

Constitution

1199SEIU United Healthcare Workers East

**As amended through
August 2017**

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Mission Statement

We are healthcare workers devoted to our patients. Our work is essential to the welfare of society and we are proud of our contributions. We nurture, save and extend lives. Patient satisfaction is our highest calling. No work is more important than ours. We do this work because we care.

As America's healthcare Union, we give voice to the frontline care-givers in our institutions and our communities. Our primary missions are:

- We are devoted to advancing the economic interests of our members and all working people and protecting and enhancing the security of our families through negotiating and enforcing our collective bargaining agreements; growing our numbers and strengthening our organization; and building our political influence to secure and defend the healthcare institutions that we serve. Moreover, we seek to carry our message and build our Union among all of America's healthcare workers.
- We are determined to protect and advance the lives of our members—not only on the job, but also in our communities and in our society. We seek not enrichment but dignity, respect and fairness for our members and our families. We work to create a society rooted in economic and social justice. And to build a political environment that expands quality healthcare coverage to every person in society as a human right. A strong and growing labor movement is essential to achieving these goals.
- We strive to give our patients the highest degree of care and clinical expertise at a critical and stressful time in their lives. Our primary goal of patient satisfaction is best secured by a highly satisfied and motivated workforce with high morale and a strong voice on the job. To this end, we seek to build partnerships with our employers, in the belief that labor-management cooperation--and a healthcare workforce treated with dignity--is the best guarantor of sustained high-quality, patient-friendly care delivery. Thus, together with our partners in the healthcare industry, and our friends in our communities, we can build a political environment that can expand access to affordable quality care to everyone and work to create a more healthy--and a more just--society for all.

ARTICLE I

Name and Affiliation

(a) This organization shall be known as 1199SEIU United Healthcare Workers East and may be referred to hereinafter as "1199" or "the Union."

(b) As 1199 is a national affiliate of the Service Employees International Union ("SEIU" or "International") this Constitution shall not be inconsistent

with the SEIU Constitution, except as provided in "the Affiliation Agreement" between SEIU and 1199.

ARTICLE II Jurisdiction

The jurisdiction of the Union shall extend to employees of medical centers, hospitals, nursing homes, clinics, home care agencies, drug stores, surgical stores, cosmetic shops and similar, related or comparable institutions and shall embrace all professional, technical, clerical, service and maintenance and all other employees in the health care and human services fields.

ARTICLE III Objectives

Section 1 — Objectives

The objectives of the Union are:

(a) To organize and unite all workers within its jurisdiction without regard to race, color, sex, sexual orientation, age, disability, religion, national origin, political belief or affiliation.

(b) To promote the principles of affirmative action throughout the workplace and within the Union itself; to implement the principles of affirmative action by recommending Blacks, Latinos, Asians, and women, among others, for leadership positions in the Union.

(c) 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.

(d) To educate the workers in trade union principles; to unite and empower the workers to achieve social and economic justice; 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.

(e) 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 and human service fields and to help achieve high quality health care and human services for all people regardless of their economic status.

Section 2 — Guiding Principles

(a) The policy of the Union 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 Union, and, in particular, to fully involve the members at every step of their grievance

procedure and in collective bargaining with their employer; and to encourage development of the most effective leadership.

(b) Our Union seeks the widest possible membership participation in the formulation and execution of our programs; in particular, through our Labor-Management Program, we seek to encourage partnerships with our employers to develop a patient-friendly, worker-friendly, more productive job environment; even as we promote broad member involvement in the collective bargaining process.

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

(d) Majority rule as provided in this Constitution shall prevail, and all members shall be bound by and respect and support the decisions of the majority.

(e) Robert's Rules of Order shall control the conduct of all membership meetings, except as otherwise provided by this Constitution.

ARTICLE IV

Organizational Structure

Section 1

For proper administration and effective functioning, the Union shall be operated through Regions, Administrative Divisions and Industry Councils thereof as hereinafter more specifically provided.

Section 2 — State Regions

The Union shall be administered through Regions that shall include all members of the Union within each respective state's boundaries.

Section 3 — Administrative Divisions

The Executive Council may establish administrative divisions for the purpose of servicing the membership. Such administrative divisions may consist of members employed by geography, industry, classification, or profession within a Region.

Section 4 — Areas

The State Regions and administrative divisions shall be divided into Areas, as determined by the State Executive Boards, subject to Executive Council approval. The Areas shall either be by geography, by industry, classification or profession.

