

DISTRICT 1 199C BY-LAWS



**National Union of Hospital and Health Care
Employees, AFSCME, AFL-CIO**

Revised: July, 2003

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

ARTICLE I
Name and Affiliation

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

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

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

Section 4. Whenever in these By-Laws the word "he" appears, it shall be deemed to mean "he" or "she" as the case may be.

ARTICLE II
Aims and Purposes: Guiding Principles

Section 1. Aims and Purposes

- (a) To organize and unite the workers within its jurisdiction regardless of sex, race, color, age, religion, national origin, political belief or affiliation.
- (b) To achieve higher wages, shorter hours, health and pension benefits and improved working conditions.
- (c) To protect and advance the technical and professional status of its members, to aid and encourage members to accrue greater knowledge and skill in the health care field and to help achieve high quality health care for all people regardless of economic status.
- (d) To educate workers in Trade Union principles.
- (e) To foster and extend democratic procedures in our country.
- (f) To defend civil liberties and rights and to abolish all forms of prejudice and discrimination and to support and advocate legislation to promote these ends.

Section 2. Guiding Principles

- (a) The policy of the District and its method of operation shall be such as to

facilitate and stimulate the broadest possible rank and file participation in the formulation and execution of the program of the District and to encourage development of the most effective leadership.

(b) There shall be full respect for all differences of opinion, and all members shall have freedom of expression.

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

(d) Roberts' Rules of Order shall control the conduct of all membership meetings, except as otherwise provided for by these By-Laws.

ARTICLE III

Jurisdiction

Section 1. The geographic jurisdiction of the District shall be the City of Philadelphia and its environs, approximately within a 30-mile radius of the City and any other areas that the District, with the approval of the National Union, may from time to time determine.

Section 2. The organizational jurisdiction of the District shall embrace all professional, paraprofessional, technical, clerical and service and maintenance employees and all other employees in health care institutions such as hospitals, medical centers, nursing homes, and pharmacies and such other related health care institutions and facilities within its geographical jurisdiction.

ARTICLE IV

District Officers

Section 1. The Officers of the District shall be: a President, a Secretary-Treasurer, two Executive Vice Presidents, one responsible for each Division, and Vice Presidents in such number as is determined by the Executive Board.

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

Section 3. Officers, Vice Presidents and elected Organizers may be salaried and paid by the District unless salaried by the National Union or a related organization.

Section 4. Any elected Officer, Vice President or elected Organizer shall be a members of the Division and of the Division Delegate Assembly from which he emanates and shall be an ex-officio member of all other Division Assemblies.

Section 5. District Officers' Duties. The duties of the District Officers shall be as follows:

A. The President.

(1) The President of the District shall function as the Chief Officer of the District. He shall direct, coordinate, guide and supervise all the affairs and

activities of the other Officers, Vice Presidents, Organizers and staff members.

- (2) He shall preside at all membership meetings. He may delegate such power to preside to any other Officer of the District.
- (3) He shall have the power to call membership meetings or meetings of any subdivision of the District. He may call special meetings of the District Executive Board.
- (4) He is authorized to appoint committees and representatives not otherwise provided for, subject to approval of the Executive Board.
- (5) He shall be a member of the Executive Board.
- (6) He shall sign all official documents.
- (7) He shall have the right to subdivide the District into appropriate areas for proper and efficient administration of the District.
- (8) He shall sign all collective bargaining agreements on behalf of the District or may delegate someone to do so.
- (9) He shall have power, jointly with the Secretary-Treasurer or an Executive Vice President, to sign checks, promissory notes and other instruments for payment of money issued against the accounts of the District.
- (10) He shall have the power to make such disbursements as may be required by the needs of the District, subject to the approval of the Executive Board.
- (11) He shall be responsible for, direct, and be in charge of collective bargaining on behalf of the District.
- (12) He shall have power to hire and terminate Organizers and such other personnel as the District may require.
- (13) He may be salaried.
- (14) He shall be responsible for the proper performance of duties to the Executive Board, the Division Delegate Assemblies and the membership.
- (15) In case of death, disability, or resignation of the President, the Executive Vice President responsible for the Division whose members comprise the majority of the membership of the District shall assume the powers of the President. In the case of the death, disability or resignation of the person so assuming the powers of the President, he shall be succeeded by that Executive Vice President who has been duly elected by the membership.

