

NATIONAL UNION OF HOSPITAL
AND HEALTH CARE EMPLOYEES,
AFSCME, AFL-CIO



9-25 ALLING STREET, 3RD FLOOR
NEWARK, NEW JERSEY 07102

BY-LAWS



ADOPTED JANUARY, 1977
AMENDED MAY, 1980
AMENDED FEBRUARY, 1981
AMENDED JANUARY, 1982
AMENDED NOVEMBER, 1984
AMENDED JANUARY, 1985
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AMENDED DECEMBER, 2001
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AMENDED MAY, 2007
AMENDED MARCH, 2015
AMENDED JANUARY, 2020

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DISTRICT 1199J NUHCE, AFSCME, AFL-CIO

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DISTRICT 1199J NUHHCE, AFSCME, AFL-CIO

BY-LAWS OF DISTRICT 1199J NATIONAL UNION OF HOSPITAL AND HEALTH CARE EMPLOYEES, AFSCME, AFL-CIO

ARTICLE I NAME AND AFFILIATION

Section 1. This Organization shall be known as District 1199J, National Union of Hospital and Health Care Employees, AFSCME, AFL-CIO (hereinafter referred to as the “District”).

Section 2. As provided by the National Union Constitution, District 1199J was created by issuance of a certificate of affiliation to it by the National Union. District 1199J is consequently an inseparable part or segment of the National Union, AFSCME, AFL-CIO. District 1199J shall act in its assigned geographic area as an arm of the National Union.

Section 3. These By-Laws shall in no respect be inconsistent with the National Union Constitution.

ARTICLE II

Section 1. OBJECTS.

- (a) To organize and unite the workers within its jurisdiction regardless of sex, race, color, age, religion, national origin, political belief or affiliation.

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- (b) To achieve higher wages, shorter hours, health and pension benefits and improved working conditions.
- (c) To protect and advance the technical and professional status of its members, to aid and encourage members to accrue greater knowledge and skill in the health care field and to help achieve high quality health care for all people regardless of economic status.
- (d) To educate workers in trade union principles.
- (e) To foster and extend democratic procedures in our country.
- (f) To defend civil liberties and rights and to abolish all forms of prejudice and discrimination and to support and advocate legislation to promote these ends.

Section 2. GUIDING PRINCIPLES.

- (a) The policy of the District and its method of operation shall be such as to facilitate and stimulate the broadest possible rank and file participation in the formulation and execution of the program of the District, and to encourage development of the most effective leadership.
- (b) There shall be full respect for all differences of opinion, and all members shall have full freedom of expression.

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- (c) Majority rule as provided in these By-Laws shall prevail, and all members shall be bound by, respect and support the decision of the majority.
- (d) Roberts' Rules of Order shall control the conduct of all membership meetings, except as otherwise provided for by these By-Laws.

ARTICLE III JURISDICTION

The jurisdiction of the District shall extend to employees of medical centers, hospitals, nursing homes, drug stores, surgical stores, cosmetic shops and similar, related or comparable institutions and shall embrace all professional, technical, clerical, service and maintenance and all other employees seeking membership into the District. The geographical jurisdiction of the District shall encompass New Jersey.

ARTICLE IV DISTRICT OFFICERS

Section 1. The officers of the District shall be a President, a Secretary-Treasurer and three (3) Vice Presidents.

Section 2. Every officer, agent or other representative of the District who handles funds or other property of the District shall be bonded for the discharge of his/her duties in a sum fixed by the District and in conformity with the requirements of any applicable law.

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Section 3. Except as otherwise specifically provided in the by-laws, Officers and elected Organizers shall be salaried and paid by the District unless salaried by the National Union, or a related organization.

Section 4. No person holding a regular full-time salaried position in the District shall hold any other salaried position.

Section 5. DISTRICT OFFICERS' DUTIES.

Subject to the provisions of the Constitution of the National Union which takes precedence over these By-Laws in all cases of conflict as provided, the duties of the District Officers shall be as follow:

(a) THE PRESIDENT

- (1) The President of the District shall function as the Chief Executive of the District. He/she shall direct, coordinate, guide and supervise all the affairs and activities of the other officers, organizers and personnel of the District.
- (2) He/she shall preside at all membership meetings. He/she may delegate such power to preside to any other officer, organizer, or representative of the District.
- (3) He/she shall have the power to call membership meetings or meetings of any subdivision of the District. He/she may call special meetings of the District Executive Board.
- (4) He/she is authorized to appoint committees and representatives

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not otherwise provided for, subject to approval of the Executive Board.

- (5) He/she shall be a member of the Executive Board.
- (6) He/she shall sign all official documents.
- (7) He/she shall have the right to subdivide the District into appropriate areas for proper and efficient administration of the District.
- (8) He/she shall sign all collective bargaining agreements on behalf of the District or may delegate someone to do so.
- (9) He/she shall have power, jointly with the Secretary-Treasurer to sign checks, promissory notes and other instruments for the payment of money issued against the accounts of the District.
- (10) He/she shall have power to make such disbursements as may be required by the needs of the District, subject to the approval of the Executive Board.
- (11) He/she shall be responsible for, direct and be in charge of collective bargaining on behalf of the District.
- (12) Apart from those elected, the President shall have the right to appoint and terminate organizers. The President may also appoint and terminate representatives and such other personnel

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as the District requires.