Section 5— Chapters

Each Area of the State Regions shall be further subdivided into Chapters. A Chapter shall consist of the members of an Area employed in one institution.

Section 6— Industry Councils

The Executive Council shall establish Industry Councils comprised of members in the same or related industry and/or classifications or professions

across Regional lines, which shall make recommendations to the Executive Council and Delegate Assemblies with respect to issues of particular concern to that segment of the membership.

Section 7 — Delegates

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

(b) Delegates shall be members of the bargaining units they represent and of the respective Regional Delegate Assemblies and are obligated to attend all regular and special meetings of the Regional Delegate Assembly.

(c) 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 Union shall arrange for the election of a new Delegate within four (4) weeks from the date of vacancy. Such new Delegate shall be sworn in and shall assume his/her responsibilities at the next meeting of the Regional Assembly.

(d) A Delegate may be removed from his/her position by a majority vote of the members comprising his/her group or department attending a meeting noticed for this purpose.

(e) A Delegate who fails to attend two (2) consecutive meetings without proper excuse shall be dropped as a Delegate.

(f) A Delegate shall have the duty to uphold this Constitution, to attend all delegate and other Union meetings at which their attendance is required or desirable, to faithfully enforce and implement the provisions of the collective bargaining agreement at their institutions and to represent members at grievance meetings in good faith to whom they are responsible.

Delegates shall have the responsibility of involving their members in all affairs of the Union.

They must at all times act responsibly and in the best interest of the Union and its members and to refrain from any acts detrimental to the good and welfare of its members and to faithfully carry out the Delegate's Pledge.

(g) To serve on any Board or Committee of Delegates, one must be a member/Delegate in good standing.

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

DELEGATE'S PLEDGE

"I, John/Mary Doe, do hereby accept the position of Delegate and member of the (New York, Maryland/DC, Massachusetts) Regional 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 help build our Union 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

The term "General Membership" as used in this Constitution shall mean the membership of all Regions of the Union. A decision of the General Membership shall require a majority vote of those voting.

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

(a) It shall have the power and authority to adopt and/or amend the Constitution, rules and regulations.

(b) It shall elect all general Officers of the Union, rank and file Executive Council members and organizers, as provided in these by-laws.

(c) It shall vote on all general strikes and settlements.

(d) It shall have the power and authority to set dues and initiation fees for the members of the Union.

(e) It shall have the power to expend such funds of the Union as it deems necessary.

(f) It shall receive and act upon reports from the President of the Union.

(g) All petitions signed by the members to the Union must also include social security numbers (last 4 digits), Region, and place of employment of a member, except that the content of nominating petitions shall be governed by Article VIII.

Section 2 — Regional Membership

The membership of each Region shall constitute the supreme authority of the Region 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 Union as a whole.

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

(c) It shall receive and act upon reports from officers of the Union.

(d) The membership of an Area may meet on an Area basis. They shall receive and act upon reports from Officers and/or representatives of the Union. They shall have the power to make decisions binding upon the members of the Area provided such decisions are not inconsistent with the rules, regulations, decisions or policies of the Region or the Union as a whole.

Section 3— Chapter Membership

(a) The members of a Chapter shall meet regularly on a Chapter basis at least every other month 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 Region or Union as a whole.

(b) The Delegates of a Chapter shall attempt to meet regularly and at least twice monthly to review and act upon all matters affecting the members of the Chapter in between the membership meetings. Members of the Chapter shall be entitled to attend.

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

(d) They shall have the right to vote on strike calls, strike settlements and collective bargaining agreements directly affecting them.

Section 4 — Meetings of Members

Members of the Union shall meet on an Area or Chapter membership basis at least once every two (2) months. Meetings need not be held during the months of July and August.

Section 5 — Eligibility for Membership

(a) All persons working as employees in bargaining units in the trades, crafts, occupations, industries or establishments within the jurisdiction of the Union as defined in this Constitution shall be eligible for membership in the Union. Persons employed by the Union and other related organizations shall also be eligible for membership.

