

# BYLAWS



1199NE

**SEIU**Healthcare

United for Quality Care

## Rules & Regulations for Governing the New England Health Care Employees Union District 1199/SEIU

*As amended through January 2016*

### ***Use this book to learn more about:***

- *Our Goals & Principles*
- *Worksite Chapters & Divisions*
- *Delegate Duties*
- *Member Rights & Responsibilities*
- *How Dues are Determined*
- *Role of Officers & Executive Board*
- *Electing Union Leadership*





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**Rules & Regulations for Governing the  
New England Health Care Employees Union  
District 1199/SEIU**

*As amended through January 2016*

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**ARTICLE I**  
**NAME AND AFFILIATION**

(a) This organization shall be known as the New England Health Care Employees Union, District 1199, and may be referred to hereinafter as “New England District 1199”, “the District” or “the Union.”

(b) New England District 1199 is directly affiliated with the Service Employees International Union (SEIU), and has all the rights, benefits and privileges of a chartered SEIU Local.

(c) These bylaws are consistent with the Affiliation Agreement between New England District 1199 and SEIU. In any case, where these bylaws conflict with or contradict the SEIU Constitution and bylaws, these bylaws shall have precedence.

**ARTICLE II**  
**JURISDICTION**

New England District 1199 shall have jurisdiction for all health care workers in Connecticut, Massachusetts and Rhode Island. This jurisdiction shall extend to employees of medical centers, hospitals, nursing homes, home health care, community based mental health, developmental

disability and youth service agencies, clinics, drug stores, surgical stores, cosmetic shops, child care and similar, related or comparable institutions, and shall embrace professional, technical, clerical, service and maintenance, and all other employees in the health care field.

The jurisdiction of the New England District 1199 shall be changed only if such a change is approved by the District Executive Board and ratified by a secret ballot vote of the entire District membership.

## **ARTICLE III**

### **OBJECTIVES AND GUIDING PRINCIPLES**

#### **Section 1 – Objectives**

The objectives of the District are:

(a) To organize and unite all workers within its jurisdiction without regard to race, color, gender, age, national origin, political belief, political affiliation, religious preference, personal associations or sexual orientation.

(b) To achieve for its members higher wages, shorter hours and improved working conditions; to promote and safeguard the economic interests of its members and their families and to assist members in obtaining employment.

(c) To educate the workers in trade union principles; to maintain, preserve and extend the democratic

processes and institutions of our country; to advance, defend and protect civil liberties and civil rights; to eliminate all forms of discrimination and racism; and to aid in the adoption of legislation in the best interests of its members and the people generally.

(d) To protect and advance the technical and professional status of its members; to aid and encourage members to acquire greater knowledge and skill in the health care field and to help achieve high quality health care for all people regardless of their economic status.

## **Section 2 – Guiding Principles**

(a) The policy of the District and its methods 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.

(c) Majority rule as provided in these bylaws shall prevail, and all members shall be bound by, respect and support the decisions of the majority.

(d) *Robert's Rules of Order* shall control the conduct of all membership meetings, except as otherwise provided by these bylaws.

## ARTICLE IV

### ORGANIZATIONAL STRUCTURE

#### **Section 1**

For proper administration of the Union, the District shall be structured into Chapters and Divisions as are hereinafter specified.

#### **Section 2 – Chapters**

(a) A Chapter shall consist of all of the members of the District employed in a hospital, nursing home or other institution.

(b) For proper administration Chapters with fewer than fifty (50) members may be combined into a single Chapter with the consent of the members involved.

(c) The membership in each chapter may establish its own chapter bylaws and structure so long as any chapter bylaws or structure is not in conflict with these bylaws. Such structure and bylaws shall not be effective unless they are approved by the District Executive Board.

#### **Section 3 – Divisions**

(a) The Divisions established by these bylaws shall be the Nursing Home Division, the Connecticut State Employees Division, Private Community Program Division, the Hospital Division and the Rhode Island Division.

(b) The District Executive Board may establish Divisions of the Union with the consent of the Delegates Assemblies.

(c) Divisions will be established to recognize organizational needs or collective bargaining problems.

(d) The **Nursing Home Division** shall consist of all members of the District (except the Rhode Island Division) who work in nursing homes.

(e) The **Connecticut State Employees Division** shall consist of all members of the District who work for the State of Connecticut in health care.

(f) The **Private Community Program Division** shall consist of all members of the District (except the Rhode Island Division) who work in private sector mental health agencies, psychiatric hospitals, developmental disability programs and group homes.

(g) The **Hospital Division** shall consist of all members of the District (except the Rhode Island Division) who work in hospitals.

(h) (1) The **Rhode Island Division** shall consist of all members of the District employed in Rhode Island and southeastern Massachusetts.

(2) The Rhode Island Division shall operate in accordance with the provisions set forth below. Section 3(h) may be amended only if the amendments are approved in a secret ballot vote by a majority vote of all District members (including Rhode Island members)

as well as a majority of voting Rhode Island members.

(3) All dues, initiation fees and agency fees for employees within the Rhode Island geographical area, as defined above, shall continue to be remitted to the District's Financial Office in Hartford.

(4) From said dues and fees, the District shall pay all per capita and strike and defense payments. All dues and fees revenues in excess of per capita and strike and defense payments shall be remitted, monthly, to the Rhode Island Division.

(5) All officers of the Rhode Island Division shall be elected directly by the Rhode Island Division members in elections, conducted in accordance with the election provisions of the District bylaws. The duly elected Rhode Island officer(s) shall include an Executive Vice-President. In accordance with the District bylaws, there shall be no fewer than two (2) Elected Organizers. All Division officers shall be members of the Rhode Island Division Executive Board and the District Executive Board. When the Division reaches 5,000 members, an additional Vice President shall be elected for each additional 2,500 members or major fraction thereof.

(6) There shall be a Rhode Island Division Executive Board consisting of Division officers, the District President, District Secretary-Treasurer

and fifteen (15) elected Division members. The composition of the non-officer Division Executive Board members shall be apportioned in accordance with the occupational/professional mix of Division members and shall be elected in elections conducted in accordance with the election provisions of the District bylaws.

(7) The Rhode Island Division Executive Board shall adopt an annual budget and shall oversee all spending, provided however that all forms of compensation and expenses of officers and staff shall be uniform throughout the District.

(8) The Executive Vice-President of the Rhode Island Division shall function as the chief executive of the Division, with powers and responsibilities described in Article VII, Section 2, subject to the direction of the District President, the District Executive Board and the Rhode Island Division Executive Board. In the event of conflict between the job duties of the Division's Executive Vice-President and the job duties of a District Officer, the affected officers and the respective Executive Boards shall confer to resolve the conflict. If said consultation does not resolve the conflict, it shall be resolved by the District President.

(9) The District shall continue to be responsible for all accumulated severance pay, vacation and other accrued time earned before the Rhode Island Division

became operational under these amendments.