(13) He/she shall be responsible for the proper performance of duties to the Executive Board, the Division Delegate Assembly and the membership.

(14) He/she shall be salaried.

(b) THE SECRETARY-TREASURER

(1) The Secretary-Treasurer shall assist the President in the administration of the District.

(2) He/she shall be the chief financial officer of the District and shall make payments from District funds with the approval of the President.

(3) He/she shall maintain and preserve proper books and records of the finances, accounts, assets and disbursements of the District, which shall be subject to inspection and examination upon request by the Executive Board of the District and/or the President of the District and/or the President of the National Union.

(4) He/she shall be in charge of, preserve and maintain for safekeeping all monies and properties, securities and other evidences of investment, received by, held, or in the possession of the District.

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- (5) He/she shall have the power jointly with the President to sign checks, promissory notes or other instruments for payment of money issued against the accounts of the District.
- (6) He/she shall prepare and submit an annual financial report and such other additional reports as the Executive Board of the District and/or the President of the District and/or the President of the National Union may require.
- (7) He/she shall submit all books and records of the District for audit, examination and inspection each year, and at such other times, as the Executive Board of the District and/or the President of the District and/or the President of the National Union may require.
- (8) He/she shall be a member of the Executive Board.
- (9) He/she shall prepare and submit an annual budget for the District to the Executive Board and in preparing same, to be guided by the financial contributions of the respective Divisions to the District, mindful of the principle, however, that unity of the District can best be advanced if the membership of the respective Divisions bear a fair share of the fiscal burden involved in operating the affairs of the District.
- (10) He/she be responsible for the proper performance of duties to the President, the Executive Board, the Division Delegate Assemblies and the membership.

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(11) He/she shall be salaried.

(c) VICE PRESIDENT

(1) He/she shall be responsible to the President and the membership and shall perform such duties as are designated by the President.

(2) He/she shall be the Director of the Hospital Division of the District.

(3) He/she shall be a member of the Executive Board of the District.

(d) VICE PRESIDENT

(1) He/she shall be responsible to the President and membership, and shall perform such duties as are designated by the President.

(2) He/she shall be the Director of the Guild Division of the District.

(3) He/she shall be a member of the Executive Board of the District.

(e) VICE PRESIDENT

(1) He/she shall be responsible to the President and the membership and shall perform such duties as are designated by the President.

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- (2) He/she shall be the Director of the Nursing/Public Sector Divisions of the District.
- (3) He/she shall be a member of the Executive Board of the District.

Section 6. The elected officers of the District shall be members of the Division and the Division delegate assembly from which they emanate and shall be ex-officio members of all other Division assemblies.

ARTICLE V EXECUTIVE BOARD

Section 1. The District shall be governed by an Executive Board consisting of the officers and other appointed officers and such Board members as the District shall elect. In no event, however, shall the Executive Board have less than seven members to supervise and direct the affairs of the District.

Section 2. The Executive Board shall divide the district into areas, subject to the approval of the Delegate Assemblies; and members in good standing of these areas shall nominate and elect the Executive Board members on the basis of one(1) Executive member for each five-hundred (500) members, or a major fraction thereof. The members of the Executive Board shall be nominated and elected at the same time as the officers, organizers and delegates of the District. The signatures of two percent (2%) of

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the membership of the various areas in good standing as of the month of December preceding the election shall be required for nomination of this office.

Section 3. The Executive Board shall meet at least once a month at a time and place fixed by it, for the purposes of conducting the business of the District.

Section 4. The Executive Board shall have the following rights and powers:

- (a) To receive and act upon reports of officers and other District representatives.
- (b) To approve and authorize the disbursement of such funds of the District as in its discretion may be required for organizational and administration purposes in order to promote the aims and objectives of the District.
- (c) To invest and reinvest the funds of the District in such property, real or personal, tangible or intangible, as it shall consider prudent, necessary and desirable in the interest of the District and its members.
- (d) To appoint Trustees or alternates of all trust funds established by the District or in which it has an interest as may be appropriate and required.

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- (e) To interpret the By-Laws. Such interpretations shall be final, binding and conclusive and shall remain in full force and effect, unless revised, modified or otherwise changed by Delegate Assemblies or the Executive Board of the National Union.
- (f) To formulate plans, programs and policies in conjunction with the National Union and consistent with the National Union plans, programs and policies.
- (g) To fill any vacancies on the Executive Board that occur pending elections.
- (h) To formulate the “order of business” for the Joint Delegate Assembly, and General Membership meetings.
- (i) To fix the salaries and expenses allowable for officers and paid organizers, subject to approval of the Joint Delegate Assembly.
- (j) To fix the salaries of office, technical and professional employees of the District.
- (k) To determine the number of Organizers to be elected at each general election, subject to approval of the General Delegate Assembly.