(b) An applicant for membership in the Union shall file an application with the Union. To become a member of the Union entitled to rights, privileges and benefits thereof, an applicant shall:

1. a. Pay an initiation fee according to the following schedule of weekly earnings:

- all workers who earn \$400 per week or less: \$75
- all workers who earn more than \$400 per week: \$200

b. In new organization, accretions and mergers the employees employed before the signing of an initial collective bargaining agreement or the commencement of 1199SEIU representation of/in the bargaining unit, shall not be required to pay an initiation fee.

c. A request for the waiver or modification of an initiation fee may be referred to the Executive Council for determination.

2. Pay the first month's dues.

3. Attend a membership meeting and be inducted into the 1199 membership.

4. Applicants for membership shall take the following oath at the time of their induction.

"I solemnly pledge and promise to be a loyal member of 1199.

"I will respect and abide by all of the provisions of our Constitution, and will fully comply with all Union decisions.

" I will protect and support my fellow members and defend our Union's name, its honor and its integrity.

"I will always favor and encourage the purchase and use of union made products.

"All this I solemnly promise."

Section 6 — Rights and Privileges of Members

Every member of the Union in good standing shall have the right to enjoy the full benefits of the Union without discrimination of any kind as follows:

(a) To vote on Union contracts directly affecting the members as employees.

(b) To vote on all strike calls and strike settlements directly affecting the members as employees.

(c) To receive such strike benefits as the Union shall in its judgment fix and determine.

(d) To vote in all Union elections in accordance with this Constitution.

(e) To attend all regular and special membership meetings of the Union, of his/her Region, Area and/or Chapter, and participate in discussion and vote on all questions.

(f) To serve on any Board or Committee on which members are allowed to serve.

(g) To be a candidate for elective office and/or position in accordance with the provisions of this constitution.

(h) To seek employment through the Joint Employment Service, subject to its rules and regulations.

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

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

Section 7 — Duties of Members

A member of 1199 shall have the duty and obligation to strengthen and defend the Union and its membership.

(a) A member shall attend all General Membership Meetings of 1199 and regular and special meetings of his/her Region, Area and/or Chapter.

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

(c) A member shall comply with decisions of the Union made pursuant to this Constitution.

(d) A member shall abide by and carry out all of the terms of the collective bargaining agreement.

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

Section 8 — Dues and Good Standing

Every member shall share in the cost of maintaining and operating the Union as provided by this Constitution.

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

(b) A member shall be considered to be in good standing if she/he pays dues and initiation fees as required under the Constitution, or if she/he authorizes the Employer to check-off dues and/or initiation fees pursuant to a collective bargaining agreement.

(c) Members of the Union shall pay monthly dues based on the following schedule of weekly earnings:

(1) Dues for all members, except homecare workers, shall be two percent (2%) of monthly pay, not counting overtime, to a maximum monthly cap of \$75.00, except that:

- Effective October 1, 2017, dues shall be two percent (2%) of monthly pay, not counting overtime, to a maximum monthly cap of \$100.00; and
- Effective October 1, 2019, for members with monthly pay in excess of \$7,500.00 (\$90,000 yearly), not counting overtime, monthly dues shall be \$125.00.
- Monthly minimum payment for employed workers of \$20;

(2) Dues for homecare workers (home attendants, housekeepers, homemakers and home health aides, personal care attendants and other similar titles) shall be:

- 2 percent of hourly pay for all hours worked per month, up to a monthly maximum cap of 160 hours (even if more hours are worked).

(3) In accretions, mergers and first contract situations where payment of two percent (2%) dues would reduce the members' pay, the Executive Council may waive or authorize a lesser amount of dues, on a temporary basis, that will constitute good standing for the affected group of members for the authorized temporary period.

(d) A member in good standing who becomes unemployed may maintain membership in good standing during the period of such unemployment by the payment of dues of \$3.00 per month, except unemployed members who are participants in the Job Security Fund shall pay \$6.00 per month. Unemployed members in good standing shall have the same rights and be governed by the same rules as a member on withdrawal, as provided in Section 12. Notwithstanding any provision of Section 12 to the contrary, an unemployed member in good standing who is actively seeking industry work, is registered in the employment service if available in the member's Region and checking in at least monthly shall have the right to be a candidate for office, vote in Union elections in the last Chapter in which they worked and nominate candidates for office for a period of one (1) year from their last date of employment in an 1199 bargaining unit job.

(e) The term "Monthly Earnings" as used here shall mean the contractual rate of pay and shall include Disability Benefits paid by the National Benefit Fund and Workers' Compensation Benefits.

