

By-Laws of the Constitution of the Vermont Federation of Nurses and Health Professionals

Article I: Election of Executive Officers Local 5221

Section 1: Nomination and Election Committee

The Local shall have a Nomination and Election Committee (see Article XI Section 4).

Members of the Nomination and Elections Committee will be provided with the:

- LMRDA
- A copy of the constitution and by-laws
- Current DOL guidelines for running an election
- A copy of the current membership

Section 2: Nominations

- a) Sixty (60) days prior to the date of the election, the Nomination and Election Committee shall notify all members of the opening of nominations for the Executive Board positions to be filled, the necessary qualifications for nomination and election to such offices, and the date of the election by first class U.S. Mail to the members last known home address.
- b) To be nominated for all offices, a candidate must submit to the Nomination and Elections committee a petition containing the signatures of twenty-five (25) members. Said petitions must be submitted no later than thirty (30) days following the notice of the opening of nominations. A member may nominate him or herself.
- c) Members nominated to run for office must affirmatively accept their nomination in writing to the Nomination and Election committee.
- d) The Nomination and Election committee shall determine whether the nominations were timely and if each nominee is eligible to run for office.
- e) The statements by eligible candidates may be posted on Union bulletin boards and will be made available by publication for the members.
- f) The monthly Executive Board meeting prior to the election will afford nominees time to present their platform for office.
- g) There will be a full membership meeting to allow the nominees to present their platform and answer questions from members.

Section 3: The Ballots

- a) The Nomination and Elections committee shall prepare the ballots and determine the method of voting consistent with the DOL guidelines.

- b) The method, time, and date of voting will be mailed to all members at their home address at least two (2) weeks before the voting.

Section 4: Run-off

- a) The Ballots shall be tabulated by the Nomination and Elections committee, and a majority of the ballots cast shall determine the outcome of the election.
- b) In absence of a majority, the Nomination and Election Committee shall conduct a run-off election between the two candidates who have received the most votes for the office in question.
- c) The run-off election shall be conducted according to the provisions for elections within the Constitution and Bylaws.

Section 5: Challenges and Objections

- a) Challenges and objections to the election must be submitted in writing, with a statement of supporting reasons that includes specific facts. The objection should include any and all evidence to support the challenge or objection.
- b) The written challenge/objection must be given to the Nomination and Election Committee within five (5) days of the vote count.
- c) The Nomination and Elections Committee shall issue its written opinion regarding the objections no later than ten (10) days after receipt of such objections.

Section 6: Election Results

- a) The election results will be published for the membership within thirty (30) days of the count.
- b) All election materials, including the ballots will be kept sealed and in a secure location for one (1) year.

Article II: Nominations and Elections for Unit Elections

Section 1: Nominations

- a) Each unit shall develop and implement a procedure for nomination of candidates for Unit Lead Steward.
- b) An alternate may be chosen if the unit deems necessary.

Section 2: Elections

- a) Each unit shall develop and implement a procedure for the election of a Unit Lead Steward.

Article III: Filling Vacancies on the Executive Board

As stated in the Constitution (Article VIII Section 3 (L):

“With the exception of the office of the President, 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;”

- a) The Executive Board shall receive the nomination for a vacant Executive Board position.
- b) The member who was nominated will be notified of the nomination and will state if she/he accepts or rejects the nomination.
- c) The member will be asked to attend the next regular Executive Board meeting to present her/his reasons for seeking appointment to the Executive Board position.
- d) The Executive Board will go into Executive Session to consider the nomination before a motion is made during the regular session to approve a nomination.

Article IV: Divisional Chief Steward Structure

- a) There will be twelve (15) Divisional Chief Stewards who will serve on the Executive Board of the Local:
 1. two (2) Chief Stewards in Peri-Op
 2. two (2) Chief Stewards in Women’s-Children’s-Specialty.
 3. two (2) Chief Stewards in Medical/Surgical
 4. three (3) Chief Stewards in Outpatient
 5. three (3) Chief Stewards in Critical Care
 6. three (3) Chief Stewards for Technical Professionals
- b) The Divisional Chief Stewards will be elected by the members within their division every three (3) years during the local election.

Article V: Discipline of a member

- a) Such action may only be initiated by the bringing of written and signed charges to the Executive Board by two (2) or more members of the Local. These charges must include a specific and detailed accounting, including and documentation of the allegations against the member.
- b) Upon receipt of such charges, the Executive Board shall cause a preliminary investigation to be conducted in order to determine whether the charges against the member have merit. In addition, at this time, the Executive Board shall give a copy of the charges to the accused member.