B. The Secretary-Treasurer.

- (1) The Secretary-Treasurer shall assist the President in the administration of the District.
- (2) He shall be the chief financial officer of the District and shall make such payments from District funds with the approval of the President.
- (3) He shall maintain and preserve proper books and records of the finances, accounts, assets and disbursements of the District, which shall be subject to inspection and examination upon request by the Executive Board of the District and/or the President of the District.

- (6) He shall prepare and submit an annual financial report and such other additional reports as the Executive Board of the District and/or the President of the District may require.
- (7) He shall submit all books and records of the District for audit, examination and inspection each year, and at such other times, as the Executive Board of the District and/or the President of the District may require.
- (8) He shall be a member of the Executive Board.
- (9) He may be salaried.
- (10) He shall prepare and submit an annual budget for the District to the Executive Board, and in preparing same, be guided by the financial contributions of the respective Divisions, mindful of the principle, however, that the unity of the District can best be advanced if the membership of the respective Divisions bears a fair share of the fiscal burden involved in operating the affairs of the District.
- (11) He shall be responsible for the proper performance of duties to the President, the Executive Board, the Division Delegate Assemblies and the membership.
- (12) In case of death, disability or resignation of the Secretary-Treasurer, no later than sixty (60) days thereafter, such vacancy shall temporarily be filled by the District Executive Board until the next scheduled election.

C. The Executive Vice Presidents.

- (1) The Executive Vice Presidents shall assist the President and shall preside at meetings in the absence of the President or whenever directed by the President to do so.
- (2) They shall be members of the Executive Board.
- (3) They may be salaried.
- (4) They shall be responsible for the proper performance of their duties to the President, the Executive Board, the Division Delegate Assemblies and the membership.
- (5) In case of death, disability or resignation of an Executive Vice President, no later than sixty (60) days thereafter, such vacancy shall temporarily be filled by the District Executive Board until the next scheduled election.

D. Vice Presidents.

- (1) The Vice Presidents shall be assigned to administer Areas, Subdivisions and/or such other assignments as may be decided by the President in consultation with the Executive Vice President.
- (2) The Vice Presidents shall be responsible for the proper performance of their duties to the Executive Vice President of the Division, the President, the Executive Board, the Division Delegate Assembly and the membership.
- (3) The Vice Presidents shall be members of the Executive Board.
- (4) They may be salaried.

(5) The Vice Presidents shall be members of the Division from which they emanate or to which they are assigned.

ARTICLE V
Executive Board

Section 1. The District shall be governed by an Executive Board consisting of the Officers and other such Board members as the District shall elect. In no event, however, shall the Executive Board have less than seven (7) members to supervise and direct the affairs of the District.

Section 2.

(a) Members of the Executive Board other than the Officers shall be elected by the membership at the same time as the Officers, Vice Presidents, Organizers and Delegates of the District. Each Division shall be entitled to one (1) member on the Executive Board for every 1,000 members or major fraction thereof in the respective Division. To fill such entitlement, one (1) Executive Board member shall be elected from each area of each Division, such areas to be established by the President under Article IV, A(7), and the number of such areas to be not less than two (2) in the Division whose members comprise the majority of the District and not less than one (1) in the remaining Division. Should the number of Executive Board members to which a Division or Divisions is entitled exceed the number of areas established by the President in a Division or Divisions, it shall be the responsibility of the Executive Board to determine the method by which remaining members of the Executive Board to which a Division or Divisions are entitled shall be elected.

(b) Executive Board members so elected shall serve for a period of three (3) years or until the next election, whichever is shorter. An Executive Board member who ceases to be a member of the Board, or ceases to be covered by a District 1199C Collective Bargaining Agreement, or ceases to be employed by the District shall be temporarily replaced by the Executive Board from the Division from which the Executive Board member being replaced emanates and such replacement shall be a member of the Executive Board until the next regularly scheduled election and installation of Executive Board members.

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

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

(a) To receive and act upon reports of Officers and other District Representatives.
(b) To approve and authorize the disbursement of such funds of the District as in its discretion may be required for organization and administration purposes in order to promote the aims and objectives of the District.

(c) To invest and reinvest the funds of the District in such property, real or personal, tangible or intangible, as it shall consider prudent, necessary and desirable in the interest of the District and its members.

(d) The Executive Board may establish separate funds for strikes, health

and welfare benefits, pension benefits, organizing funds or funds for any other purposes, so long as it is consistent with the aims of the District, and shall adopt rules and regulations governing the administration and operation of any such funds, and appoint Trustees or alternates of all Trust Funds established by the District or in which it has an interest as may be appropriate and required.