(f) All dues, initiation fees and assessments, if any, shall be paid to the Union.

(g) Five per cent (5%) of all dues collected shall be set aside by the Union for a Strike and Defense Fund. This amount can be adjusted based on the

determination of the Executive Council and its best estimates of the Union's needs in this matter.

(h) Membership dues shall only be changed by a vote of the membership.

Section 9 — Suspension for Non-Payment of Dues

(a) 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 served with written notice of the amount due, how the arrearage is calculated and shall be given 30 days to make such payment. If the member fails to make a timely payment or appeal, the member shall be deemed suspended and shall lose all rights, privileges and benefits of membership. A member who wishes to contest the notice of non-payment may appeal in writing to the Office of the Secretary-Treasurer within fourteen (14) days of receipt of the notice of non-payment setting forth the basis for his/her challenge. The Secretary-Treasurer's decision shall be final.

(b) Whenever a member authorizes an Employer to check off his/her dues and/or initiation fees pursuant to a collective bargaining agreement and provided the Employer complies with such authorization within a reasonable period of time, the member shall be considered to be in good standing, and no such member shall become ineligible to run for office, to nominate candidates, or to vote in a Union election solely by reason of an Employer's failure to forward dues to the Union, within a reasonable period of time.

Section 10 — Termination for Non-Payment of Dues

A member who has been suspended for non-payment of dues for a period of two (2) months shall be sent a certified letter to the last known address notifying the member that he/she must pay up all financial obligations to the Union within ten (10) days from the date of mailing of such letter in which case he/she shall be reinstated to good standing. Failure to make timely payments or an appeal in accordance with Section 9(a) above shall result in termination of membership.

Section 11 — Reinstatement from termination or Resignation

(a) A member whose membership has been terminated or who resigns may apply for readmission to membership in the Union and if accepted, shall pay all back dues and other monies due from him/her to the Union plus a reinitiation fee of \$150.

(b) Any other person applying for membership in the Union who ceased being a member without obtaining a withdrawal card, shall pay the reinitiation fee plus any monies owed to the Union at the time he/she ceased being a member.

Section 12 — Withdrawal Cards

(a) A member who leaves a Union-represented bargaining unit or becomes self-employed shall cease to be an active member of the Union. If such a person has been a member of the Union for one (1) year or longer,

he/she shall be entitled to acquire the status of a member on withdrawal, provided the member:

1. Applies for a withdrawal card within forty-five (45) days from the date he/she ceased being an active member;

2. Pays the annual fee as provided.

(b) A member on withdrawal shall be entitled only to the following rights:

1. To participate in the social and cultural activities of the Union;

2. To receive the Union publication;

3. To be reinstated to active membership in the Union without paying an initiation fee upon resumption of employment in an establishment covered by a Union collective bargaining agreement and meeting the requirements for active membership; and

4. To utilize an employment service affiliated with 1199, if available in the Region and the right to maintain certain benefits under the National Benefit Fund for Hospital and Health Care Employees subject to the Rules and Regulations of each.

(c) The annual fee for withdrawal cards shall be \$20.

(d) A withdrawal card may be denied or revoked by the Executive Council. Crossing of an 1199 picket line or any other violation of this constitution shall constitute grounds for denial or revocation of a withdrawal card. The action of the Executive Council may be appealed under Article IX, Section A(4). If revoked, a pro-rata reimbursement shall be made.

Section 13 – Associate Membership

The Executive Council may enact policies, procedures and regulations to implement the establishment of associate membership as an additional classification of membership. Associate members may not be part of a bargaining unit for which the Union is the recognized bargaining agent, and must otherwise meet eligibility criteria set by the Executive Council. Notwithstanding anything to the contrary in this Constitution, Associate members shall not be eligible to hold office, vote in officer elections or participate in other membership votes.

ARTICLE VI

Retired Members Division

The Union shall establish a Retired Members Division consisting of all retired members of the Union.

Section 1 — Eligibility for Membership

A member who receives either Social Security retirement benefits and/or a pension from a fund in which 1199 has an interest shall be eligible for membership in the Retired Members Division. Where a member does not receive either social security retirement benefits and/or a pension from a fund in which 1199 has an interest the Executive Council may waive this requirement. The retired membership fee shall be \$5.00 per month in lieu of

dues beginning with the first year of retirement. Membership status shall continue so long as the member pays the monthly fee and does not violate any of the provisions of this constitution or act in a manner detrimental to the welfare of the Union.