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- (l) To propose and formulate legislation for the District and submit same for consideration and action to the Joint Delegate Assembly.
- (m) To call strikes and to end strikes, subject to the approval of the membership directly involved.
- (n) To subdivide the Division into areas; to appoint and assign such personnel as may be necessary to administer the geographical area, to which they are assigned, as well as any other administrative organizing personnel as the Board may deem necessary.

Section 5. The Executive Board shall, by majority vote on recommendation of the President, have the power to appoint additional Executive Board Members, in the event of new affiliations, or where sufficient membership growth has taken place.

Section 6. Should a vacancy occur between elections in the office of the President, Secretary-Treasurer, or any of the three (3) Vice-Presidents, such vacancy or vacancies shall be filled by the District Executive Board, which shall convene within thirty (30) days at a meeting especially called for that purpose by the President, or in the absence of the President, by the Secretary-Treasurer. In the event of protracted or total disability, the temporary vacancy shall also be filled in accordance with this section.

Section 7. An Executive Board member who fails to attend two (2) consecutive meetings, without a proper excuse, may be removed from the board by a majority vote of the Executive Board.

ARTICLE VI DIVISIONS AND CHAPTERS

Section 1. For proper administration and effective functioning, the District shall be operated through Divisions and Subdivisions thereof as hereinafter more specifically provided.

Section 2. DIVISIONS.

(a) The Divisions of the District shall be:

(1) The Hospital Division, and

(2) The Guild of Professional, technical and Office Employees (hereinafter referred to as the Guild Division).

(3) The Nursing/Public Sector Divisions

(b) The Hospital Division shall consist of the members of the District working in medical centers, hospitals, nursing homes, medical research institutions and similarly related or comparable establishments excepting those members who fall into the classification of the Guild Division.

- (c) The Guild Division shall consist of members of the District working in medical centers, hospitals, nursing homes and medical research institutions, and similarly related or comparable establishments who perform work of a professional, paraprofessional, technical or clerical nature, such as, but not limited to X-Ray technicians, laboratory technicians, therapists, technologists, licensed practical nurses, social workers and secretaries.
- (d) The Nursing/Public Sector Divisions shall consist of members of the District who work as nurses in medical centers, hospitals, nursing homes and medical research institutions and similar, related or comparable institutions; and members of the District working in public medical centers or hospitals, nursing homes, medical research institutions and similar, related or comparable public establishments.

Section 3. CHAPTERS.

The Hospital Division, Guild Division, Nursing Division and Public Sector Division shall be further subdivided, into Chapters. A Hospital Chapter shall consist of the members of the Hospital Division employed in one hospital or similar, related or comparable institution. A Guild Chapter shall consist of the members of the Guild Division employed in one hospital or similar, related or comparable institution. The Nursing chapter shall consist of the members of the Nursing Division employed in one hospital or similar, related or comparable institution. The Public Sector Chapter shall consist of the members of the Public

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Sector Division employed in one hospital or similar, related or comparable institution.

ARTICLE VII RETIRED MEMBERS DIVISION

There shall be established a Retired Members Division which shall constitute all retired members who have worked in any of the Divisions of the District. This Division shall unite the retired members of all Divisions in furtherance of their mutual interests.

Section 1. ELIGIBILITY FOR MEMBERSHIP.

A member who receives either Social Security retirement benefits and/or an District 1199J Pension Fund shall assume the status of a retired member. He/she shall continue to maintain the status of a retired member so long as he/she pays his/her annual dues pursuant to Article XIII (Revenues), Sections 5 (c) and (d) and does not violate any of the provisions of these By-Laws or act in a manner detrimental to the welfare of the District.

Section 2. DELEGATES.

The Retired Members Division shall be entitled to and shall elect delegates from the general retired membership on the basis of one (1) delegate for each twenty-five (25) members or major fraction thereof. Such delegates may attend the Delegate Assembly of the Division from which they emanated as guests.

Section 3. OFFICERS.

The delegates of the Retired Members Division shall elect from among their ranks, officers who shall constitute the Retired Members Executive Board. The Retired Members Executive Board shall consult with the District Executive Board in the preparation of an annual budget for the Retired Members Division.

Section 4. RIGHTS AND PRIVILEGES OF MEMBERS.

The Retired Members Division may enact such rules and regulations and adopt such programs and policies as in its judgment will best effectuate the purpose of which the Division was formed, provided, however, that such rules and regulations, programs and policies are not in conflict with these By-Laws or the National Union Constitution.

Every retired member in good standing shall have the right to enjoy the following privileges:

- (a) To receive the National Union publication.
- (b) To participate in all social and cultural activities.
- (c) To utilize all the services provided by the District including the right to maintain certain benefits under the District 1199J Benefit Fund for Hospital and Health Care Employees subject to its Rules and Regulations.

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- (d) To be reinstated to active membership without the payment of an initiation fee, upon resumption of work as an employee in the jurisdiction of the District.

ARTICLE VIII DELEGATES

Section 1. Each of the Chapters shall be entitled to and shall elect delegates to the Hospital Division, the Guild Division, the Nursing Division, or the Public Sector Division based upon the ratio of one (1) delegate for each twenty-five (25) members or major fraction thereof in the respective Divisions. Whenever possible, delegates shall be elected on a departmental basis and where a department consists of less than thirteen (13) members, it may be combined with another department for this purpose.