(10) Except as expressly stated in this Section 3(h), the Rhode Island Division shall operate in accordance with all provisions of the present District bylaws or as they may be hereafter amended.

(11) Any provision in the bylaws to the contrary notwithstanding, the Rhode Island Division shall be entitled to roughly proportionate representation on all District election and hearing boards and committees, including the District Election Board, the District Hearing and Appeals Board and the District Personnel Committee. The Rhode Island Division representative(s) on said boards and committees shall be designated by the Executive Vice President for the Rhode Island Division, after consultation with the District President. The Rhode Island Division shall also be entitled to proportionate representation of all delegates to SEIU International Conventions as designated by the procedures in Article VIII, Section 1(g).

(12) Vice Presidents from the Rhode Island Division shall be elected by Rhode Island Division members of the District (as provided in Section 3(h)(5) above) and Vice Presidents working in Connecticut shall be elected by the Connecticut members of the District. The District President and District Secretary-Treasurer shall be elected by vote of all members of the District.



(i) Municipal employees, university employees, employees of youth service agencies and all other employees not specifically assigned by these bylaws to one of the above divisions shall be assigned to one of the above divisions by the District President, on a chapter by chapter basis. Such assignment shall be subject to the approval of the Executive Board.

#### **Section 4 – Delegates**

(a) Delegates shall be responsible for the execution of District and Division decisions and the enforcement of the applicable collective bargaining agreement on behalf of the members they represent.

(b) Delegates shall be members of the District Delegates Assembly and of the Delegates Assembly of their Division, if applicable. Delegates are obligated to attend all regular and special meetings of the District Delegates Assembly and Division Delegates Assembly, if applicable.

(c) Delegates shall maintain a standard of work on behalf of the District as established by the Executive Board. This standard shall include, but not be limited to, attending training sessions provided by the District, providing leadership for members, communicating with members and District staff about workplace issues, organizing and mobilizing members to solve workplace

problems, handling grievances, and enforcing the collective bargaining agreement.

(d) Should a Delegate for any reason 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 sixty (60) days from the date of vacancy. Such new Delegate shall be sworn in and shall assume his/her responsibilities at the next meeting of the Delegates Assembly of the District or of the Division, if applicable.

(e) A Delegate may be removed upon a hearing before the Executive Board of the District. In order for a hearing to be convened either a majority of the members represented by the Delegate or a minimum of three officers of the District must petition the District Executive Board or Rhode Island Division Executive Board, as appropriate, to remove the Delegate. The appropriate Executive Board must hold such a hearing within thirty (30) days of the receipt of the petition. The Board shall consider whether the Delegate has represented the members in a proper fashion and in the best interests of the District and its members. The decision of the Executive Board shall be final.

(f) Delegates shall take the following oath upon assuming their positions:

## **Delegates' Pledge**

“I, John/Mary Doe, do hereby accept the position of Delegate of the New England Health Care Employees Union, District 1199.”

“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 District and defend it from all its enemies. On this pledge, I stake my good name, my honor and my conscience.”

## **ARTICLE V** **GENERAL MEMBERSHIP**

### **Section 1**

(a) There shall be two categories of membership in the District: Full Membership and Associate Membership.

(b) To be eligible for Full Membership in the Union a person must be working as an employee in the trades, crafts, professions, occupations or establishments within the jurisdiction of the District as defined in these bylaws, and must be employed in an establishment which has a collective bargaining agreement with the Union, or which is engaged in a strike or other activity seeking to

renew a collective bargaining agreement with the Union.

Employees on temporary layoff or temporary leave of absence or terminated employees whose grievances are being processed by the Union are also eligible for Full Membership.

All persons working for the District, for the funds serving its members or for any related organizations, shall also be eligible for full membership in the Union.

All members shall be required to remain current on all dues and fees required by the Union.

(c) To be eligible for Associate Membership a person must first have been a full member of the Union or, alternatively, must make a written application to the Executive Board requesting Associate Membership.

All retired members, permanently laid off members, members who have left employment in the industry or workers who are no longer covered by collective bargaining contracts are also eligible for Associate Membership.

All such members shall be required to remain current on dues and fees required of Associate Members.

(d) Any individual seeking to join the District shall file an application for membership. To become a member of the District, entitled to all the rights, privileges and benefits of membership, an applicant shall:

- (1) (A) Pay an initiation fee of Fifty Dollars(\$50.00) except that applicants for membership employed in Home Care and/or Family Child Care shall not pay any Initiation Fee.  
(B) In the case of new organization, those employees hired before the signing of an initial collective bargaining agreement shall not be required to pay an initiation fee.
- (2) Pay the first month's dues.

## **Section 2 – Rights of Members**

(a) Members admitted to Full Membership shall have the following rights:

- (1) To vote on District contracts directly affecting the member as an employee.
- (2) To vote on all strike calls and strike settlements directly affecting the member as an employee.
- (3) To receive such strike benefits as the Strike and Defense Fund shall in its judgment fix and determine.
- (4) To vote in all District elections in accordance with these bylaws.
- (5) To attend all regular and special membership meetings of the District of his/her Division, and/or Chapter, and participate in discussion and vote on all questions.

(6) To be a candidate for elective office and/or position in accordance with the provisions of these bylaws.

(7) To seek employment through the District Hiring Hall, subject to its rules and regulations.

(8) To utilize all services provided by the District and to participate in all social, educational and cultural activities.

(9) To receive a fair and open hearing in accordance with the provisions of these bylaws on any charge brought by or against the member.

(b) Associate Members shall have only the following rights:

(1) To receive the District publication.

(2) To participate in the Union's social, educational and cultural activities.

(3) To utilize the hiring hall(s) of the District.

(4) With permission from the District Executive Board to participate in political action committees and other committees established by the Union.

(5) With permission from the District Executive Board to participate in Central Labor bodies or other agencies where the Union has representatives.

(6) To participate in the Retired Members Division if applicable.

(c) The term "General Membership" as used in these bylaws shall mean all of those persons who have

(d) Full Membership rights in the Union. A decision of the General Membership shall require a majority vote of those voting in three-quarters of the respective Divisions.

The General Membership of the District shall be the supreme authority of the District in the following respects:

- (1) It shall have the power and authority to adopt and/or amend bylaws, rules and regulations.
- (2) It shall elect all general Officers of the District.
- (3) It shall vote on all general strikes and settlements.
- (4) It shall have the power and authority to set dues, initiation fees and assessments for the members of the District.
- (5) It shall have the power to expend such funds of the District as it deems necessary.
- (6) It shall receive and act upon reports from the President of the District.

### **Section 3 – Division Membership**

The membership of each Division shall constitute the supreme authority of the Division in the following respects:

- (a) It shall have the power and authority to adopt rules and regulations governing its membership not inconsistent with the rules, regulations and policies of the District as a whole.

(b) It shall vote on all Division strike calls, Division strike settlements and collective bargaining contracts involving the membership of the Division as a whole.

