



Constitution Of Local 5221

Preamble

In order to better serve our patients, their families and our communities, we, the Registered Nurses and Licensed Practical Nurses and Health Professionals of Fletcher Allen Health Care are organized as a union with The Vermont Federation of Nurses and Health Professionals, United Professions AFT Vermont, AFL-CIO to:

- Empower ourselves to advocate for our patients and our profession;
- Ensure safe staffing to meet our patients' physical, emotional and spiritual needs;
- Guarantee competitive wages, benefits and excellent working conditions for nurses and health professionals in all clinical settings to improve retention and recruitment; and
- Foster an environment of professionalism and respect where nurses and health professionals have a real voice in decision making.

Article I Name

This organization shall be known as the Vermont Federation of Nurses and Health Professionals, United Professions AFT Vermont, AFL-CIO, Local 5221, hereinafter, known as the Local.

Article II Objectives

The Vermont Federation of Nurses and Health Professionals will strive to:

- promote the improvement of quality health care,
- promote the interests of our members through organizing, member activism, representation and collective bargaining,
- improve the standards for our members by advancing economic status, encouraging and promoting continuing education and securing working conditions essential to the best performance of the services, and the most effective delivery of health care;
- ensure a democratic process and equality in our organization,

- promote participation in community health programs, health system agencies as well as any other regulatory body affecting the delivery of health care;
- influence legislation affecting the delivery of health care and the interests of the members of the Local,
- promote cooperative and collaborative relationships with labor organizations both regionally and nationally; and
- promote the civil and professional rights of all workers.

Article III Affiliations

This organization will maintain affiliation with the following organizations:

- the American Federation of Teachers (AFT);
- the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO);
- the United Professions AFT Vermont, and
- the appropriate Central Labor Council(s) of the AFL-CIO.

This Constitution/ Bylaws shall be consistent with the Constitution of the AFT.

Article IV Membership

Section 1: Eligibility

- a) To be eligible for active membership an individual must be a bargaining unit member in good standing or on an approved leave of absence.

Membership in good standing shall constitute all of the following:

- Payments of all dues
- A signed membership card
- Adherence to this Constitution and Bylaws

- b) A member who leaves a bargaining unit for any reason except supervisory status, shall be eligible to continue membership by complying with Article IV Section 1(a) above. Only the active members in good standing may vote in bargaining unit business and run for elected office.
- c) Personnel with a primarily supervisory role shall not obtain membership. Members who are promoted to positions with the rank of supervisor are automatically removed from membership on the effective date of the promotion.

Section 2: Retirees

The Local will establish a retiree chapter. Membership in the chapter will be available to all Local members, current and past, who have retired and no longer work in the bargaining unit. The chapter will establish Bylaws

to address officer structure, meetings and a formal program. Members of the retiree chapter will not be required to pay dues to the Local. Members of the retiree chapter will have the right to participate in the AFT benefit programs available to the general membership. Retirees are not active members and therefore shall not be eligible to run for office in Local Executive Board elections or participate in voting on Local business.

Section 3: Discipline of members

A member, including Officers and Executive Board members, may be disciplined by the organization for actions contrary to this Constitution or to the interests of the Local or its membership. The procedure exists in the Bylaws.

Section 4: Nondiscrimination

No discrimination shall ever be shown toward individual members or applicants for membership on the basis of race, color, religion, national origin, gender, place of birth, age, disability, military service or status as a Vietnam veteran as defined by applicable law, marital status, sexual orientation, or political views.

Section 5: Political Rights

Bargaining unit members selecting service fee status do not have voting rights, do not have a voice in meetings, do not have the right to serve on a union committee and are not eligible to participate in union activities not directly related to their representation.

Article V Charters and/or Chapters

Section 1: Eligibility for Charters and/or Chapters

There shall be available to retirees and other groups not recognized as a bargaining unit for the purposes of collective bargaining, the ability to form a chapter and apply for a charter from the AFT. Our local supports the formation of chapters and/or charters in accordance with the AFT constitution and any state or federal regulations.