- (e) To interpret the By-Laws. Such interpretation shall be final, binding and conclusive and shall remain in full force and effect, unless revised, modified or otherwise changed by the Delegate Assemblies.
- (f) To formulate plans, programs and policies in conjunction with the National Union, and consistent with the National Union plans, programs and policies.
- (g) To fill any vacancies that occur, pending elections.
- (h) To formulate the "order of business" for the Division Delegate Assemblies and the general membership meetings.
- (i) To fix the salaries and expenses allowable for Officers and paid District Representatives, subject to approval of the Division Delegate Assemblies.
- (j) To fix the salaries of office, technical and professional employees of the District.
- (k) To determine the number of Vice Presidents and Organizers to be elected at each general election.
- (l) To propose and formulate legislation for the District and submit same for consideration and action to the Delegate Assemblies.
- (m) To call strikes and to end strikes subject to the approval of the membership directly involved.
- (n) To subdivide the Division into areas, to appoint and assign such personnel as may be necessary to administer the geographic area to which they are assigned, such as Directors of Areas, as well as any other administrative and organizing personnel as the Board may deem necessary.

ARTICLE VI

Divisions and Chapters

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

Section 2. DIVISIONS

- (a) The Divisions of the District shall be:
 - (1) The Hospital and Service Division, and
 - (2) The Guild of Professional, Technical and Office Employees (hereinafter referred to as the Guild Division).
- (b) The Hospital and Service Division shall consist of members of the District working in medical centers, hospitals, nursing homes, medical research institutions and similar, related or comparable establishments, excepting those

who fall into the classification of the Guild Division.

(c) The Guild Division shall consist of members of the District working in medical centers, hospitals, nursing homes and medical research institutions and similar, related or comparable institution. A Guild Chapter shall consist of the members of the Guild employed in one hospital or similar, related or comparable institution.

Section 3. CHAPTERS

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

ARTICLE VII

Retired Members Division

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

Section 1. Eligibility for Membership

A member who receives either Social Security retirement benefits and/or a pension from the Pension Fund for Hospital and Health Care Employees – Philadelphia and Vicinity shall assume the status of a retired member and shall pay a monthly fee of \$2.00 in lieu of dues beginning with the first year of retirement. He shall continue to maintain the status of a retired member so long as he pays his annual fee and does not violate any of the provisions of these By-Laws or act in a manner detrimental to the welfare of the District.

Section 2. Delegates

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

Section 3. Officers

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

Section 4. Rights and Privileges of Members

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

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

- (a) the right to receive a Union publication;
- (b) the right to participate in all social and cultural activities;
- (c) the right to utilize all of the services provided by the District, including the right to continue benefits under the 1199 National Benefit Fund, subject to its rules and regulations; and
- (d) the right to be reinstated to active membership without the payment of an initiation fee, upon resumption of work as an employee within the jurisdiction of the Union.

ARTICLE VIII

Delegates

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

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

ARTICLE IX

Delegate Assemblies

Section 1. Delegates shall be members of the respective Division Delegate Assemblies and are obligated to attend all regular and special meetings of their Division and General Delegate Assemblies.

Section 2. The General Delegate Assembly shall have all of the powers conferred upon the Division Delegate Assemblies by the By-Laws, provided that any action taken that is binding on the District as a whole shall also require an affirmative vote of a majority of the Delegates of the respective Divisions present and voting.

Section 3. The Division Delegate Assemblies shall meet at least once a month, except that meetings need not be held in the months of July and August. A special meeting of a Division Delegate Assembly shall be convened by the District President within ten (10) days upon presentation to him of a petition therefore bearing the signatures of not less than fifteen percent (15%) of the Division Delegates.

Section 4. A Division Delegate Assembly shall have the power, subject to the provisions

of these By-Laws and the Constitution of the National Union, to act upon any matter affecting the members of the Division.

Section 5. Decisions made by a Division Delegate Assembly shall be final and binding upon the membership 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 By-Laws and the National Union Constitution, its decisions shall be considered as recommendations.

Section 6. Each Division Delegate Assembly shall have the power to appoint Committees, set up such Boards and enact such rules and regulations for its Division as in its judgment will best effectuate its purposes.

Section 7. Each Division Delegate Assembly shall receive and act on all reports and decisions of Officers, Committees and Boards of the District and its Divisions.

Section 8. Each Division Delegate Assembly shall have the power to call strikes in its Division, subject to the approval of the membership directly affected thereby.