#### **Section 4 – Chapter Membership**

(a) The members of a Chapter shall meet on a Chapter basis for the purpose of transacting such business as they deem necessary or desirable. Decisions made by the Chapter shall not be inconsistent with the rules, regulations, decisions or policies of the Division or District as a whole.

(b) The members of a Chapter shall receive and act upon reports on the activities of the Chapter from an Officer or Representative of the District.

(c) The members of a Chapter shall have the right to vote on strike calls, strike settlements and collective bargaining agreements directly affecting them.

#### **Section 5 – Meetings of Members**

Members of the District shall meet on a General, Division or Chapter membership basis as called.



## **Section 6 – Duties of Members**

A member of the District shall have the duty and obligation to strengthen and defend the District and its membership.

(a) A member shall attend all General Membership Meetings of the District and regular and special meetings of his/her Division and/or Chapter.

(b) Any member who shall absent him/herself from one or more membership meetings without a proper excuse shall be deemed to have diminished the efficiency of the District and to have acted against the best interests and welfare of the District.

(c) A member shall observe orderly procedure and decorum at all meetings.

(d) A member shall comply with decisions of the District made pursuant to these bylaws.

(e) A member shall abide by and carry out all of the terms of the District's collective bargaining agreement.

(f) A member shall assist in organizing the unorganized and participate in such activities as he/she may be called upon to perform by the District.

## **Section 7 – Dues and Good Standing**

Every member shall share in the cost of maintaining and operating the District as provided by these bylaws.

(a) Dues shall become due and payable in advance on the first day of the current month.

(b) A member who authorizes the Employer to check off dues and/or initiation fees pursuant to a collective bargaining agreement shall be considered to be in good standing.

(c) Effective January 1, 2002, members of the District shall pay dues according to the following schedule:

Members receiving less than ten (10) hours pay in a week shall pay dues of one (1) times the hourly pay rate per month, or 0.46 times the hourly pay rate bi-weekly.

Members receiving at least ten (10) hours pay in a week, but less than twenty (20) hours pay in a week, shall pay dues of one (1) times the hourly pay rate per month plus six dollars (\$6.00) per month, or 0.46 times the hourly pay rate bi-weekly plus two dollars and seventy-seven cents (\$2.77) bi-weekly.

Members receiving at least twenty (20) hours pay in a week, but less than thirty (30) hours pay in a week, shall pay dues of one and one half (1.5) times the hourly pay rate per month plus six dollars (\$6.00) per month, or 0.69 times the hourly pay rate bi-weekly plus two dollars and seventy-seven cents (\$2.77) bi-weekly.

Members receiving thirty (30) hours pay or more in a week shall pay dues of two (2) times the hourly pay rate per month plus six dollars (\$6.00) per month, or 0.92 times the hourly pay rate bi-weekly plus two dollars and seventy-seven cents (\$2.77) bi-weekly.

The dues for Associate Members shall be twenty-four dollars (\$24.00) per year. Unemployed members shall pay dues of one dollar and fifty cents (\$1.50) per month

(d) Effective January 1, 2016, members of the District shall pay dues according to the following schedule:

Members receiving less than ten (10) hours pay in a week shall pay monthly dues of one and one quarter (1.25) times the hourly pay rate, or 0.58 times the hourly pay rate bi-weekly.

Members receiving at least ten (10) hours pay in a week, but less than twenty (20) hours pay in a week, shall pay monthly dues of one and one quarter (1.25) times the hourly pay rate plus eight dollars (\$8.00) per month, or 0.58 times the hourly pay rate bi-weekly plus three dollars and sixty-nine cents (\$3.69) bi-weekly.

Members receiving at least twenty (20) hours pay in a week, but less than thirty (30) hours pay in a week, shall pay monthly dues of one and three

quarters (1.75) times the hourly pay rate plus eight dollars (\$8.00) per month, or 0.81 times the hourly pay rate bi-weekly plus three dollars and sixty-nine cents (\$3.69) bi-weekly.

Members receiving thirty (30) hours pay or more in a week shall pay monthly dues of two and one quarter (2.25) times the hourly pay rate plus eight dollars (\$8.00) per month, or 1.04 times the hourly pay rate bi-weekly plus three dollars and sixty-nine cents (\$3.69) bi-weekly.

Members who work in the Home Care Division (CT) or in Home Care or Family Child Care in Rhode Island, shall pay monthly dues of two and one-quarter percent (2.25%) of monthly gross wages.

The dues for Associate Members shall be twenty-four dollars (\$24.00) per year. Unemployed members shall pay monthly dues of one dollar and fifty cents (\$1.50) per month.

Members who are on a leave of absence and receiving workers compensation or disability payments shall pay dues of thirteen dollars (\$13.00) per month or their regular dues, whichever is less.

(e) For the purposes of this dues schedule, hourly pay rate shall be defined as the straight time hourly rate, not including differentials, bonuses or other premium pay.

## **Maximum Dues**

Effective January 1, 2005, the maximum dues shall be fifty-five dollars (\$55.00) per month or twenty-five dollars and thirty-eight cents (\$25.38) bi-weekly.

Effective January 1, 2006, the maximum dues shall be sixty dollars (\$60.00) per month or twenty-seven dollars and seventy cents (\$27.70) bi-weekly.

Effective January 1, 2007, the maximum dues shall be sixty-five dollars (\$65.00) per month or thirty dollars (\$30.00) bi-weekly.

Effective January 1, 2016, the maximum monthly dues shall be seventy-two dollars (\$72.00) or thirty-three dollars and twenty-three cents (\$33.23) bi-weekly.

Effective January 1, 2017, the maximum monthly dues shall be seventy-nine dollars (\$79.00) or thirty-six dollars and forty-six cents (\$36.46) bi-weekly.

## **Minimum Dues**

Effective January 1, 2005, the minimum monthly dues shall be fifteen dollars (\$15.00) per month or six dollars and ninety-two cents (\$6.92) bi-weekly.

Effective January 1, 2006, the minimum monthly dues shall be seventeen dollars (\$17.00) per month or seven

dollars and eighty-five cents (\$7.85) bi-weekly.

Effective January 1, 2007, the minimum monthly dues shall be nineteen dollars (\$19.00) per month or eight dollars and seventy-seven cents (\$8.77) bi-weekly.

Effective January 1, 2016, the minimum monthly dues shall be twenty-two dollars (\$22.00) or ten dollars and fifteen cents (\$10.15) bi-weekly.

Effective January 1, 2017, the minimum monthly dues shall be twenty-five dollars (\$25.00) or eleven dollars and fifty-four cents (\$11.54) bi-weekly.

There shall be no minimum dues rate for Home Care or Family Child Care members.

## **Section 8 – Suspension of Membership**

Any member who shall fail to pay dues by the twentieth of the month in which the same is due or who shall fail to pay any other financial obligation by the due date shall be deemed suspended and shall lose all rights, privileges and benefits of membership. All members who are suspended shall be notified by the Union as soon as possible.