Section 2: Procedure for Charters and/or Chapters

The procedure for forming a chapter or obtaining a charter exists in the AFT Constitution and in the Local's Bylaws.

Article VI Nomination and Election of Executive Officers Local 5221

Section 1: Conducting Nominations and Elections

- a) Nominations and elections shall be conducted in accordance with this Constitution, the Constitution of the AFT, the standards set by the Labor-Management Reporting Disclosure Act (LMRDA) and Department of Labor regulations.
- b) The Local shall have a Nominations and Election Committee (see Article XI Section 4)
- c) Nominations and elections shall be conducted according to the procedures in this Constitution and Bylaws.

Section 2 Composition:

The elected Officers of the Local shall be elected in the fall every three (3) years.

The organization will elect the following officers:

- President
- RN Vice President
- LPN Vice President
- Technical Professional Vice President
- Treasurer
- Secretary
- Grievance Chairperson

These members shall constitute the Executive Officers. Any additional unit that organizes into the local shall be entitled to elect a Vice President who will be a member of the Executive Officers.

Section 3: Eligibility for Office

To be eligible for office, a person must be a member in good standing, as defined in Article IV Section 1(a), of the Local. The Vice Presidents shall be nominated and elected by their respective bargaining unit members in accordance with this Constitution and Bylaws.. The President, Treasurer, Secretary and Grievance Chairperson shall be nominated and elected by the general membership of the Local.

Section 4: Assuming Office

Successful candidates shall assume office within thirty (30) days of the conclusion of the election.

Section 5: Vacancies

With the exception of the President, or in case of a recall, the Executive Board shall have the power to fill vacancies in its membership, by appointment, until the next general election.

Section 6: Outgoing Officers

Outgoing Executive Board Members shall turn over to the incoming President all files, records and materials for distribution to incoming Executive Board members.

Article VII: Duties of the Executive Officers

Section 1: President

Duties of the President shall be:

- a) Serve on the Executive Board of the Local,
- b) Preside over all regular and special meetings of the Local,
- c) Serve as chief spokesperson for the Local in accordance with this Constitution/Bylaws,
- d) Serve on the Labor/Management Committee,
- e) Serve as an ex-officio member of all committees,
- f) Appoint new committees that are deemed necessary,
- g) Retain counsel, accountants and any other employees as deemed necessary
- h) Attend negotiations and act as a Negotiating Committee chairperson,
- i) Convene negotiating committee members with approval of a majority of the Executive Board at least six months prior to the expiration of the contract,
- j) Report results of negotiating activity to the Local,
- k) Act as a liaison officer between the hospital administration and the Local,
- l) Serve as co-signer for financial instruments with the Treasurer,
- m) Delegate responsibilities of the office except as limited by this Constitution, and
- n) Represent Local 5221 at the State and National affiliates

Section 2: Vice Presidents

Duties of the Vice Presidents shall be:

- a) Serve on the Executive Board of the Local,
- b) Serve on the Labor/Management Committee,
- c) Attend negotiating sessions
- d) Preside over any regular or special meetings of the bargaining unit in the President's absence,
- e) Work with Divisional Chief Stewards to maintain current list of local members

- f) Orient new members to the Local,
- g) Ensure the membership list is reconciled with the monthly reports received from the employer,
- h) Share the duties of the President with the other Vice Presidents in the event of the President's absence, illness, or death;
- i) Other duties as delegated by the President or assigned by the Executive Board,
- j) Serve as co-signer on financial instruments in the absence of the President or Treasurer, and
- k) Assume duties of Secretary during regular/special meetings of the Local

Section 3: Secretary

Duties of the Secretary shall be:

- a) Record minutes of all regular and special Local meetings, Executive Board and membership meetings;
- b) Maintain permanent records of all Local meetings, Executive Board meetings, membership meetings and committee meetings;
- c) Be responsible for the preparation and oversee the distribution of the newsletter;
- d) Be responsible for the design and maintenance of the Local website,
- e) Assist Executive Board with mailings as needed;
- f) Work closely with the Vice Presidents in keeping a current list of all Local members;
- g) Notify the Local members of the time and place of regular and special meetings;
- h) Send to AFT, United Professions AFT Vermont, Vermont State AFL-CIO, Champlain Valley Labor Council the names of all officers and delegates following their election or appointment,
- i) Keep on file all ballots for all elections in accordance with federal regulations,
- j) Act as parliamentarian