Section 2 — Delegates

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

Section 3 — Rights and Privileges of Retired Members

(a) The Retired Members Division shall elect a representative to the Executive Council, as provided in this Constitution.

(b) The Retired Members Division may enact such rules and regulations, elect such officers 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 this constitution or policies and programs of the Union. Every retired member in good standing shall have the right to enjoy the following privileges:

1. To receive the Union's publication
2. To participate in all social and cultural activities
3. To utilize all the services provided by the Union including the right to maintain certain benefits under the 1999 National Benefit Fund for Health and Human Service Employees subject to its Rules and Regulations
4. To be reinstated to active membership, with the payment of an initiation fee, upon resumption of work as an employee in a Union-represented bargaining unit.

Section 4 — Obligations of Retired Members

Retired members shall be bound by the same standards of conduct as other members.

ARTICLE VII

Section 1 — Officers

The officers of the Union shall be a President, a Secretary-Treasurer and such Executive Vice Presidents and Vice Presidents as provided for in Article VII, Sections 4 and 5.

Section 2 — President

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

(b) The President shall sign all official documents.

(c) The President may call regular and special meetings of the Union or any of its subdivisions or governing bodies and shall have the right to preside at such meetings or to delegate such right to another Officer.

(d) The President shall appoint Committees not otherwise provided for, subject to the approval of the Executive Council. The President shall be an ex-officio member of all committees.

(e) The President may recommend to the Executive Council sub-dividing the Union into appropriate Areas for the proper and efficient administration of the Union.

(f) The President shall be a member of the Region and the Regional Delegate Assembly from which s/he emanates and shall be an ex-officio member of all other Regional Delegate Assemblies.

(g) The President shall report to the Regional Delegate Assemblies and the membership on behalf of the Executive Council.

(h) The President shall have the power, jointly with the Secretary-Treasurer, to sign checks, promissory notes and other instruments for the payment of money against the accounts of the Union.

(i) The President shall have the power to make such disbursements as may be required by the Union subject to the approval of the Executive Council.

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

(k) The President or his/her designee shall sign all collective bargaining contracts on behalf of the Union.

(l) The President may appoint and assign Organizers, representatives and such other staff personnel as the Union requires, subject to approval by the Executive Council. Apart from those elected, The President may terminate or discipline all such personnel subject to the approval of such action by the Executive Council. In addition, the President may fill vacancies which may occur subject to the approval of Executive Council.

(m) The President shall be responsible for the proper performance of duties to the Executive Council, Regional Assemblies and the membership.

(n) The President may delegate such power to other Officers as he/she deems proper for the good and efficient administration of the Union.

(o) The President shall be a member of the Executive Council.

Section 3 — Secretary-Treasurer

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

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

(c) The Secretary-Treasurer shall have the power jointly with the President to sign checks, promissory notes or other instruments for the payment of money issued against the accounts of the Union.

(d) The Secretary-Treasurer shall be a member of the Region and the Regional Delegate Assembly from which s/he emanates and shall be an ex-officio member of all other Regional Assemblies.

(e) In case of a vacancy in the office of the President, the Secretary-Treasurer shall assume the powers of the President. If less than two-thirds (2/3) of the term remains, the Secretary-Treasurer shall serve out the term. If more than two thirds (2/3) of the term remains, a special election will be held and the Secretary-Treasurer shall serve until a successor is installed. In either case, for the period of the Secretary-Treasurer's service as Acting President, the Executive Council shall appoint an Acting Secretary-Treasurer upon the recommendation of the Acting President.

(f) The Secretary-Treasurer shall be a member of the Executive Council.

(g) The Secretary-Treasurer shall be responsible for the proper performance of duties to the President, the Executive Council, Regional Delegate Assemblies and the membership.

(h) The Secretary-Treasurer shall be the chief fiscal officer of the Union and shall receive and collect all monies due the Union subject to review by the Executive Council.

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

(j) The Secretary-Treasurer shall maintain and preserve proper books and records of the membership, operations and finances of the Union. Such books and records shall at all times be subject to inspection by the President and Executive Council.

(k) The Secretary-Treasurer shall be in charge of, preserve and maintain for safekeeping all monies, properties, securities and other evidences of investment of the Union subject to review by the Executive Council.