Section 2. It shall be the duty and responsibility of the delegates to see that all Union decisions are carried out and that the collective bargaining agreement applicable to the members they represent is enforced.

ARTICLE IX DELEGATE ASSEMBLIES

Section 1. Delegates shall be members of the respective Joint Delegate Assembly and are obligated to attend all regular and special meetings of the Joint Delegate Assembly.

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- Section 2.** The General Delegate Assembly is now known as the Joint Delegate Assembly shall meet at as outlined in Section 3 of this Article.
- Section 3.** The Joint Delegate Assembly shall meet at least once a month, except that meetings need not be held in the months of July and August. A special meeting of the Joint Delegate Assembly shall be convened by the District President within ten (10) days upon presentation to him/her of a petition therefore bearing the signatures of not less than fifteen (15) percent of the Joint Assembly delegates.
- Section 4.** The Joint Delegate Assembly shall have the power, subject to the provisions of these By-Laws and the Constitution of the National Union, to act upon any matter affecting the members of the District.
- Section 5.** Decisions made by the Joint Delegate Assembly shall be final and binding upon the membership of the District, except that in matters affecting dues, initiation fees, assessments, collective bargaining agreements, election of officers and any other matters otherwise specifically provided for by these By-Laws and the National Union Constitution, its decisions shall be considered

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- Section 6.** The Joint Delegate Assembly shall have the power to appoint committees, set up such boards and enact such rules and regulations that will best effectuate its purposes.
- Section 7.** The Joint Delegate Assembly shall receive and act on all reports and decisions of officers, committees and boards of the District.
- Section 8.** The Joint Delegate Assembly shall, upon recommendation of the Executive Board, fix and determine the number of organizers, if any, to be elected.
- Section 9.** The Joint Delegate Assembly shall have the power to call strikes, subject to the approval of the membership directly affected thereby.
- Section 10.** A Delegate desiring to include a matter on the agenda of the Joint Delegate Assembly shall forward such request in writing to the Executive Board at least thirty (30) days prior to the meeting. Should the Executive Board fail or decline to do so, the Delegate may nevertheless have the matter included on the agenda by obtaining the signatures of at least ten (10%) of the members in good standing of the Joint Delegate Assembly, as the case may be, on a petition requesting such inclusion.

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Section 11. Should a Delegate for any reason whatsoever cease to be a Delegate, the position shall be declared vacant and an officer or representative of the District shall arrange for the election of a new Delegate within four (4) weeks from the date of vacancy. Such new Delegate shall be sworn in and shall assume his/her responsibilities at the next Joint Delegate Assembly.

Section 12. A delegate may be removed from his/her position after a hearing by a majority of the members comprising his/her group or department. A delegate who fails to attend two (2) consecutive meetings, without a proper excuse, shall be dropped as a delegate and shall not be eligible to seek a position of delegate in the 12 months following the removal of said delegate from his/her position.

Section 13. Delegates shall take the following oath upon assuming their positions:

“I, John Doe, do hereby accept the position as Delegate of District 1199J. I pledge to faithfully carry out the obligations of my office and secure for the members I represent every right and privilege of Union membership. I pledge to build our Union and to defend it from its enemies. On this pledge, I stake my good name, my honor and my conscience.”

Section 14. All delegates must take the oath as outlined in Section 13. Such oath must be taken no later than the third (3rd) Delegate

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Assembly following the election of said delegate. A delegate not sworn-in in a timely manner shall be subject to the same timeframe for seeking election as outlined in Section 12 of this Article.

ARTICLE X NOMINATIONS

Section 1.

- (a) Not later than the 15th of February in an election year, the Election Board shall make available to the membership nominating petitions for Officers of the Union, Organizers, Executive Board members and Delegates.
- (b) A nominating petition shall require not less than the following number of signatures of members in the District in good standing.
 - (1) For an Officer or Organizer of the District: Two percent (2%) of the members in the District in good standing as of the month of December preceding the election.
 - (2) For Delegates of the District: Two (2) members in good standing as of the month of December preceding the election from the group or department in which the member seeks election.
 - (3) The members of the Executive Board shall be nominated and elected at the same time as the officers, organizers and

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delegates of the District. The signatures of two percent (2%) of the membership of the various areas in good standing as of the month of December preceding the election shall be required for nomination of this office.

Section 2. All nominating petitions shall be **filed** with the Election Board no later than March 15th.

Section 3. Candidates must accept or decline their nominations within one (1) week of notification of certification as a candidate to be placed on the official ballot.

Section 4. No one can be a candidate for more than one office or position in an election, except Delegates who may run for the position of Executive Board member.

Section 5. Good standing shall mean that the member is not in arrears in the payment of dues, initiation fees or fines and assessments, if any, or any other indebtedness to the District or to the National Union. Whenever a member authorizes an Employer to check off his/her dues and/or initiation fee pursuant to a collective bargaining agreement and the Employer complies with such authorization the member shall be considered in good standing.