Section 4: Treasurer

Duties of the Treasurer shall be:

- a) Maintain records of monies and financial transactions of the Local to include any state and/or national requirements,
- b) Collect and disperse monies and make reports as required by Executive Board,
- c) Present a Treasurer's report to the Local membership at each regular or special meeting of the Local,
- d) Present a report to the Executive Board at each regular/special meeting of the Local,
- e) Present an annual budget for the review and approval of the Executive Board;
- f) Preside as chairperson of the Finance Committee;
- g) Serve as preferred signer on all financial instruments,

- h) Make herself/himself and all required materials available to the Financial and Audit Committees, and
- i) Arrange and certify for an annual audit of the Locals finances for presentation to the Executive Board and the membership.

Section 5: Grievance Chairperson

Duties of the Grievance Chairperson shall be:

- a) Oversee the processing of Step III grievances and serve as a resource to the Divisional Chief Stewards, Lead and Unit Stewards for Step II and Step III grievances,
- b) Ensure all group grievances are coordinated,
- c) Serve on the Labor Management Committee,
- d) Recommend to the Executive Board the grievances that should be considered for arbitration with the final decision made by a majority vote of the Executive Board,
- e) Ensure proper training and mentorship for Stewards,
- f) Present a report to the Executive Board at each regular/special meeting, and
- g) Present a report to the Local membership at each regular and special meeting.

Article VIII: Executive Board and Duties

Section 1: Purpose

The Executive Board shall be the governing body of the Local. All Executive Board Members must be members elected or appointed as stated in this Constitution and the Bylaws.

Section 2: Composition

The Executive Board shall consist of:

- a. President
- b. RN Vice President
- c. LPN Vice President
- d. Technical Professional Vice President
- e. Treasurer
- f. Secretary
- g. Grievance Chairperson
- h. Divisional Chief Stewards (number of determined in the Bylaws)
- i. Additional Vice Presidents shall be added when additional bargaining units organize into the local.

Section 3: Duties of the Local 5221 Executive Board

- a) The Executive Board shall meet regularly, no less than ten (10) times per year, but no more than once per month except when the Executive Board or President deem it to be necessary. Additional procedures concerning Local meetings exist in the Bylaws.
- b) Two-thirds (2/3) members of the Executive Board, shall constitute a quorum.
- c) The Executive Board may fix the compensation to be paid to any member, officer or other person employed by Local 5221, provided such compensation shall not exceed the top of the scale paid the member in the bargaining unit.
- d) The Executive Board shall determine the financial arrangements necessary to insure that the business of the Local functions in an orderly manner.
- e) The Executive Board shall approve the budget during the fiscal year and adjust the budget during the fiscal year.
- f) The Executive Board shall determine which grievances will be taken to arbitration. Any bargaining unit member may appeal the decision of the Board concerning arbitration by submitting a request in writing at least 1 week before the arbitration deadline outlined in the Collective Bargaining Agreement (CBA) to the Local Officers.
- g) The Executive Board shall establish such committees as may be needed to promote the interests of the Local.
- h) The Executive Board shall appoint members to committees which are outlined in the Collective Bargaining Agreement (CBA), any committee with a shared mission within the hospital, and external committees on which the Local serves,
- i) The Executive Board shall act in cases of emergency which may arise between regular meetings of the Local,
- j) The Executive Board may advise or control the course of action of any or all Local Officers and Committees, except as otherwise herein provided, subject to the approval of the membership;
- k) The Executive Board may at any time require from any officer or committee a full and detailed statement of account of any action or business done in the name of the Local;
- l) With the exception of the office of the Presidents, the Executive Board will have the power to fill vacancies in its membership until the next general election of Executive Board members, consistent with this Constitution and Bylaws;
- m) The Executive Board shall approve the Bylaws governing the administration and distribution of the defense fund prior to the distribution of any defense funds;

- n) The Executive Board shall approve the Chairperson and membership of all standing committees of the organization, except the Nominations and Elections Committee, and receive regular reports from such committees;
- o) The Executive Board shall be responsible for adherence to and enforcement of this Constitution and Bylaws of the Local, and
- p) The Executive Board shall issue regular reports, including an annual report, to the membership.