(l) The Secretary-Treasurer shall prepare and submit a certified annual report to the President and the Executive Council and such other additional reports as the President or the Executive Council may require.

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

Section 4 — Executive Vice Presidents

(a) The Union shall elect Executive Vice Presidents to serve as Heads over Constitutional Regions or administrative divisions and/or to perform such other assignments as the President shall determine, subject to approval by the Executive Council. The number of Executive Vice Presidents to be elected shall be determined by the Executive Council.

(b) The Executive Vice Presidents shall assist the President in the administration of the Union.

(c) The Executive Vice Presidents shall be members of the Region and the Regional Delegate Assembly from which they emanate or to which they are elected or assigned and shall be ex officio members of all other Regional Assemblies.

(d) The Executive Vice Presidents shall be members of the Executive Council.

(e) The Executive Vice Presidents shall be responsible for the proper performance of their duties to the President, the Executive Council, the Regional Delegate Assemblies and the membership.

(f) The Executive Vice Presidents shall keep records of all activities of the Region or the Departments to which they are assigned.

(g) The Executive Vice Presidents shall have the power to co-sign checks together with the President and/or the Secretary-Treasurer.

Section 5 — Vice Presidents

(a) The Union shall elect Vice Presidents. The number of Vice Presidents to be elected shall be determined by the Executive Council.

(b) 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 Presidents.

(c) The Vice Presidents shall be responsible to the President, Executive Vice Presidents, Executive Council, the Regional Delegate Assemblies and the membership.

(d) The Vice Presidents shall chair Area membership meetings and may chair Chapter membership meetings.

(e) The Vice Presidents shall keep records of all activities of the Areas or the Departments to which they are assigned.

(f) They shall be members of the Executive Council.

(g) The Vice Presidents shall be members of the Region and the Regional Delegate Assemblies from which they emanate or to which they are assigned and ex-officio members of all other Regional Assemblies.

Section 6 — Organizers

(a) Organizers shall be responsible for the proper performance of their duties to the Vice President, the Executive Vice President of the Region and administrative division, the President, the Executive Council, the Regional Delegate Assembly and the membership.

(b) The Executive Council shall determine the numbers of organizers who shall be elected directly by the members. Such organizers shall be elected by Area, except where they hold a Union-wide position, in which case they will be elected Union-wide.

(c) The Organizers shall be members of the Region and the Regional Delegate Assembly from which they emanate or to which they are assigned and shall be ex-officio members of all other Regional Assemblies.

Section 7 — Salaries for Officers and Organizers

Officers, organizers and staff shall be salaried and paid by the Union.

Section 8 — No Dual Salaries or Membership

No paid organizer, officer or unlimited staff member shall hold any other paid position or job within or without the Union. No officer or member of

the Executive Council may be an active member, officer or employee of any other labor organization.

Section 9 — Executive Council

(a) The Executive Council shall consist of all the Officers of the Union, a representative elected by the Retired Members Division, one rank and file member from each Area (or such other number as determined by the Executive Council) and as ex-officio members, organizers elected by the organizing staff of the Union, and other ex-officio members as determined by the Executive Council.

(b) The Executive Council shall establish such standing and ad-hoc committees of the Executive Council as it deems appropriate. Among such standing committees shall be:

- Executive Committee
- Budget & Finance
- Personnel
- Communications
- Education
- Political Action
- Social & Cultural

(c) There shall be an Executive Committee which shall be a standing Committee of the Executive Council. The Executive Committee shall be composed of the President, Secretary-Treasurer and the Executive Vice-Presidents, and such other ex-officio staff and officers as the President and Secretary-Treasurer shall invite. The Executive Committee shall be responsible for implementation of Union policy and programs.

(d) The Executive Council shall have the following powers:

1. To adopt an annual budget for the Union.
2. To receive and act upon reports of the President and other Officers of the Union on the state of each Region and the Union as a whole, including, but not limited to the financial condition of the Union, its collective bargaining situation and the status of the various funds in which the Union has an interest.
3. To approve and authorize the disbursements of such funds as in its discretion may be required to promote the aims and objects of the Union.
4. To invest or reinvest the funds of the Union in such property, real or personal, tangible or intangible, as it shall consider prudent, necessary and desirable in the interest of the Union and its members.
5. To appoint Trustees or alternates of all trust funds established by or in which the Union has an interest.
6. To interpret this constitution, 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 each of the Regional Delegate Assemblies.
7. To formulate plans, programs and policies for the Union.