- c) Following the preliminary investigation, the Executive Board shall vote on the question of whether a disciplinary hearing should be held. If a majority of the Executive Board votes to hold a hearing, the member shall be given at least ten (10) days written notice of the hearing.
- d) At a disciplinary hearing, the accused member shall have the right to be represented by a person of his/her choice, and shall have the right to question the charges and present evidence and witnesses to support their defense. At the conclusion of the hearing, a two-thirds (2/3) vote of the entire Executive Board shall be required for discipline. If a member of the Executive Board has brought the charges against the member the person will recuse herself/himself from the vote.
- e) A disciplined member may appeal the decision of the Executive Board to the membership by requesting a vote at the next regular membership meeting. A simple majority of the members voting shall be sufficient to overrule the decision of the Executive Board.

Article VI: Membership Meetings

Section 1: Regular Meetings

- a) Regular membership meetings will be held at least every 6 months.
- b) The Executive Board will be expected to attend unless the President has been notified in advance.
- c) All members are encouraged to attend.

Section 2: Notification

Notification of time and place will be published in advance.

Section 3: Meeting Agendas

The meeting agenda must include, but is not limited to, the following:

- a) Amendments to the constitution and the by-laws will be read and addressed.
- b) Minutes of the previous meeting will be read and approved
- c) All the committee chairpersons will update the membership of the progress or actions underway in their committee.
- d) There will be an open forum to allow the general membership to express concerns or comments.

Article VII: Dues

- a) Dues will be automatically withdrawn from bargaining unit member's paychecks.
- b) Those individuals not willing to pay dues or fees will be discharged from the bargaining unit, per the Collective Bargaining Agreement (CBA).
- c) Dues are currently 1% of an employee's total gross wages plus \$2.50 per pay period. When AFT or United Professions AFT VT dues are increased the VFNHP Executive Board shall vote to determine if they will pass through the increase to the membership per the AFT Constitution.

Article VIII: Service Fee

- a) The service fee for all non-members shall be set based on an annual audit of chargeable and non-chargeable expenses.
- b) Service fees will be automatically withdrawn from non-members paychecks
- c) Service fees are currently .085% of an employee's total gross wages plus \$2.50 per pay period. When AFT or United Professions AFT VT dues are increased the VFNHP Executive Board shall vote to determine if they will pass through the increase to the membership per the AFT Constitution.

Article IX: Defense Fund

- a) The Local shall maintain a defense fund to be used in accordance with all AFT and state and federal regulations and shall put in \$.50 per member per month.
- b) The defense fund may be used for strikes, arbitrations and litigation of unfair labor practices.
- c) The Treasurer shall maintain records of the defense fund and its use
- d) The Treasurer shall report activity and data concerning the Defense Fund to the Local Executive Board at the regular and special meetings.

Article X: Negotiating Committee

- a) Each unit will elect one (1) Negotiating Committee team member as a representative for every 50 bargaining unit members, or fraction thereof, working on their unit.
- b) There will be "at-large" members elected by specialty groups as determined by the Negotiating Committee at their first meeting. (For example: Nurse Practitioners, Per Diems, etc).

- c) All negotiating team members will have attended Negotiating Team training in order to be able to participate in negotiations.
- d) All negotiating team members must sign the Negotiating Team Pledge in order to serve on the Negotiating Team. The Negotiating Team pledge will be approved by the Executive Board.

Article XI: Representation for United Professions AFT Vermont

- a) Two delegates to the United Professions AFT Vermont will be appointed by the Executive Board, with the expectation that they will attend all regular and special state federation meetings.
- b) The two (2) members shall report to the Executive Board at all regular and special meetings.

Article XII: United Professions and AFT Convention Delegate Selection

- a) The representatives to the United Professions and AFT convention must be nominated and elected by the general membership.
- b) The nomination and election process will be determined by the Executive Board to ensure that all members have an opportunity to participate.

Article XIII: Amendment to the Constitution

- a) The Constitution shall be amended according to the procedures in the Constitution and Bylaws.
- b) The Executive Board shall ensure that all members have an opportunity to review proposed amendments to the Constitution and that all members have an opportunity to vote on amendments.

Article XIV: Amendment to the By-Laws

- a) Any member may initiate an amendment to the By-Laws. The Executive Board may initiate an amendment to the By-Laws.
- b) The Executive Board may decide to amend the By-Laws by a 2/3 vote.
- c) If the issue is deemed by the Executive Board to require full membership ratification, the Executive Board may decide to bring the amendment of the By-Laws to the general membership in the same way a Constitutional amendment is handled.