## **Section 9 – Dues Checkoff**

Whenever a member authorizes an employer to check off 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.

### **Section 10 – Termination of Membership**

A member who has been suspended for a period of two (2) consecutive months shall be sent a letter to the last known address notifying the member that unless he/she pays all financial obligations to the District within ten (10) days from the date such letter is mailed, his/her membership in the District shall be terminated.

### **Section 11 – Reinstatement of Membership**

A suspended member may be reinstated to good standing by paying up all 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 Two Dollars (\$2.00) for the letter sent to him/her provided these payments are made within the ten (10) day period from date of mailing of said letter as provided.

### **Section 12 – Reapplication for Membership**

(a) A member whose membership has been terminated may apply for readmission to membership in the District and if accepted, shall pay all back dues and other monies due from him/her to the District, plus a new initiation fee.

(b) Any other person applying for membership in the District who ceased being a member without becoming an Associate Member shall pay the initiation fee plus any monies owed to the District at the time he/she ceased being a member.

### **Section 13 – Associate Membership**

(a) A member whose Full Membership has been terminated may apply to become an Associate Member.

(b) To become an Associate Member, a person must:

(1) Apply within sixty (60) days of termination of Full Membership.

(2) Pay the Associate dues as required.

(c) If an applicant for Associate Membership does not apply within sixty (60) days of termination of Full Membership or such applicant was never a Full Member, then any application for Associate Membership shall be referred to the Executive Board and its decision shall be final and binding.

## **ARTICLE VI** **RETIREE ACTIVITIES**

The President of the District may establish a Retiree Club or Clubs for the purpose of involving former members in social affairs, political action and other union activities. The members of such Club(s) shall pay an activity fee as determined by the Club membership.



The President and Secretary-Treasurer of the Union may act as treasurers of any Retiree Club and may undertake to keep retiree records.

In no way, however, are retired former members to be considered as active or Associate Members of the District unless a retired member makes an application to continue as an Associate Member and pays all applicable Associate Member dues.

Retirees who have health or pension benefits through the 1199 Health and Welfare and/or Pension Funds will continue to receive such benefits in accordance with the rules of the Funds.

## **ARTICLE VII** **STRUCTURE**

### **Section 1 – Officers**

The Officers of the District shall be a President, a Secretary-Treasurer, and Vice Presidents as specified below. Officer positions shall be full time and salaried.

### **Section 2 – President**

(a) The President shall function as the Chief Executive of the District. The President shall direct, coordinate, guide and supervise all of the affairs of the District and the activities of its Officers, Organizers and personnel.

(b) The President shall sign all official documents.

(c) The President shall have the power to call all regular and special meetings of the District or any of its subdivisions and shall have the right to preside at such

meetings or to delegate such right to another Officer.

(d) The President shall appoint Committees and Occupational Councils not otherwise provided for, subject to the approval of the Executive Board.

The President shall be an ex-officio member of all Committees and Occupational Councils.

(e) The President may subdivide the District and Divisions into appropriate areas for the proper and efficient administration of the District.

(f) The President shall be a member of the District Delegates Assembly and shall be an ex-officio member of all Division Delegates Assemblies.

(g) The President shall report to the Delegates Assemblies and the membership on behalf of the Executive Boards.

(h) The President shall sign all collective bargaining contracts on behalf of the District and may delegate such power to other officers of the District.

(i) The President shall have the power, jointly with the Secretary-Treasurer and other officers as determined by the Executive Board, to sign checks, promissory notes and other instruments for the payment of money issued against the accounts of the District.

(j) The President shall have the power to make such disbursements as may be required by the District, subject to the approval of the Executive Board.

(k) The President shall direct and be in charge of collective bargaining on behalf of the District.

(l) Apart from those elected, the President shall have the right to appoint and terminate appointed organizers. In exercising this authority, the President shall make every reasonable effort to hire staff employees and organizers from rank and file members of the District and shall make every reasonable effort to ensure that the staff employees and organizers reflect the racial and gender makeup of the membership of the District. The President may also appoint and terminate representatives and such other personnel as the District requires.

(m) The President shall be responsible for the proper performance of his/her duties to the Executive Board, Delegates Assemblies and the membership.

(n) The President shall be a member of the Executive Board.

(o) The President may appoint, with the consent of the Executive Board, Directors of the various Divisions of the Union. If the Executive Board decides it is appropriate, such Directors will stand for election as Vice Presidents of the District subject to the rules

governing elections. Such Directors will be responsible to the entire membership of the Union and shall carry out their duties with this responsibility in mind.

(p) The President shall, with the consent of the Executive Board, appoint representatives of the Union to any boards, commissions, study groups or any other bodies where the Union is entitled to representation.

### **Section 3 –Secretary-Treasurer**

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

(b) The Secretary-Treasurer shall be responsible for the administration and supervision of the health, welfare and pension programs for the District and its community services.

(c) The Secretary-Treasurer shall preside at meetings in the absence of the President.

(d) The Secretary-Treasurer shall have the power, jointly with the President and other officers as determined by the Executive Board, to sign checks, promissory notes or other instruments for the payment of money issued against the accounts of the District.

(e) The Secretary-Treasurer shall be a member of the District Delegates Assembly and shall be an ex-officio member of all Division Delegates Assemblies.

(f) If the office of President becomes vacant or the

President is disabled, the Secretary-Treasurer shall assume the office of President for the remainder of the term or the length of the disability, whichever is shorter.

(g) The Secretary-Treasurer shall be a member of the Executive Board.

(h) The Secretary-Treasurer shall be responsible for the proper performance of duties to the President, the Executive Board, Delegates Assemblies and the membership.

(i) The Secretary-Treasurer shall be the chief fiscal officer of the District and shall receive and collect all monies due to the District.

(j) The Secretary-Treasurer shall have the responsibility to disburse such funds as authorized by the President and/or the Executive Board.

(k) The Secretary-Treasurer shall maintain and preserve proper books and records of the finances of the District. Such books and records shall at all times be subject to inspection by the President and the Executive Board.

(l) The Secretary-Treasurer shall be in charge of, preserve and maintain for safekeeping all monies, properties, securities and other evidence of investments of the District.

(m) The Secretary-Treasurer shall prepare and submit a certified annual financial report to the President and the Executive Board and such other additional reports as the

President or the Executive Board may require.

(n) The Secretary-Treasurer shall submit all books and records of the District for certified audit, examination and inspection each year at such times as the President or the Executive Board may require.

#### **Section 4 – Vice Presidents**

(a) The Vice Presidents shall assist the President in the administration of the District.

(b) The Vice Presidents shall be members of the District Delegates Assembly and shall be ex-officio members of all Division Delegates Assemblies.

(c) The Vice Presidents shall be members of the Executive Board.

(d) The Vice Presidents shall be responsible for the proper performance of their duties to the President, the Executive Board, the Delegates Assemblies and the membership.