Section 9. A Delegate desiring to include a matter on the agenda of a Division Delegate Assembly shall forward such request in writing to the Executive Board at least ten (10) days prior to the meeting. Should the Executive Board fail or decline to do so, the Delegate may nevertheless have the matter included on the agenda by obtaining the signatures of at least ten percent (10%) of the members in good standing of the Division Delegate Assembly on a petition requesting such inclusion.

Section 10. Should a Delegate, for any reason whatsoever, cease to be a Delegate, the position shall be declared vacant and an Officer or Representative of the District shall arrange for the election of a new Delegate within four (4) weeks from the date of such vacancy. Such new Delegate shall be sworn in and shall assume his responsibilities at the next Division Delegate Assembly.

Section 11. A Delegate may be removed from his position after a hearing by a majority of the members comprising his group or department. A Delegate who fails to attend two (2) consecutive meetings, without a proper excuse, shall be dropped as a Delegate.

Section 12. Delegates shall take the following oath upon assuming their positions:

"I, _____, do hereby accept the position of Delegate and member of the (Hospital and Service or Guild) Division Delegate Assembly. I pledge to faithfully carry out the obligations of my office and secure, for the members I represent, every right and privilege of Union membership. I pledge to build our Union and to defend it from its enemies. On this pledge, I stake my good name, my honor and my conscience."-*****

ARTICLE X
Nominations

Section 1.

(a) Not later than the 15th of January in an election year, the Election Board shall make available to the membership nominating petitions for Officers of the Union, Executive Board members, Vice Presidents, Organizers and Delegates.

(b) A nominating petition shall require not less than the following number of signatures of members in the District in good standing:

(1) For President, Secretary-Treasurer, and Executive Vice President of the District: Two percent (2%) of the members in the District in good standing in each Division as of the month of January preceding the election.

(2) For Vice Presidents and elected Organizers: Two percent of the members in the District in good standing in their respective Divisions as of the month of January immediately preceding the election.

(3) For Delegates of the District:

Two (2) members in good standing as of the month of January preceding the election from the group or department in which the member seeks election.

(4) For Executive Board of the District: Two percent (2%) of the membership of the Division area from which the member seeks election in good standing as of the month of January immediately preceding the election.

Section 2.

Delegates shall be elected every three (3) years in either the month of March or April on a date or dates designated by the District Executive Board. Such election shall be conducted by a secret ballot vote. All Officers, except Vice Presidents, shall be elected District-wide; all Executive Board members shall be elected in accordance with Article V, Section 2(a); all Vice Presidents and elected Organizers shall be elected Division-wide, and all Delegates shall be elected in accordance with Article VIII, Section 1.

Section 3.

All nominating petitions shall be filed with the Election Board not later than February 15th.

Section 4.

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

Section 5.

With the exception of those who are candidates for the Executive Board, no one can be a candidate for more than one office or position in an election.

Section 6.

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

ARTICLE XI

Elections

Section 1. District Officers, Executive Board members, Organizers and Delegates shall be elected every three (3) years in either the month of March or April on a date or dates designated by the District Executive Board. Such election shall be conducted by secret ballot vote. All Officers shall be elected District-wide; all Executive Board members shall be elected Division-wide; and all Delegates shall be elected in accordance with Article VIII, Section I.

Section 2. To be eligible as a candidate for Officer, Executive Board, elected Organizer or Delegate, a member must be in good standing for a minimum of one (1) year. This time limitation shall not apply for election of Delegates at newly organized institutions.

Section 3. An Election and Objections Committee consisting of no less than five (5) members shall be elected by the Division Delegate Assemblies of the District. No member shall be eligible for election to the Committee unless he is in good standing, nor shall any member be eligible if he is running for or holding office, excepting the position of Delegate.

Section 4. The duties of the Election and Objections Committee shall be:

- (a) to conduct and supervise the nominations, certifications and elections of the District in accordance with the provisions made therefor by these By-Laws, and in so doing, the Committee may adopt such rules, subject to the approval of the Division Delegate Assemblies, as are necessary to conduct the nominations, certifications and election;
- (b) to hear and decide and rule on determine all objections to candidates and to the conduct of the elections;
- (c) to notify in writing those nominees who have been certified as candidates for office;
- (d) to prepare the official ballot. If there is more than one (1) candidate running for any office, they shall draw lots for their positions on the ballot. If there is only one (1) candidate running for any office, a "yes" and a "no" box shall be printed opposite the candidate's name;
- (e) to hold timely meetings before the election to carry out their responsibilities;
- (f) to meet promptly after conducting the election and to announce the results of the election; and
- (g) to turn over the ballots and all other records pertaining to the election to the

Secretary-Treasurer of the District, who shall preserve them for a period of not less than two (2) years.