Article IX Chief Stewards

Section 1: Composition

- a) Chief Stewards shall be elected by the Local membership and will represent the members from all locations and shifts as outlined in the Bylaws.
- b) The Chief Stewards of Local 5221 shall be elected with the Officers of the Local as outlined in this Constitution and Bylaws.
- c) Terms of office shall be three (3) years.

Section 2: Duties of the Chief Stewards

The Chief Stewards of the Local shall:

- a) Serve on the Executive Board of the Local;
- b) Maintain regular contact with stewards within their areas on all shifts;
- c) Facilitate the interpretation and enforcement of the contract which shall include, as necessary, the filing of grievances;
- d) Report to the Chair of the Grievance Committee;
- e) Serve as members of the Grievance Committee; and
- f) Work with the Vice Presidents of the Local to maintain the membership list (updated membership and contact information) of each unit in their areas.

Article X: Unit Stewards

Section 1: Composition

- a) Each Unit Steward shall be elected by the bargaining unit members on his/her unit. The numbers of unit steward positions and the list of units exist in the Bylaws.
- b) Nomination and election procedures exist in the Bylaws.

Section 2: Duties of the Unit Steward

Duties of the Unit Steward shall:

- a) Attend steward trainings.
- b) Assist the Chief Steward with grievance processing, contract enforcement. She/he will submit all grievances processed on their unit to the area Chief Steward for review.
- c) Attend Weingarten and grievance meetings between bargaining unit employees and supervisors, when requested, to do so by a bargaining unit employee in order to represent the bargaining unit employee.
- d) Attend membership and steward meetings. In the event that a steward is unable to attend a meeting, she/he shall designate a bargaining unit member on the unit to attend.

Article XI: Committees

Section 1: Negotiating Committee

- a) The committee shall seek representation from each unit within the local membership.
- b) Nominations and elections will follow procedures outlined in the Bylaws.
- c) The President of Local will serve as the Negotiating Committee Chairperson, along with the Vice Presidents from the units covered by the contract..
- d) The purpose of the committee will be to negotiate contracts.

Section 2: Grievance Committee:

- a) The Grievance Committee shall consist of the Grievance Chairperson, the Chief Stewards and the Unit Lead Stewards.
- b) The Grievance Chairperson shall serve as the Chairperson of the Grievance Committee.
- c) The Grievance Committee shall meet when the Grievance Chairperson deems necessary to plan steward trainings, review grievances, review contract enforcement issues, plan and execute group grievances, plan arbitration hearings, and other issues related to contract enforcement and/or membership representation.

Section 3: Finance Committee:

- a) The Finance Committee shall consist of the Treasurer and two regular members, appointed by the Executive Board.
- b) The Treasurer shall serve as the Chairperson for the Finance Committee.
- c) The Finance Committee shall assist the Treasurer in the financial operation of the Local.
- d) The Finance Committee shall prepare an annual budget for the presentation to the Executive Board and the membership.

Section 4: Nomination and Election Committee

- a) The Nomination and Election Committee will consist of at least 5 members in good standing selected by the membership and approved by the Executive Board, at its first meeting of the year.
- b) The Nomination and Election Committee shall be open to the general membership.
- c) Any member of the Nomination and Election Committee nominated for or seeking office must vacate their position.
- d) A vacancy on the Nomination and Election Committee will require the committee to nominate a member to serve as a replacement. The new member of the Nomination and Election Committee will be approved by the Executive Board.
- e) The Nomination and Election Committee shall elect a chairperson, who shall report to the Executive Board and general membership at the regular meetings.
- f) The Executive Board shall appoint a current Executive Board Member who is not seeking re-election or a previous Executive Board Member to act as a resource for the Nomination and Election Committee for guidance and support.
- g) The Nomination and Election Committee shall conduct all general and special elections of the organization in accordance with this Constitution and Bylaws and report to the Executive Board.
- h) Additional information and procedures for conducting nominations and elections exists in the Bylaws.
- i) After the Nomination and Election Committee has given the official report to the Executive Board on the outcome of the election, the Executive Board shall discharge the members of the Nomination and Election Committee from their duties for the election.