(e) The Vice Presidents shall have the power, jointly with the President, the Secretary-Treasurer and other officers as determined by the Executive Board, to sign checks, promissory notes and other instruments for the payment of money issued against the accounts of the District.

(f) The number of Vice Presidents to be elected shall be one (1) for every 2,500 members and agency-fee payers of the District, or major fraction thereof, based on the average monthly membership dues and agency

fees received for the six (6) months prior to May 1 of the election year. Beginning with the election of officers in 2014, the formula shall be based on the average monthly membership dues and agency fees received for the six (6) months prior to November 1 of the year preceding the election. After eight (8) positions are established in accordance with the above formula, there shall be one (1) additional Vice President position established for each 5,000 members and agency-fee payers. That is, one (1) more after 25,000 members, one (1) additional after 30,000 members, etc.

## **Section 5 – Elected Organizers**

(a) The District shall elect Organizers to assist in the administration of the District. Elected Organizer positions shall be full time and salaried. Beginning with the election of Organizers in 2005, the numbers and electoral districts of Elected Organizers shall be as specified below.

(b) (1) In the state of Connecticut, Elected Organizers shall be elected statewide, across all Divisions. The number of Elected Organizers to be elected shall be one (1) for every 2,500 members and agency-fee payers in the state of Connecticut, or major fraction thereof, based on average monthly membership dues and agency fees received for the six (6) months



prior to May 1 of the election year. Beginning with the election of Elected Organizers in 2014, the formula shall be based on the average monthly membership dues and agency fees received for the six (6) months prior to November 1 of the year preceding the election. After eight (8) positions are established in accordance with the above formula there shall be one (1) additional Organizer position established for each 5,000 members. That is, one (1) more after 25,000 members, one (1) additional after 30,000 members, etc.

(2) In the Rhode Island Division, Elected Organizers shall be elected divisionwide. The number of Elected Organizers to be elected shall be whichever is greater, two (2), or one (1) for every 2,500 members and agency-fee payers in the Rhode Island Division, or major fraction thereof, based on average monthly membership dues and agency fees received for the six (6) months prior to January 1 of the election year. Beginning with the election of Elected Organizers in 2014, the formula shall be based on the average monthly membership dues and agency fees received for the six (6) months prior to November 1 of the year preceding the election.

(c) Elected Organizers shall be responsible for the proper performance of their duties to the President, the Executive Board, the Delegates Assembly and the membership.

(d) Elected Organizers shall be members of the District Delegates Assembly and shall be ex-officio members of all Division Delegates Assemblies.

### **Section 6 – Bonding of Officers and Union Representatives**

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 in conformity with the requirements of any applicable law.

### **Section 7 – Salaries for Officers and Elected Organizers**

The salaries and expenses of Officers and Elected Organizers shall be fixed by the Executive Board subject to the approval of the District Delegates Assembly. Salaries shall be published at least once a year in the Union newspaper.

### **Section 8 – No Dual Employment**

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

### **Section 9 – Rights of Union Staff**

All persons employed by the Union shall be entitled to full membership in the Union. All Union staff shall be

members of the Hospital Division of the District except that Union staff assigned to Rhode Island shall be in the Rhode Island Division.

## **Section 10 – Executive Board**

(a) The Executive Board shall consist of all elected officers of the District and a member elected by the membership in each geographical area set by the Election Board, with the maximum size of the Executive Board not to exceed thirty (30) members in addition to elected officers of the District.

Prior to each election conducted pursuant to these bylaws, the Election Board shall apportion and set geographical areas containing a substantially equal number of members provided, however, that each Division in the District shall be apportioned the percentage of seats on the Executive Board which the Division's membership bears to the total membership of the District. Each Division shall also be apportioned taking into account the then current professional and occupational mix (i.e. registered nurses, professional employees and service and maintenance employees.)

Rhode Island representation on the District Executive Board is governed by Article IV, Section 3(h).

(b) The Executive Board shall meet at least twice a month unless the Board decides on more or less frequent

meetings. The Board may also decide to meet on an area or committee basis. At any time one third of the members of the Board may request the President to convene a special meeting of the Board which must be held within ten (10) days after receipt of such request.

(c) The Executive Board shall have the following powers:

(1) To adopt an annual budget for the District.

(2) To receive and act upon reports of the President and other Officers of the District on the state of each Division and District as a whole including but not limited to the financial condition of the District, its collective bargaining situation, and the status of the various funds in which the District has an interest.

(3) To approve and authorize the disbursement of such funds as in its discretion may be required to promote the aims and objectives of the District.

(4) To invest or 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.

(5) To appoint Trustees or alternatives of all trust funds established by or in which the District has an interest.

(6) To interpret these bylaws; and any such interpretation made by it shall be final, binding and conclusive and shall remain in full force and effect,

unless reversed, modified or otherwise changed by the District Delegates Assembly.

(7) To formulate plans, programs and policies for the District.

(8) To fill any vacancies other than vacancies on the Executive Board that occur pending elections.

(9) To formulate the “order of business” for the District Delegates Assemblies, the Division Delegates Assemblies and the General Membership meetings.

(10) To subdivide the District and Divisions into areas and to appoint such personnel as may be necessary to administer such subdivisions.

(11) To fix the salaries and expenses of the Organizers and paid District representatives, subject to approval of the District Delegates Assembly.

(12) To fix the salaries of the office, technical and professional employees of the District.

(13) To fix reimbursement of expenses for Executive Board meetings and Delegates Assemblies.

(14) To call strikes, subject to the approval of the members directly involved.

(d) An elected Executive Board member who fails to attend four (4) consecutive Executive Board meetings, without proper excuse, shall cease to be a member of the Board and the vacancy shall be filled by an election in the geographic area to be held no later than eight (8)

weeks from the time the vacancy occurs.

(e) Procedure for elections for union convention delegates and/or other elections or referenda, except as otherwise provided in these bylaws, shall be determined by the Executive Board.

## **Section 11 – Delegates Assemblies**

### **1. District Delegates Assemblies**

(a) The District Delegates Assembly shall consist of all the Delegates from the Union District except the Retired Members Division.

(b) The District Delegates Assembly shall meet at least once a year.

(c) The District Delegates Assembly shall have all of the powers conferred upon the Division Delegates Assemblies by these bylaws, provided, however, that any action taken binding upon the District shall require an affirmative vote of a majority of the Delegates present and voting.

### **2. Division Delegates Assemblies**

(a) The Delegates of each Division shall constitute the Division Delegates Assembly.

(b) The Division Delegates Assemblies may meet on an area basis, within each state, as determined by the Executive Board.

A special meeting of the Division Delegates Assembly shall be convened by the President within ten (10) days upon presentation to him of a petition bearing the signatures of not less than fifteen percent (15%) of the Division Delegates.

(c) A Division Delegates Assembly shall have the power to act upon any matter affecting the members of the Division. Its decisions shall be final and binding upon the members of the Division, 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 bylaws, its decisions shall be considered as recommendations.