Section 5. Appeals resulting from decisions of the Election and Objections Committee regarding the conduct of the election shall be deemed waived unless made in writing and filed with the President of the District within twenty (20) days after the announcement by the Committee of the results of the election. All such appeals timely made shall be considered and decided by the Executive Board of the District, and its decision shall be final and binding.

Section 6. The membership shall be informed of the dates, places and candidates for the election of Officers, Executive Board members, elected Organizers and Delegates at least fifteen (15) days prior to the election. Notice of such election in the National Union publication shall be deemed good and sufficient.

Section 7. The polls shall be open for balloting from 7:00 a.m. to 6:00 p.m. or at times designated by the Election and Objections Committee.

Section 8. Each member, after establishing his identity, shall be given a ballot upon which he shall mark an "X" in the box or space provided alongside the name of the candidate of his choice, or shall be admitted in turn to a voting machine booth to cast his vote, if voting machines are being used. Ballots marked other than with an "X" as above provided will be declared void.

Section 9. If an unopposed candidate receives a majority of "no" votes, or if no candidate for the particular office or vacancy receives a majority of the total votes cast, a run-off election shall be held within forty-five (45) days thereafter to fill the office or vacancy. In such run-off election, the two (2) candidates who received the highest total number of votes shall be placed on the run-off ballot. A defeated candidate shall be disqualified from running in the run-off election unless there is at least one other candidate running for the office or vacancy. The candidate receiving the majority of the votes cast in the run-off election shall be declared elected.

Section 10. The term of an incumbent Officer whose office is involved in a run-off election shall be deemed extended until the election of a successor to the office. If there is no incumbent, the vacant office shall be temporarily filled by the Executive Board of the District pending the run-off nomination, certification and election.

ARTICLE XII

Membership

Section 1. Membership shall mean direct membership with the National Union. A member of the National Union shall, by the same token, be deemed a member of the District in which his place of employment is located, if there is a chartered District in existence in that geographic area. Persons may also be classified as "associate members" according to the criteria for such membership which may be established by the District

Executive Board, which shall be responsible for determining the rights and privileges of such membership.

Section 2. The privileges and obligations of membership shall be identical with those set forth in Article VIII of the National Union Constitution which shall be considered incorporated in these By-Laws.

ARTICLE XIII **Revenue**

Section 1. All dues, initiation fees and assessments, if any, shall be paid directly to the District at its headquarters, 1319 Locust Street, Philadelphia, Pennsylvania, 19107, by means of check-off or any other lawful means. The amounts remitted by the District for per capita tax and for the National Union Strike and Defense Fund to the National Union and the amount retained by the District shall be governed by Article VII, Section 3, of the National Union Constitution.

Section 2. All applications for membership shall be forwarded to the National Union. The District shall provide the National Union monthly with up-to-date lists of correct names and addresses of members of the National Union in its District including new members, readmitted members and members who have taken transfers or inactive memberships.

Section 3. The initiation fee for all new members shall be fifty dollars (\$50.00) except those who have joined through new organization shall be exempt from payment of an initiation fee.

Section 4. District assessments shall be levied only by a referendum of the membership.

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

- (a) Dues shall become due and payable advance on the first (1st) day of the current month.
- (b) Every member shall be obligated to pay assessments to the Union in accordance with the amounts fixed and determined by the membership.
- (c) Persons employed in the public sector who are members pursuant to a union shop or similar provision and other persons employed in the public sector entitled to make similar payments to the District in lieu of dues under agency shop or similar provisions, shall pay such agency fee payments which shall become due and payable in advance on the first (1st) day of the current month.
- (d) Members of the Union shall pay the following dues: Effective July 1, 2003, dues for District 1199C members will be based on a 2.05% formula, with a minimum dues of twenty three dollars and forty cents (\$23.40) and a maximum dues of forty-seven dollars and eighty cents (\$47.80) per member per month.

(e) Effective July 1, 2004, dues for District 1199C members will be based on a 2.10% formula, with a minimum dues of twenty three dollars and forty cents (\$23.40) and a maximum dues of forty-eight dollars and eighty cents (\$48.80) per member per month.

(f) Effective July 1, 2005, dues for District 1199C members will be based on a 2.15% formula, with a minimum dues of twenty three dollars and forty cents (\$23.40) and a maximum dues of forty nine dollars and eighty cents (\$49.80) per member per month.