Section 6. To be a candidate for an Officer, Elected Organizer, Executive Board member or Delegate, one must be a member of the District in good standing for at least one year at the time of nomination. This time limitation shall not apply for election of Delegates at newly organized institutions.

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ARTICLE XI ELECTIONS

Section 1. District Officers, Elected Organizers, Executive Board members and Delegates shall be elected every three (3) years, in the months of March and/or April on a date or dates designated by the District Executive Board.

Such election shall be conducted by a secret ballot vote. The President, Secretary-Treasurer and three (3) Vice Presidents shall be elected District wide. All delegates shall be elected in accordance with Article VIII, Section I. Executive Board members are elected in accordance with Article V, Section 2.

If any nominee for any position is unopposed, no election shall be required and the nominee will be declared elected.

Section 2. An Election and Objections Committee consisting of no less than five (5) members shall be elected by the Delegate Assembly of the District. No member shall be eligible for election to the Committee unless he/she is in good standing, nor shall any member be eligible if he/she is running for or holding office, excepting the position of Delegate.

Section 3. The duties of the Election and Objections Committee shall be:

- (a) To conduct and supervise the nominations and elections of the

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District in accordance with the provisions made therefore by these By-Laws and in so doing, the Committee may adopt such rules, subject to the approval of the Joint Delegate Assembly, as are necessary to conduct the nominations and election.

- (b) To hear and determine all objections to candidates and to conduct the elections.
- (c) To notify in writing those nominees who have been certified as candidates for office.
- (d) To prepare the official ballot, if there is more than one candidate running for an office, they shall draw lots for their positions on the ballot.
- (e) To hold timely meetings before an election in order to carry out their responsibilities.
- (f) To meet promptly after the holding of an election and to announce the results of the election.
- (g) To hand over the ballots and all other records pertaining to the election to the Secretary-Treasurer of the District who shall preserve them for a period of not less than two (2) years.

Section 4. Appeals from decisions of the Election and Objections Committee regarding the conduct of the election shall be deemed waived

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unless made in writing and filed with the President of the District within twenty (20) days after the announcement by the Committee of the results of the election. All such appeals timely made shall be considered and decided by the Executive Board of the District and its decision shall be final and binding.

- Section 5.** The membership shall be informed of the dates, places and candidates for the election of Officers and Organizers at least fifteen (15) days prior to the election. Notice of such election in the National Union publication shall be deemed good and sufficient.
- Section 6.** The Elections and Objections Committee shall determine the hours that the polls shall be open for balloting.
- Section 7.** Each member after establishing his/her identity, shall be given a ballot upon which he/she shall mark an "X" or another clear mark in the box or space provided along side the candidate of his/her choice or shall be admitted in turn to a voting machine booth to cast his/her vote, if voting machines are being used.
- Section 8.** If no candidate for the particular office receives a majority of the total votes cast, a run-off election shall be held within forty-five (45) days thereafter to fill the office of vacancy. In such run-off election, the two (2) candidates who received the higher total number of votes shall be placed on the run-off ballot. A defeated candidate shall be disqualified from running in the run-off

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election unless there is at least one other contestant running for the office. The candidate receiving a majority of votes cast in the run-off election shall be declared elected.

Section 9. The term of an incumbent officer whose office is involved in a run-off election shall be deemed extended until the election of a successor to the office. If there is no incumbent, the vacant office shall be temporarily filled by the President of the District pending the run-off nomination and election. If the vacancy is the position of the President then the position shall be filled by the District Executive Board pending the run-off election.

Section 10. The newly elected Officers, Organizers, Executive Board members and Delegates shall be installed the last week in the month of April of the election year, and shall immediately thereafter assume their office or position.

ARTICLE XII MEMBERSHIP

Section 1. Membership shall mean direct membership with the National Union. A member of the National Union shall by the same token be deemed a member of the District in which his place of employment is located, if there is a chartered District in existence in that geographic area.

Section 2. The privileges and obligations of membership shall be identical with those set forth in Article VIII of the National Union Constitution

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which shall be considered incorporated in these By-Laws.

ARTICLE XIII REVENUE

- Section 1.** All dues, initiation fees and assessments, if any, shall be paid directly to the National Union at its headquarters by means of check-off or any other lawful means. The amounts withheld by the National Union from the revenue submitted by the District for per capita tax and for the National Strike and Defense Fund and for other purposes and the amount refunded to the District shall be governed by Article VII, Section 3, of the National Union Constitution.
- Section 2.** All applications for membership shall be forwarded to the National Union. The District shall provide the National Union monthly with up-to-date lists of the correct names and addresses of members of the National Union in its District including new members, readmitted members and members who have taken transfers or inactive membership cards.
- Section 3.** The initiation fee for all new members shall be \$75.00, except those who have joined through new organization shall be exempt from payment of an initiation fee.
- Section 4.** District assessments shall be levied only by a referendum of the membership.

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Section 5. Every member shall share in the cost of maintaining and operating the Union as provided by these Articles.