(d) The Division Delegates Assembly shall have the power to appoint Committees; set up Boards and adopt such rules and regulations governing its procedures as in its judgment will best effectuate its purposes.

(e) The Division Delegates Assembly shall receive and act upon all reports and decisions of Officers, Committees, and Boards of the District and its Division.

(f) The Division Delegates Assembly shall have the power to call strikes in its Division, subject to the approval of the members directly involved.

(g) A Delegate desiring to include a matter on the agenda of the District Delegates Assembly or

a Division Delegates Assembly shall forward such request in writing to the Executive Board. Should the Executive Board fail or decline to grant such request, the Delegate may have the matter included in the agenda by submitting a petition to the Executive Board signed by at least ten percent (10%) of the members in good standing of the District Delegates Assembly or the Division Delegates Assembly.

(h) The Executive Board may establish regular Delegates Assemblies on an area basis within the District.

## **Section 12 – Professional and Occupational Councils**

(a) Professional and Occupational Councils shall be composed of all members of the District working in specific professions or occupations (i.e. all nurses in the District shall belong to the Nurse Council). The purpose of the Councils shall be to promote professional standards, to engage in political and legislative activity that promotes their interests, and to aid and encourage new organization and conduct conferences, workshops and other educational activities.

(b) The Chair of each Council shall be appointed by the President with the consent of the Executive Board. If possible, an Executive Board member who is of that particular profession or occupation will chair.



## ARTICLE VIII **ELECTIONS**

### **Section 1**

(a) General elections of Officers, Elected Organizers, Delegates, Executive Board members and SEIU Convention Delegates shall be held every three years.

(b) (1) In the year 2011, the election of Officers, Elected Organizers, the Executive Board and the Rhode Island Division Executive Board shall be held in the last week of October, at places and times designated by the Election Board. These terms shall expire on May 14, 2014.

(2) In the year 2014 and for all succeeding election years, the election of Officers, Elected Organizers, the District Executive Board and the Rhode Island Division Executive Board shall be held in the last week of April in an election year, at places and times designated by the Election Board.

(c) (1) In the year 2011, the election of Delegates shall be conducted during the five (5) week period ending with the last week of October for a term expiring on May 14, 2014.

(2) In the year 2014 and for all succeeding election years, the election of Delegates shall be conducted during the five (5) week period ending with the last week of April. Delegate elections may be set at other times of the

year at the discretion of the Executive Board.

(3) Each chapter shall be entitled to and shall elect Delegates on the basis of one (1) Delegate for each fifteen (15) members. Delegate slots shall be established by the President of the Union and may vary in the number of members represented but may not be less than ten (10) members or more than thirty (30) members. Delegates shall be elected on a departmental basis and for such purpose, a department or worksite with less than ten (10) members will be combined with other sites to determine a delegate slot. Delegates must run from the slot they work in. Once elected, Delegates shall continue to serve their term so long as they remain employed by the employer in a bargaining unit position.

(d) The election of Delegates shall be conducted in accordance with these bylaws. Any challenge or appeal shall be submitted to the Election Board.

(e) The membership shall be informed of the dates, places and candidates for the election of Officers, Elected Organizers, the Rhode Island Division Executive Board and the District Executive Board at least fifteen (15) days prior to the election. Notice of such election in the District publication shall be deemed good and sufficient.

(f) Voting shall be by secret ballot.

(g) Officers and Elected Organizers and Executive Board members shall be designated as Service

Employees International Union Convention delegates by virtue of their election to office in the District election immediately preceding the quadrennial Service Employees International Union Convention. Officers and Elected Organizers shall be designated as delegates and then Executive Board members shall be designated, in that order. If there are more officers, Elected Organizers and Executive Board members than there are available delegate slots, the Executive Board members who receive the most votes in the Executive Board elections immediately preceding the SEIU Convention will be designated as Delegates and the remaining Executive Board members shall be designated as Alternates. SEIU Convention delegate slots for Executive Board members shall be apportioned between Connecticut and Rhode Island in accordance with the District's total membership and agency-fee payers in each state. For example, if the District's total membership were 25,000, with 20,000 in Connecticut and 5,000 in the Rhode Island area and the District had 40 SEIU Convention delegate slots, 32 of the slots would be allocated to Connecticut and 8 to Rhode Island.

## **Section 2 – Election Board**

(a) During the month of June in an election year, and beginning with the election in 2014 during the month

of October of the preceding year, the Executive Board shall recommend to the District Delegates Assembly candidates for the Election Board. The Board shall consist of seven (7) members and seven (7) alternates.

The members shall be elected either from those recommended by the Executive Board or others who may be nominated by the District Delegates Assembly. The Election Board shall designate two (2) of its members as Chairperson and Secretary.

(b) To be eligible for the Election Board one must be (1) a member of the District in good standing for not less than six (6) months; and (2) not a candidate for any office in the election, except for the position of Delegate.

(c) The Election Board shall conduct and supervise the Nominations and Elections of the District in accordance with the provisions made therefore by these bylaws and in so doing the Board may adopt such rules, subject to the approval of the District Executive Board, as are necessary to conduct the Nominations and Elections.

(d) The Election Board shall hear and determine all objections to candidates and to the conduct of the elections.

(e) The Election Board shall certify in writing the candidates who will run in the election.

(f) The Election Board shall meet promptly after the

holding of the election and announce the results of the election.

(g) The Election Board shall preserve the ballots and all other records pertaining to the election for a period of not less than one (1) year.

(h) Any and all appeals from decisions of the Election Board regarding the conduct of the election shall be deemed waived unless made in writing and filed with the President of the District within fifteen (15) days after the announcement by the Election Board of its decision on any election objection. All such appeals timely made shall be considered and decided by the Executive Board and its decisions shall be final and binding.

### **Section 3 – Nominations for Officers,**

#### **Elected Organizers and Delegates**

(a) Not later than the first Wednesday in July in an election year, the Election Board shall make available to the membership nomination petitions for Officers of the District, Elected Organizers, Delegates, Executive Board and the Rhode Island Division Executive Board.

(b) Beginning with the election in 2014, the Election Board shall make available to the membership no later than the first Wednesday in February in an election year, nomination petitions for Officers of the District, Elected Organizers, Delegates, District Executive Board and the

## Rhode Island Division Executive Board.

(c) To be a candidate as an Officer, Elected Organizer or Executive Board member, one must be a member of the District in good standing for at least one (1) year, provided, however, that this requirement shall be waived for candidates from newly organized chapters.

(d) To be a candidate as a Delegate one must be a member of the District in good standing for at least six (6) months. In any slot where no member meets the requirements or no member who does is willing to serve, the requirement shall be relaxed.