(g) From and after January 1, 1994, the dues of District 1199C members shall be adjusted in accordance with Article IX, Section 6 of the AFSCME Constitution, which provides that dues shall be adjusted annually in accordance with the average percentage increase in pay of AFSCME members and persons making service or similar payments to an AFSCME Local Union in lieu of dues under agency shop or similar provisions.

(h) Any person who is permitted to pay a reduced service or agency fee or dues, or receives an advance rebate pursuant to the procedure established under Article VII, Section 17, of the National Union Constitution, shall pay to the District the amount required to be paid in each period from and after October 1, 1991 and thereafter, as is certified by the appropriate procedures established by the National Union Executive Board. Until October 1, 1991, agency fee payers or other reduced service fee payers or persons who receive an advance rebate pursuant to the procedure established under the above-referenced section, shall continue to pay agency fee or service payments in accordance with the currently established schedule and dues schedule.

- (i) Annual Inactive Membership - \$20.00
- Monthly Retired Membership - \$2.00 per month

The term "gross wages" as here used shall mean average monthly earnings and shall include wages, (except overtime) commissions, gratuities and/or disability benefits received from the 1199 National Benefit Fund. Wherever regular commissions or tips are paid, they shall be considered for Union purposes as additional weekly earnings of ten dollars (\$10.00).

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

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

Section 8. Good Standing.

(a) Any member who shall fail to pay his dues by the twentieth (20th) day of the month in which the same is due, or who shall fail to pay an assessment or any other such financial obligation by the due date shall be deemed suspended and shall lose all rights, privileges and benefits of membership.

(b) Whenever a member authorizes an Employer to check off his dues and/or initiation fees pursuant to a collective bargaining agreement, and the Employer complies with such authorization, the member shall be considered to be in good standing to the extent the Employer has complied.

Section 9. Suspended Members.

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

Section 10. Reinstatement.

A member who has been suspended may be reinstated to good standing by paying all his financial obligations to the District, plus a reinstatement fee of one dollar (\$1.00) for each month he is not in good standing, and one dollar (\$1.00) for the certified letter sent to him, provided these payments are made within the ten (10) day period from date of mailing of said certified letter as provided.

Section 11. Reapplication.

(a) A member who fails to maintain his membership in good standing, and who has not obtained a withdrawal card, who thereafter seeks to rejoin the District, shall, as a condition of readmission, pay the sum of one hundred fifty dollars (\$150.00) as a readmission fee, in addition to any monies owed by him to the District at the time he ceased being a member.

(b) A request for the waiver of a new initiation fee may be referred for determination to the Hospital and Service or Guild Division Appeals Board. The decision of the Division Appeals Board thereupon shall be final and binding.

Section 12. Inactive Membership: Withdrawal.

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

- (1) he applies for a withdrawal card within forty-five (45) days from the date he ceased being an active member;
- (2) he pays the annual fee, as provided; and
- (3) his withdrawal card has been approved by the Chapter Hearing Board in the Hospital and Service or Guild Division. (As specified in Article XV, Section 1).

(b) An inactive member shall be entitled to the following rights:

- (1) to participate in the social and cultural activities of the District;

- (2) to receive the Union publication;
 - (3) to be reinstated to active membership in the District without the payment of an initiation fee upon resumption of employment in an establishment within the jurisdiction of the District; and
 - (4) to utilize all the services provided by the District including the right to benefits under the 1199 National Benefit Fund, subject to its rules and regulations.
- (c) The annual fee for withdrawal cards shall be twenty dollars (\$20.00) for all members. The fee for a withdrawal card issued between January 1 and June 30 of any year shall be one-half (1/2) of the above stipulated fee.
- (d) All withdrawal cards, whenever issued, shall expire on June 30th of each year.
- (e) A withdrawal card may, at any time after its issuance, be revoked by the respective Chapter Hearing Board, upon proper notice and hearing, and in such event, a pro rata reimbursement shall be made.

ARTICLE XIV **Meetings**

Section 1 Members of the District shall meet on a Division or Chapter membership basis at least once every two (2) months. Meetings need not be held during the months of July and August. Special meetings may be called by the President of the District or the Executive Board. Members shall receive at least five (5) days written notice of a special meeting.

Section 2. Attendance of members at meetings shall be checked, such attendance being essential for the welfare of the District. Members should not fail to attend except for compelling reasons.

Section 3. All decisions shall be made by the rule of the majority and shall be binding upon all members.