- (a) Dues shall become due and payable in advance on the first day of the current month.
- (b) Every member shall be obligated to pay assessments to the Union in accordance with the amounts fixed and determined by the membership.
- (c) Members of District 1199J shall pay the following dues:

Effective May 1, 2015, active members shall pay two and one-tenth (2.1%) percent of their regular gross monthly wages, excluding overtime. Minimum monthly dues are \$23.40 plus any adjustments pursuant to Section 5 (f) of this Article (\$1.15 as of January 2015). Effective May 1, 2015, maximum monthly dues are \$70.00 plus any adjustments pursuant to Section 5 (f) of this Article (\$1.15 as of January 2015). Effective November 1, 2016, maximum monthly dues shall be \$75.00 plus any adjustments pursuant to Section 5 (f) of this Article.

Inactive Membership - \$25.00 per year.

- (d) Retired members shall adhere to the dues schedule established by the International Convention or the National

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Union Convention. They may, however, increase their dues above and beyond the minimum schedule herein stated as long as they submit this matter to the Retiree Division for purposes of discussion and voting.

- (e) The term 'regular gross monthly wages' as used here shall mean the contractual rate of pay and shall include Disability Benefits and Workmen's Compensation benefits.
- (f) Effective July 1, 2009 (.50 cents) and each year thereafter, the monthly dues of District 1199J members shall be adjusted in accordance with Article IX, Section 6, of the AFSCME Constitution which provides that dues shall be adjusted annually in accordance with the average percentage increase in pay of AFSCME members and persons making service or similar payments to an AFSCME Local Union in lieu of dues under agency shop or similar provisions.

Section 6. All District funds shall be used only for such purposes as will advance the interests and objectives of the District membership and the National Union.

Section 7. Membership in the Union shall not vest any member with any right, title or interest in or to the funds, property, or other assets of this National Union, title to which shall at all times be vested in the National Union for the joint use of the membership within the National Union. Each member hereby expressly waives any right, title or interest in and to the property of the Union

including its contracts and funds.

Section 8. GOOD STANDING.

- (a) Any member who shall fail to pay his dues by the twentieth of the month in which the same is due or who shall fail to pay an assessment or any other financial obligation by the due date shall be deemed suspended and shall lose all rights, privileges and benefits of membership.
- (b) Whenever a member authorizes an Employer to check off his/her dues and/or initiation fees pursuant to a collective bargaining agreement, and the Employer complies with such authorization the member shall be considered to be in good standing to the extent the Employer has complied.

Section 9. SUSPENDED MEMBERS.

A suspended member who has remained so suspended for a period of two (2) months shall be sent a certified letter to his/her last known address notifying him/her that unless he/she pays up his/her financial obligations to the Union in full ten (10) days from the date of mailing such letter, he/she will be terminated from membership in the Union.

Section 10. REINSTATEMENT.

A member who has been suspended may be reinstated to good standing by paying all his/her financial obligations to the District plus a reinstatement fee of One Dollar (\$1.00) for each month he/she is not in good standing, and One Dollar (\$1.00) for the

certified letter sent to him/her provided these payments are made within the (10) days period from date of mailing of said certified letter as provided.

Section 11. REAPPLICATION.

- (a) A member who has been terminated from membership in the District may apply for readmission to membership in the District and if accepted, shall pay all back dues and other due from him/her to the District plus a new initiation fee.
- (b) Any other person applying for membership in the District, previously a member, who ceased being a member without obtaining an inactive membership card, shall pay the initiation fee plus any monies owed by him/her to the District at the time he/she ceased being a member.
- (c) A request for the waiver of a new initiation fee shall be referred for determination to the Division of which the member was a part, the Hospital, Guild, Nursing, or the Public Sector Division Appeals Board. The decision of the Division Appeals Board thereupon shall be final and binding.

Section 12. INACTIVE MEMBERSHIP.

- (a) A member who leaves the jurisdiction of the Union or becomes self-employed shall cease to be an Active Member of the Union. If such a person has been a member of the Union for one (1) year or longer, he/she may acquire the status of an Inactive Member, provided that:

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- (1) He/she applies for an inactive membership card within forty-five (45) days from the date he/she ceased being an active member.
 - (2) He/she pays the annual fee as provided; and
 - (3) His/her inactive membership card has been approved by the Chapter Hearing Board in the Hospital, Guild, Nursing Division and Public Sector Division.
- (b) An Inactive Member shall be entitled to the following rights:
- (1) To participate in the social and the cultural activities of the Union.
 - (2) To receive the National Union publication.
 - (3) To be reinstated to active membership in the District without the payment of an initiation fee upon resumption of employment in an establishment within the jurisdiction of the District.
 - (4) To utilize all the services, educational programs and the hiring hall/member assistance center provided by the District, including the right to benefits under the District 1199J Benefit Fund, subject to its rules and regulations.
- (c) The annual fee for inactive membership cards shall be Twenty-five dollars (\$25.00) for all members. The fee for an inactive membership card issued between January 1 and June 30 of any

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year shall be one-half (1/2) of the above stipulated fee.

- (d) All inactive membership cards, whenever issued, shall expire on June 30 of each year.
- (e) An inactive membership card may, at any time after its issuance, be revoked by the respective Chapter Hearing Board, upon proper notice and hearing, and in such event, a pro rata reimbursement shall be made.