(e) A nominating petition for a candidate for District President or Secretary-Treasurer shall require the signatures of no less than two percent (2%) of the members in good standing of the District and in each Division as of the month of May immediately preceding the election. A nominating petition for a candidate for Vice President shall require the signatures of no less than two percent (2%) of the members in good standing of the District in each of the Nursing Home, Connecticut State Employees, Private Community Program and Hospital Divisions as of the month of May immediately preceding the election. A nominating petition for a candidate for Executive Vice President shall require the signatures of no less than two percent (2%) of the members in good standing of the District in the Rhode Island Division as

of the month of May immediately preceding the election.

(f) Beginning with the election in 2014, a nominating petition for a candidate for District President or Secretary-Treasurer shall require the signatures of no less than two percent (2%) of the members in good standing of the District and in each Division as of the month of November immediately preceding the election. A nominating petition for a candidate for Vice President shall require the signatures of no less than two percent (2%) of the members in good standing of the District in each of the Nursing Home, Connecticut State Employees, Private Community Program and Hospital Divisions as of the month of November immediately preceding the election. A nominating petition for a candidate for Executive Vice President shall require the signatures of no less than two percent (2%) of the members in good standing of the District in the Rhode Island Division as of the month of November immediately preceding the election.

(g) A nominating petition for a candidate as an Elected Organizer shall require the signatures of no less than two percent (2%) of the members of the District and in each division, within their geographic jurisdiction, as of the month of May immediately preceding the election.

(h) Beginning with the election in 2014, a nominating petition for a candidate as an Elected Organizer shall

require the signatures of no less than two percent (2%) of the members of the District and in each division, within their geographic jurisdiction, as of the month of November immediately preceding the election.

(i) A nominating petition for a candidate as a Delegate shall require the signatures of two (2) members in good standing as of the month of May immediately preceding the election from the slot in which the member seeks election.

(j) Beginning with the election in 2014, a nominating petition for a candidate as a Delegate shall require the signatures of two (2) members in good standing as of the month of November immediately preceding the election from the slot in which the member seeks election.

(k) A nominating petition for an Executive Board candidate shall require the signatures of not less than ten percent (10%) of the members in good standing in the geographical area in which the member seeks election as of the month of May immediately preceding the election.

(l) Beginning with the election in 2014, a nominating petition for an Executive Board candidate shall require the signatures of not less than ten percent (10%) of the members in good standing in the geographical area in which the member seeks election as of the month of November immediately preceding the election.

(m) Nominating petitions for Officers, Elected



Organizers and the Executive Board shall be submitted to the Election Board no later than the first Wednesday in August in the election year.

(n) Beginning with the election in 2014, nominating petitions for Officers, Elected Organizers and the Executive Board shall be submitted to the Election Board no later than the first Wednesday in March in the election year.

(o) Nominating petitions for Delegates shall be filed with the Election Board no later than the second Wednesday in August in the election year.

(p) Beginning with the election in 2014, nominating petitions for Delegates shall be filed with the Election Board no later than the second Wednesday in March in the election year.

#### **Section 4 – Elections**

(a) To be elected to the position of President, Secretary-Treasurer or Vice President, a candidate must receive a majority of votes cast. If no candidate for the particular office receives a majority of the total votes cast, a runoff election shall be held within forty-five (45) days thereafter to fill the office. In such runoff election the two (2) candidates who receive the highest total number of votes shall be placed on the runoff ballot. In this runoff election, the candidate or candidates receiving a majority of the votes cast shall be declared elected.

The term of an incumbent Officer whose office is involved in a runoff election shall be deemed extended until the election of a successor to the office.

(b) Candidates for Elected Organizer receiving the highest number of votes shall fill the vacancies.

(c) The Delegate in a slot receiving the highest number of votes shall fill the vacancy in accordance with these bylaws. Where there is only one (1) candidate for Delegate, the Delegate must receive more yes votes than no votes to be elected.

(d) To be elected to the position of Executive Board member, a candidate must receive a majority of the votes cast in the geographic area in which he/she is a candidate.

(e) Every candidate shall have the right to an observer at the polls and at the tabulation of the ballots.

## **Section 5 – Installation**

(a) The newly elected Officers, Elected Organizers, Delegates and Executive Board members shall be installed the second Wednesday in November of the election year and shall immediately thereafter assume their office or position.

(b) Beginning with the election in 2014, the newly elected Officers, Elected Organizers, Delegates and Executive Board members shall be installed the second Wednesday in May of the election year and shall

immediately thereafter assume their office or position.

(c) Retiring incumbents shall turn over all District records and property of whatsoever nature appertaining to their office or position, to their successors immediately after the installation meeting.

## **Section 6 – Special Elections**

(a) Delegate Vacancy - When a delegate slot vacancy occurs in a chapter, nominating petitions shall be circulated for the seat. The election shall be conducted within sixty (60) days by delegates/members in that chapter, under the supervision of the Election Board.

(b) Officer Vacancy - When a vacancy occurs in the office of Secretary-Treasurer, Executive Vice President or Vice President(s), the Executive Board may appoint a replacement. Such appointment shall be effective until the next regularly scheduled election.

(c) Executive Board Vacancy - (1) When a vacancy occurs in an Executive Board seat, the respective Executive Board shall direct the Election Board to hold nominations and elections for such seat if there is more than one-half the term remaining; (2) the Election Board shall notify members in the affected geographic area of the special election within two (2) weeks of the direction by the respective Executive Board.

Nominations shall be open for two (2) weeks. The

election shall be held in the two-week period beginning one (1) week after nominations are closed. In all other respects, the election shall be held as provided in these bylaws, Article VIII, Secs. 2, 3, 4.

## **ARTICLE IX**

### **DISTRICT HEARING AND APPEALS PROCESS**

New England District 1199 is committed to provide a democratic and orderly process by which its members may bring complaints against fellow members, Delegates, staffpersons, Elected Organizers and Officers of the District.

To this end, the following hearing and appeals process is established:

#### **Section 1 – Grounds for Complaints**

A member shall have the right to bring a complaint against a fellow member, Delegate, staffperson, Executive Board member, Elected Organizer or Officer of the District on any of the following grounds:

(a) Failure to uphold or enforce a collective bargaining agreement, including but not limited to: violation of wage or work standards established by the District; and incompetence of a Delegate, staffperson, Executive Board member, Elected Organizer or Officer

of the District in representing members' rights under a collective bargaining agreement.

(b) Conduct calculated to undermine the District, including but not limited to: scabbing; strikebreaking; refusing to participate in a duly organized strike or other collective job action; and dual unionism.

(c) Personal or official misconduct, including but not limited to: conduct calculated to bring the District into disrepute; willful or reckless violation of members' rights under a collective bargaining agreement or under the District bylaws; misappropriation of District funds or property; and discrimination against or harassment of a member on the basis of race, gender, age, national origin, religion or sexual orientation.

## **Section 2 – Hearing Boards and Governance of Complaint Process**

The following general rules of governance are established, and the following bodies are established or further empowered in order to assure the fair and expeditious hearing of complaints.