ARTICLE XV **Charges Against Members, Officers or Representatives**

Section 1. It is the objective of the District to provide a democratic and orderly procedure for its members in order to hear and decide grievances, complaints, and/or charges and appeals (hereinafter called collectively ("complaints")) brought by or against a member, Organizer, Representative or Officer.

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

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

- (a) The Delegates of each Division within each Chapter shall elect a Hearing Board of not less than three (3) and not more than seven (7) Delegates to act as a Chapter Hearing Board.
- (b) Each Division Delegate Assembly shall elect five (5) of its Delegates to act as a Division Hearing and Appeals Board.
- (c) The Division Appeals Boards, acting together, shall constitute the District Appeals Board.
- (d) Each Board shall have a Chairman and a Secretary elected by the members of the Board.
- (e) The Boards' decisions shall be in writing and shall require a majority vote. A quorum necessary for a hearing or appeal shall be a majority of the members of the Board.
- (f) Any other Appeals Board hereinafter mentioned shall be constituted as provided in these By-Laws.
- (g) No person shall sit on any Board who is directly or indirectly involved in the subject matter of the hearing or appeal.
- (h) Parties by whom complaints are being made and against whom complaints are preferred must appear personally at all stages of the proceedings. They may select a member of the District to act as spokesman on their behalf in presenting their evidence and argument. Should a party fail to appear at a hearing, without having obtained a postponement of the hearing, the Board may proceed in his absence and render its decision.
- (i) It shall be a condition of membership and the continuation of membership that a member must exhaust all remedies provided for in these By-Laws, and that he will not file or prosecute any action in Court, Tribunal or other Agency until those remedies have been exhausted.

Section 2. Complaints Against a Member, Organizer or Representative.

(A) Chapter Hearing Board.

- (1) A member shall have the right to bring a complaint against another member, Organizer or Representative for any of the reasons set forth in these By-Laws or the National Union Constitution. A complaint by a member against another member shall be filed with the Executive Vice President assigned to the Division in which the party against whom the complaint is filed is a member. A complaint against an Organizer or Representative shall be filed with the Executive Vice President responsible for supervision of the Organizer or Representative.
- (2) A hearing shall be held on any such complaint within thirty (30) days of the receipt of the complaint by the Executive Vice President. Notice of the hearing date, time and place shall be sent by the Executive Vice President to the parties concerned in the complaint. It shall be the duty of such Executive Vice President to convene the Board for the hearing.
- (3) The Board shall hear the parties and their witnesses and based on all the evidence, oral and documentary, presented, shall render its decision. The Board may dismiss the complaint, impose a reprimand, a censure

and/or fine up to a maximum of twenty-five (\$25.00). It may also recommend to the Division Hearing and Appeals Board a greater fine and/or suspension or expulsion.

(4) 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, the Executive Vice President and the President of the District. A formal transcript of the hearing need not be made.

(B) Division Hearing and Appeals Board

(1) In order to appeal from a decision of the Chapter Hearing Board, a member must make a request in writing to the Executive Vice President in charge of the Division affected no later than fifteen (15) days from the date of mailing of the decision of the Board below and forward a copy simultaneously to the President of the District. Upon receipt of a timely appeal and/or in the event of a recommendation of greater fine and/or suspension or expulsion as provided in (3) above, the Executive Vice President shall convene the Division Hearing and Appeals Board within thirty (30) days from the date of the appeal.

(2) Notice of the date, time and place of hearing shall be sent to the parties not later than ten (10) days prior to the date of the hearing.

(3) The Secretary of the Board shall maintain and preserve all records of hearings and appeals. A formal transcript of the hearing or appeal need not be made.

(4) The Board shall render its decision within ten (10) days from the date of the conclusion of the hearing and shall forward copies of its decision to the parties, the Executive Vice President and the President of the District.

(5) The Board may sustain, modify or reverse the decision of the Chapter Hearing Board, and may accept, modify or reject the recommendations, if any, of the said Board.

(C) District Appeals Board

(1) In order to appeal from a decision of the Division Hearing and Appeals Board, a party must make a request in writing to the President of the District not later than fifteen (15) days from the date of mailing of the decision of the Board below. Upon receipt of a timely appeal, the President shall convene the District Appeals Board within thirty (30) days from the date of the appeal. Notice of the hearing date, time and place shall be forwarded to the parties involved not later than ten (10) days prior to the date of the hearing.