Section 5: Labor Management Committee

- a) The Grievance Chair shall serve on the Labor Management Committee as outlined in Article VII of this Constitution.
- b) Additional members shall be appointed annually by the Executive Board, their number and representation will be in accordance with the Collective Bargaining Agreement (CBA).
- c) The Labor Management Committee will elect a chairperson, who shall report to the Executive Board and general membership at the regular meetings.
- d) The purpose of the Labor Management Committee shall be to address issues of mutual concern related to patient care and to facilitate the ongoing collaborative relationship between the members and the employer.

Section 6: COPE Committee

- a) The **COPE** Committee shall be open to the general membership.
- b) The **COPE** Committee shall elect a chairperson, who will report to the Executive Board and general membership at the regular meetings.
- c) The purpose of the **COPE** Committee shall be to promote legislation which affects the delivery of health care and the interests of the members.
- d) The **COPE** Committee shall coordinate with the United Professions AFT Vermont and other unions and coalitions on legislative activity whenever possible.

Section 7: Staffing Committee

- a) The members of the Staffing Committee shall be nominated annually by the Executive Board in January and shall be consistent with the Collective Bargaining Agreement (CBA).
- b) The Staffing Committee shall elect a chairperson, who will report to the Executive Board and general membership at the regular meetings.
- c) The purpose of the Staffing Committee shall be to discuss staffing issues; review data related to staffing and make recommendations to the Labor Management Committee.

Article XII: Revenues

Section 1: Dues

- a) Dues for each member shall be not less than one 1% of his/her gross pay plus mandated increases in required affiliation fees or “pass through” amounts in accordance with the AFT Constitution for the AFT, United Professions AFT Vermont and AFL-CIO.
- b) Other procedures regarding dues are as stated in the Bylaws.

Section 2: Service Fee (Agency Fee)

- a) There shall be a service fee (agency fee) for all non-members.
- b) The percentage shall be determined annually based on the previous year’s audit of the Local and the affiliates and will reside in the Bylaws.

Section 3: Reimbursement of members:

- a) Any Executive Board member, member or other person employed by the local may receive financial compensation as determined in Article VIII, Section 3(c).

- b) Any member or officer who shall lose time or incur expenses to attend to Local business, authorized by Executive Board, shall be reimbursed.

Section 4: Office Space/ Staff

Office space and staff requirements will be determined by Executive Board.

Article XIII: Parliamentary Procedures

Meetings of all duly constituted bodies of the organization shall be governed by Roberts' Rules of Order.

Article XIV: Fiscal Year, Records and Reports

Section 1: Fiscal Year

The fiscal year of this organization shall begin July 1st and end June 30th.

Section 2: Records and Reports

The Executive Board shall maintain all records and reports required by the law.

Article XIV: Amendments to the Constitution and Bylaws

- a) Constitutional amendments may be submitted to the Executive Board by any member with twenty-five (25) member's signatures at least 60 days prior to a full membership meeting.
- b) The Executive Board may initiate amendments.
- c) A copy of the proposed amendment shall be made available by publication to the members, including notification of the time, place and date of the meeting at which it will be discussed. Such notice must be given at least fifteen (15) days prior to the date of the meeting.
- d) Voting shall be conducted according to the procedures in the Bylaws. (Amendments to the Constitution require 2/3 of members voting to pass the amendment.)
- e) Procedure for amendments to the Bylaws exists in the Bylaws.
- f) If the proposed amendment is carried, three (3) copies of the amended Constitution shall be sent to the AFT and to United Professions AFT Vermont.

Article XV: Availability of the Constitution

The Constitution shall be available to all members upon request.

Article XVI: Delegates to State and National Convention

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

Article XVII: Savings Clause

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