### **(a) General Rules of Governance**

(1) No person shall sit on any Board specified below for the purpose of hearing a complaint or appeal if he/she is directly or indirectly involved in the subject matter of the complaint or appeal.

(2) 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 a spokesperson on their behalf and to aid in presenting their evidence and argument. Should a party fail to appear at a hearing without having obtained a postponement of the hearing, the relevant Board may proceed in his/her absence and render its decision, or may, at its discretion, find the party summarily in default.

(3) It shall be a condition of membership, and of the continuation of membership, that a member must exhaust all remedies provided for in these bylaws, and that he/she will not file or prosecute any action in any court, tribunal or other agency until those remedies have been exhausted.

(4) The quorum necessary for a hearing of any Board specified below shall be a majority of the members of that Board.

### **(b) Chapter Hearing Boards**

(1) In each chapter of the District, the body of all duly elected Delegates shall constitute a Chapter Hearing Board.

(2) Complaints brought against a member or a Delegate within a given chapter shall be heard by that chapter's Chapter Hearing Board, in accordance with the

process outlined below.

(3) Decisions of Chapter Hearing Boards shall be subject to appeal, by either party, to the District Hearing and Appeals Board, as specified below.

**(c) District Hearing and Appeals Board**

(1) The Executive Board, at the first meeting following its election, shall elect from its own members and from the members of the Rhode Island Division Executive Board a District Hearing and Appeals Board. The District Hearing and Appeals Board shall be composed of five members - two officers and three rank-and-file members - and three alternates - one officer and two rank-and-file members. The District Hearing and Appeals Board may adopt its own rules subject to the approval of the Executive Board.

(2) Appeals from decisions of Chapter Hearing Boards and initial complaints against a Union staffperson, Executive Board member, Elected Organizer or Officer of the District shall be heard by the District Hearing and Appeals Board in accordance with the process outlined below.

(3) In all appeals from decisions of Chapter Hearing Boards, decisions of the District Hearing and Appeals Board shall be final and binding.

(4) In all initial complaints against a staffperson,

Executive Board member, Elected Organizer or elected Officer of the District, decisions of the District Hearing and Appeals Board shall be subject to appeal, by either party, to the Executive Board as a whole, as specified below.

**(d) Executive Boards**

(1) The combined Executive Board and Rhode Island Division Executive Board as a whole shall hear appeals from decisions of the District Hearing and Appeals Board in complaints against a staffperson, Executive Board member, Elected Organizer or Officer of the District, in accordance with the process outlined below.

(2) In all appeals from the District Hearing and Appeals Board, decisions of the combined Executive Boards shall be final and binding.

**Section 3 – Complaints Against A Member or Delegate**

(a) A complaint by a member against another member or against a Delegate shall be filed with the Secretary-Treasurer. A hearing shall be held on any such complaint within thirty (30) days of the receipt of the complaint by the Secretary-Treasurer. Notice of the hearing date, time and place shall be sent by the Secretary-Treasurer to the parties concerned in the complaint. It shall be the duty of the Secretary-Treasurer or of his/her designee to convene



the Chapter Hearing Board for the hearing.

(b) The Chapter Hearing Board shall elect a Chair and a Secretary from among its own members or may elect as its Chair the convener of the hearing. If the convener serves as Chair, he/she shall have no vote in the decision of the Board.

(c) The Chapter Hearing Board shall hear the parties and their witnesses and based on all the evidence presented, oral and documentary, shall render its decision by majority vote. The Board may dismiss the complaint, or issue a reprimand or a censure. It may also recommend to the District Hearing and Appeals Board suspension or expulsion.

(d) 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 Secretary-Treasurer of the District within ten (10) days from the conclusion of the proceedings. A formal transcript of the hearing need not be made.

(e) No complaint against a member or Delegate shall be heard by the District Hearing and Appeals Board or by any other body unless it has been presented to a Chapter Hearing Board, unless there is an inability to reach a quorum at the Chapter Hearing Board.

(f) In order to appeal from a decision of the Chapter Hearing Board, a party must make a request in writing

to the Secretary-Treasurer of the District not later than fifteen (15) days from the date of mailing of the decision of the Board. Upon receipt of a timely appeal, the Secretary-Treasurer shall convene the District Hearing and 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.

(g) The District Hearing and Appeals Board shall elect a Chair and a Secretary from among its own members.

(h) The District Hearing and Appeals Board shall hear the parties and witnesses and based on all the evidence presented, oral and documentary, shall render its decision by majority vote. The Board may uphold the decision and penalty issued by the Chapter Hearing Board or, of its own accord, dismiss the complaint, issue a reprimand or a censure, or impose 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 Secretary-Treasurer of the District within ten (10) days from the conclusion of the proceedings. A formal transcript of the hearing need not be made.

## **Section 4 - Complaints Against a Staffperson, Executive Board Member, Elected Organizer or Officer of the District**

(a) A complaint against a staffperson, Executive Board Member, Elected Organizer or Officer of the District shall be filed with the President of the District unless the complaint is against the President, in which case it shall be filed with the Secretary-Treasurer. The President or Secretary-Treasurer as the case may be, shall convene the District Hearing and Appeals Board within thirty (30) days of 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 the hearing.

(b) The District Hearing and Appeals Board shall elect a Chair and a Secretary from among its own members.

(c) The District and Hearing Appeals Board shall hear the parties and witnesses and based on all the evidence presented, oral and documentary, shall render its decision by majority vote. The Board may dismiss the complaint, issue a reprimand or censure, or impose 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, within ten (10) days from the conclusion of the proceedings. A formal transcript of the hearing need not be made.

(d) 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. Upon receipt of a timely appeal, the President or the Secretary-Treasurer, as the case may be, shall convene the combined Executive Boards within thirty (30) days to hear 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.

(e) 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 proceedings.

## **ARTICLE X** **AFFILIATION**

The District may affiliate with or disaffiliate from such Central Labor bodies and/or other organizations as the combined District and Rhode Island Division Executive Boards may, from time to time, determine.

## **ARTICLE XI** **AMENDMENTS**

(a) Amendments to these bylaws may be initiated by:

- (1) a majority vote of the Executive Board;
- (2) a petition signed by two percent (2%) of the members of the District who are in good standing;
- (3) a majority vote of the District Delegates Assembly.

(b) The Executive Board shall submit the proposed amendment(s) to a vote of the District membership within sixty (60) days from the date of initiation of the amendment(s) or receipt of a valid petition.

(c) A copy of the proposed amendment(s) shall be mailed to the members of the District at least fifteen (15) days before the meeting at which such amendment(s) are to be submitted to a vote. A copy of any proposed amendment(s) appearing in the District publication and

mailed at least fifteen (15) days before such meeting shall be deemed good and sufficient for this purpose.

(d) The amendment(s) shall become effective upon its adoption unless otherwise provided for.

(e) No amendment will be deemed adopted unless an absolute majority of all members voting and a majority of the members voting in three-fourths (3/4) of the Divisions vote in favor of such amendment.