(2) The appeal before the District Appeals Board shall be limited to deciding (1) whether the decisions rendered were fair and reasonable. If the Board decides that the hearings below were improper, in either respect, it may dismiss the complaint, or, in the alternative, order a new hearing. If the Board decides that the hearings below were proper and in accord with these By-Laws, it may either sustain, modify or reverse the decision or decisions made below. The decision of this Board shall be rendered within ten (10) days from the date of the conclusion of the appeal and shall be forwarded to the parties and the President of the District.

(D) National Union Executive Board

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

- (1) Within fifteen (15) days from the date of the final decision under the By-Laws procedure, the accused shall send a written request for appeal to the Executive Board of the National Union. Such request shall be addressed to the Secretary-Treasurer of the National Union, 330 West 42nd Street, New York, New York, 10036. The Secretary-Treasurer shall inform the President of the National Union of the request for appeal who shall in turn see to it that the Executive Board designates a Trial Board of five (5) members and sets a date of hearing within forty-five (45) days from the date the request for appeal is received.
- (2) A notice of hearing shall be sent to the parties involved at least fifteen (15) days from the date of receipt by the accused of the decisions of the National Union Executive Board. This appeal shall be held as provided for in the Constitution of the National Union.
- (3) If the accused is still unsatisfied, he may appeal from the decision of the National Union Executive Board to the National Union Convention. Such request for appeal shall be forwarded in writing by the accused to the Secretary of the National Union and to the President of the National Union within fifteen (15) days from the date of receipt by the accused of the decisions of the National Union Executive Board. This appeal shall be held as provided for in the National Union Constitution.

Section 3. Complaints Against an Officer.

(a) District Hearing and Appeals Board.

- (1) A complaint against an Officer of the District shall be filed with the President of the District unless the complaint is against the President, in which case it shall be filed with the Secretary-Treasurer. The President or the Secretary-Treasurer, as the case may be, shall convene the District Hearing and Appeals Board within thirty (30) days of receipt of the complaint. Notice of the hearing date, time and place, together with a copy of the complaint, shall be sent to the parties involved not later than ten (10) days prior to the date of hearing.
- (2) The Board shall hear the parties and witnesses and based on all the evidence, oral and documentary, presented, shall render its decision. The Board may dismiss the complaint, issue a reprimand or censure, impose a fine or a suspension or expulsion. The Secretary of the Board shall maintain and preserve the records of the hearing, including the Board's decision, copies of which shall be forwarded to the parties and the President or Secretary-Treasurer of the District, as the case may be. A formal transcript of the hearing need not be made.

(b) Hearing and Appeals Board of the District Executive Board.

- (1) In order to appeal from a decision of the District Hearing and Appeals Board, a member must make a request in writing to the President or

Secretary-Treasurer of the District, as the case may be, not later than fifteen (15) days from the date of mailing of the decision of the Board below. Upon receipt of a timely appeal, the President or Secretary-Treasurer, as the case may be, shall convene the Executive Board of the District for the purpose of electing a District Hearing and Appeals Board of not less than three (3) and not more than five (5) of its members. The said Board, so elected, shall hold a hearing within thirty (30) days from the date of the appeal. Notice of the hearing date, time and place shall be forwarded to the parties involved not later than ten (10) days prior to the date of hearing.

(2) The Secretary of the Board shall maintain and preserve all records of the hearing or appeal including the Board's decision, copies of which shall be forwarded to the parties and to each of the members of the Executive Board within ten (10) days from the conclusion of the hearing.

(c) Any further appeals by a member shall be in accordance with the procedure set forth in Section 2 (d) above.

ARTICLE XVI

Collective Bargaining Agreements and Strikes

Section 1. All collective bargaining agreements, extensions and renewals thereof must be signed by the National Union to be valid.

Section 2. Every collective bargaining agreement, extension or renewal thereof must be submitted to the membership involved for ratification by secret ballot vote.

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

Section 4. The National Union shall be informed of any decision to call or terminate a strike.

Section 5. Any proposal to settle or terminate a strike shall require the approval of the membership directly involved at a meeting duly called to consider the matter.

Section 6. Requests for benefits from the National Union Strike and Defense Fund shall be made to the President of the National Union.

ARTICLE XVII
Amendments

Section 1. An Amendment or Amendments to these By-Laws may be initiated:

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

Section 2. The membership shall be given proper notice of the prepared Amendment or Amendments at least ten (10) days before the meeting at which the voting shall take place. Publication in the District periodical shall be deemed proper notice.

Section 3. If the Amendment or Amendments are adopted at the meeting by majority vote, the Amendment or Amendments shall become effective immediately.

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

ARTICLE XVIII
Affiliation

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