Section 13. ASSOCIATE MEMBERSHIP.

- (1) Individuals who do not work at a facility covered by a District 1199J Collective Bargaining Agreement may become an Associate Member of the Union.
- (2) Any individual desiring to become an associate member must complete an application for membership card.
- (3) Monthly dues of \$10.00 shall be payable directly to the Union.
- (4) An Associate Member in good standing shall be entitled to the following rights:
 - (a) to participate in the social and cultural activities of the Union
 - (b) to receive District publications
 - (c) waiver of initiation fee if employed by a facility in contractual

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relations with the Union

- (d) to utilize services provided by the District including educational programs and the hiring hall/member assistance center.

ARTICLE XIV MEETINGS

- Section 1.** Members of the District shall meet on a General, Division or Chapter membership basis at least once every two (2) months. Meetings need not be held during the months of July and August. Special meetings may be called by the President of the District, or the Executive Board, or the President of the National Union. Members shall receive at least five (5) days written notice of a special meeting.
- Section 2.** Attendance of members at meetings shall be checked, such attendance being essential for the welfare of the District. Members should not fail to attend except for compelling reasons.
- Section 3.** All decisions shall be made by the rule of the majority and shall be binding upon all members.

ARTICLE XV CHARGES AGAINST MEMBERS, OFFICERS OR REPRESENTATIVES

- Section 1.** It is the objective of the District to provide a democratic and orderly procedure for its members in order to hear and determine grievances, complaints and/or charges and appeals

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(hereinafter called collectively “complaints” brought by or against a member, organizer, representative or officer).

The following shall be included among the grounds for filing such complaints: disloyalty of a member to the District; incompetence of an organizer, representative or officer, corrupt or unethical practices; dual unionism; conduct calculated to bring the District into disrepute; violation of the District By-Laws and/or National Union Constitution; failure to enforce the collective bargaining agreement; violation of District decisions; scabbing; strike breaking or violation of wage or work standards established by the District.

To this end, the following Hearing and Appeals Board procedures are established:

- (a) The delegates of each Division within each Chapter shall elect a Hearing Board of not less than three (3) and not more than seven (7) delegates.
- (b) Each Delegate Assembly shall elect five (5) of its delegates to act as a District Hearing and Appeals Board.
- (c) Each Board shall have a chairman and a secretary elected by the members of the Board.
- (d) The Boards’ decisions shall be in writing and shall require a majority vote. A quorum necessary for a hearing or appeal shall

be a majority of the members of the Board.

- (e) Any other Appeals Board hereinafter mentioned shall be constituted as provided in these By-Laws.
- (f) No person shall sit on any Board who is directly or indirectly involved in the subject matter of the hearing or appeal.
- (g) Parties by whom complaints are made and against whom complaints are preferred must appear personally at all stages of the proceedings. They may select a member of the District to act as spokesman on their behalf in presenting their evidence and argument. Should a party fail to appear at a hearing, without having obtained a postponement of the hearing, the Board may proceed in his/her absence and render its decision.
- (h) It shall be a condition of membership that a member must exhaust all remedies provided for in these By-Laws, and that he/she will not file or prosecute any action in court, tribunal or other agency until those remedies have been exhausted.

Section 2. COMPLAINTS AGAINST A MEMBER, ORGANIZER OR REPRESENTATIVE.

- (a) CHAPTER HEARING BOARD.
 - (1) A Chapter Hearing Board shall be established at each Chapter by its membership. Vacancies shall be filled by the Chapter members.

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- (2) A member shall have the right to bring a complaint against another member, organizer or representative for any of the reasons set forth in these By-Laws or National Union Constitution. A complaint by a member against another member shall be filed with the Officer assigned to the Division in which the party against whom the complaint is made, is a member. A complaint against an Organizer or Representative shall be filed with the President.
- (3) A hearing shall be held before the Chapter Hearing Board on any such complaint within thirty (30) days of the receipt of the complaint by the Officer. Notice of the hearing date, time and place shall be sent by the Officer to the parties concerned in the complaint. It shall be the duty of the President to convene the Board for the hearing.
- (4) The Board shall hear the parties and their witnesses and based on all the evidence, oral and documentary, presented, shall render its decision. The Board may dismiss the complaint, impose a reprimand, a censure and/or fine up to a maximum of \$25.00. It may also recommend to the District Hearing and Appeals Board a greater fine and/or suspension or expulsion.
- (5) The Secretary of the Board shall maintain and preserve the record of the hearing, including the Board's decision, copies of which shall be forwarded to the parties, and to the Secretary-Treasurer and the President of the District. A formal transcript of the hearing need not be made.

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(b) DISTRICT APPEALS BOARD.

