Executive Board meeting following the election.

## **Article 21**

### **RECALL**

1. Executive Board members, including officers, may be recalled by a vote of the constituency that elected him/her to his/her office.

2. A vote to recall shall be held within sixty (60) days of receipt of a petition signed by at least thirty five percent (35%) of the membership of the constituency that elected him/her to her/his office.
3. All signatures shall be dated and shall be no more than ninety (90) days old at the time of submission in order to be considered a valid signature.
4. A special election committee shall be designated by the Executive Board to conduct the recall election pursuant to provisions decided upon by the Executive Board.
5. If an Executive Board member or officer is recalled, his/her office shall be declared vacant and filled in accordance with the provisions contained within this Constitution and Bylaws.
6. Recall elections shall not be scheduled if a petition is received within one hundred eighty (180) days of a general election.
7. If a recall is not approved by a majority of those voting in the recall election, no new petition shall be considered valid if received prior to one year from the date that the recall election results were certified.
8. The recall process shall not be used merely to overturn the results of a bona fide election to office.

## **Article 22**

### **OBLIGATION TO ABIDE**

Any entity described in this Constitution and Bylaws which shall willfully neglect to abide by the provisions of this Constitution and Bylaws shall be subject to suspension or recall and/or removal or any other sanctions as may be determined by the Executive Board.

## **Article 23**

### **NON-LIABILITY OF LOCAL UNION**

Except as is otherwise specifically provided in this Constitution, no officer, representative, or member of this Union shall be authorized to make contracts or incur liabilities for, or in the name of the Union unless authorized in writing by the President and the Secretary-Treasurer, their designee(s), or by action of the Executive Board.

## **Article 24**

### **RIGHTS BY LAW**

Subject to applicable laws, no member or employee of the Union shall bring any action against the Union or its officers, with respect to any matter arising out of the affairs of the Union, unless he/she has exhausted all procedures available under this Constitution and Bylaws, and any policies and procedures adopted hereunder. Any member filing suit in violation of this provision may, in addition to other penalties, be ordered to reimburse the Union and/or officers sued for the costs and attorneys' fees expended, or a portion thereof.

The Union is authorized upon affirmative vote by the Executive Board to pay all expenses for investigation, employment of counsel, and other necessary expenditures in any cause, matter, case or cases in which an officer, representative, employee, or agent or one alleged to have acted on behalf of the Union is charged with any violation of law or is sued in any civil actions with respect to any matter arising out of his/her official duties on behalf of the Union, except if such individual is charged with a breach of trust to the Union, in which event he or she may be indemnified only if the action is terminated favorably for him or her.

Neither the Union nor its officers shall be responsible or liable for the wrongful or unlawful acts of the Union or any other officers or agents thereof, except where the Union or its officers have actually participated in or actually and knowingly authorized such acts, or have ratified such acts after actual knowledge thereof.

Only the President, Executive Vice President and Secretary-Treasurer are authorized to be agents for service of process upon the Union. Other officers, representatives, employees, and/or agents are not authorized to be agents for service of process under any circumstances whatsoever.

## **Article 25**

### **INSTALLATION PLEDGE**

Each member elected to serve the members of this Union in the capacity of an officer, Executive Board member, or steward shall, upon election, be sworn in to his or her position through the administering of the following pledge:

*"I, \_\_\_\_\_, accept my responsibility as an elected representative of the National Union of Healthcare Workers. I pledge upon my honor that I will faithfully observe the Constitution and Bylaws of the National Union of Healthcare Workers.*

*I pledge to do everything in my power to properly represent the members, including organizing the unorganized workers within my industry. I agree to defend to the best of my ability the principles of trade unionism; to work to improve the lives of working people in my community, and to assist in electing to government office officials who will serve the interests of the membership and the community.*

*I will not knowingly wrong a member or see a member wronged if it is in my power to prevent it. I also pledge that I will work to the best of my ability to provide effective and responsible leadership to the members I am privileged to represent."*

## **Article 26**

### **MEMBERSHIP PLEDGE**

Whenever possible, members are encouraged to be sworn in as members of the Union in order that members gain an understanding of the obligations of membership and the support that members give to each other as sisters and brothers in this Local Union. The pledge is as follows:

*"I, \_\_\_\_\_, pledge upon my honor that I will faithfully observe the Constitution and Bylaws of the National Union of Healthcare Workers. I agree to educate myself, and other members in the history of the labor movement and to defend to the best of my ability the principles of trade unionism. I will not knowingly wrong a member or see a member wronged if it is in my power to prevent it."*