- (1) There shall be a District appeals Board which shall be established by the Executive Board. Vacancies shall be filled by the Executive Board.
- (2) In order to appeal from a decision of the Chapter Hearing Board, a party must make a request in writing to the President of the District not later than fifteen (15) days from the date of mailing of the decision of the Board below. Upon receipt of a timely appeal, the President shall convene the District Appeals Board within thirty (30) days from the date of the appeal. Notice of the hearing date, time and place shall be forwarded to the parties involved not later than ten (10) days prior to the date of the hearing.
- (3) The appeal before the District Appeals Board shall be limited to deciding (1) whether the hearings below were held in the conformity to these By Laws and if so, (2) whether decisions rendered were fair and reasonable. If the Board decides that the hearings below were in accord with these By-Laws, it may either sustain, modify or reverse the decisions made by the Chapter Hearing Board. The decision of this Board shall be rendered within ten (10) days from the date of conclusion of the hearing of the appeal and shall be forwarded to the parties and the President of the District.

(c) NATIONAL UNION EXECUTIVE BOARD

Any further appeals must be made in accordance with the National Union Constitution which provides for appeals to the National Union Executive Board as follows:

- (1) Within fifteen (15) days from the date of the final decision under the By-Laws procedure, the accused shall send a written request for appeal to the Executive Board of the National Union. Such request shall be addressed to the Secretary-Treasurer of the National Union, 1319 Locust St., Philadelphia, PA. The Secretary-Treasurer shall inform the President of the National Union of the request for appeal, who shall see to it that the Executive Board designates a Trial Board of five (5) members and set a date of hearing within forty-five (45) days from the date the request for appeal is received.
- (2) A notice of hearing shall be sent to the parties involved at least fifteen (15) days prior to the date of hearing. The hearing shall be held and conducted as provided in the National Union Constitution.

Section 3. COMPLAINTS AGAINST AN OFFICER.

(a) DISTRICT HEARING AND APPEALS BOARD.

- (1) A complaint against an officer of the District shall be filed with the President of the District unless the complaint is against the

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President, in which case it shall be filed with the Secretary-Treasurer. The President or the Secretary-Treasurer, as the case may be, shall convene the District Hearing and Appeals Board within thirty (30) days of the receipt of the complaint. Notice of the hearing date, time and place, together with a copy of the complaint shall be sent to the parties involved not later than ten (10) days prior to the date of hearing.

- (2) The Board shall hear the parties and witnesses and based on the evidence, oral and documentary, presented shall render its decision. The Board may dismiss the complaint, issue a reprimand or censure, impose a fine or a suspension or expulsion. The Secretary of the Board shall maintain and preserve the records of the hearing, including the Board's decision, copies of which shall be forwarded to the parties and the President or the Secretary-Treasurer of the District, as the case may be. A formal transcript of the hearing need not be made.

(b) HEARING AND APPEALS BOARD OF THE DISTRICT EXECUTIVE BOARD.

- (1) In order to appeal from a decision of the District Hearing and Appeals Board, a party must make a request in writing to the President or Secretary-Treasurer of the District, as the case may be, not later than fifteen (15) days from the date of mailing of the decision of the Board below. Upon receipt of a timely appeal, the President or Secretary-Treasurer, as the case may be,

shall convene the Executive Board of the District for the purpose of electing an Executive Board Hearing and Appeals Board of no less than three (3) and no more than five (5) of its members. The said Board, so elected, shall hold a hearing within thirty (30) days from the date of the Appeal. Notice of the hearing date, time and place shall be forwarded to the parties involved not later than ten (10) days prior to the date of hearing.

- (2) The Secretary of the Board shall maintain and preserve all records of the hearing or appeal including the Board's decision, copies of which shall be forwarded to the parties and to each of the members of the Executive Board within ten (10) days from the conclusion of the hearing.
- (c) Any further appeals by a party shall be in accordance with the procedure set forth in Section 2 (c) above.

ARTICLE XVI

COLLECTIVE BARGAINING CONTRACTS AND STRIKES

Section 1. Every collective bargaining contract, extension or renewal thereof must be submitted to the membership involved for ratification.

Section 2. Before calling a strike, the membership directly involved must be given an opportunity at a meeting duly called for that purpose to decide the matter by a secret ballot vote. A strike may be called only with the approval of at least two-thirds (2/3) of the members of the bargaining unit.

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Section 3. The National Union shall be informed of any decision to call or terminate a strike.

Section 4. Any proposal to settle or terminate a strike shall require the approval of the membership directly involved at a meeting duly called to consider the matter.

Section 5. Requests for benefits from the National Union Strike and Defense Fund shall be made to the President of the National Union.

ARTICLE XVII AMENDMENTS

Section 1. An amendment to these By-Laws may be initiated:

- (a) By a majority vote of the Executive Board of the District.
- (b) By a petition signed by five percent (5%) of the membership in the District in good standing for at least thirty (30) days prior to the presentation of the petition.

Section 2. A copy of the prepared amendment or amendments shall be mailed to the members at least ten (10) days before the meeting at which the voting shall take place.

Section 3. If the amendment or amendments are adopted at the meeting by majority vote, the amendment or amendments shall become

effective immediately.

Section 4. No amendment may be inconsistent or in conflict with the National Union Constitution.

ARTICLE XVIII AFFILIATION

The District may affiliate or disaffiliate from such central bodies and/or other organizations as the Executive Board may, with the concurrent approval of the respective Joint Delegate Assembly, from time to time determine.

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