8. To formulate the "order of business" for the General Delegate Assemblies, the Regional Delegate Assemblies and the General Membership Meetings.
9. To subdivide the Union into Areas and/or other subdivisions, and to establish Councils and/or administrative divisions as the Executive Council determines to be appropriate for the proper and efficient administration of the Union.
10. To determine the assignments and responsibilities of Officers and all staff positions consistent with, and in addition to, those already provided in this Article.
11. To appoint and assign organizers, representatives and such other staff personnel as the Union requires and to terminate and otherwise discipline such personnel.
12. To fill any and all vacancies which may occur.
13. To implement the principles of affirmative action by recommending Blacks, Latinos, Asians, women and others for organizing, technical, professional and leadership positions in the Union.
14. To fix and authorize the expenditure of salaries of the Officers, Organizers and paid local representatives, subject to approval of the majority of the combined vote of all the Regional Delegate Assemblies.
15. To fix and authorize the expenditure of salaries of the office, technical and professional employees of the Union.
16. To call strikes, subject to the approval of the members directly involved.
17. To determine the number of officer and elected organizer positions.
18. The Executive Council shall meet at least monthly.

Section 10— Vacancies

In the event of a vacancy in the positions of Secretary-Treasurer, Executive Vice President, Vice President, other elected member of the Executive Council, and/or Organizer, the Executive Council shall either approve the President's appointee to that position, designate a successor or hold a special election to fill the vacancy for the unexpired portion of the term.

Section 11 —Regional Delegate Assemblies

1. (a) The Delegates of each Region (Article IV Section 2) shall constitute the Regional Delegate Assembly. For the efficient administration of the Delegate Assembly, the Regional Directors may sub-divide the Assembly into meetings by geography, industry, classifications or professions. Wherever in this Constitution an action requires approval of the Delegate Assemblies, it shall be deemed to require a cumulative majority vote of all Delegates voting in their respective Assemblies.

(b) The Regional 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 the Regional Delegate Assembly shall be convened by the President within fifteen (15) days upon presentation of a petition to the

President bearing the signatures of not less than fifteen (15 %) percent of the Regional Delegates.

(c) A Regional Delegate Assembly shall have the power to act upon any matter affecting the members of the Region, except that in matters affecting dues, initiation fees, assessments, collective bargaining agreements, election of Officers and any other matters otherwise specifically provided for by this constitution, its decisions shall be considered as recommendations.

(d) The Regional Delegate 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 Regional Delegate Assembly shall receive and act upon all reports and decisions of Officers, Committees and Boards of the Union and its Regions.

(f) The Regional Delegate Assembly shall have the power to call strikes in its Region, subject to the approval of the members directly involved, and the Executive Council.

(g) A Delegate desiring to include a matter on the agenda of the General Delegate Assembly or a Regional Delegate Assembly shall forward such request in writing to the Executive Council at least thirty (30) days prior to such meeting. Should the Executive Council fail or decline to do so, the Delegate may have the matter included in the agenda by submitting a petition to the Executive Council signed by at least ten (10%) percent of the members in good standing of the General Delegate Assembly or the Regional Delegate Assembly. In addition, each member signing the petition must include the last four (4) digits of his/her social security number, administrative division/area and institution.

Section 12 — Regional Executive Boards

(a) In each Region there shall be an Executive Board composed of the Region's officers and Rank and File members elected to the Executive Council. The Board may invite, ex officio, others to attend.

(b) The Executive Board shall oversee implementation of the Union's programs, and make policy and program recommendations to the Executive Council.

(c) The Executive Boards shall recommend political endorsements and participation on local labor councils and federations to the Executive Council.

ARTICLE VIII

Section 1 — Elections

(a) All general elections for Officers, other Executive Council members and organizers and delegates shall be held every three (3) years.

(b) The election of Officers, other Executive Council members and Organizers shall be held on the last Monday through Friday of April in an election year, at places, dates and times designated by the Election Board, unless the election is held by mail ballot at the direction of the Executive

Council in which case the Election Board shall fix a date for return of ballots no later than the last business day of April.

(c) The election of Delegates shall be conducted during the month of April, preceding or concurrently with the General Election.

Each Chapter shall be entitled to and shall elect Delegates on the basis of one (1) Delegate for each thirty (30) members or any major fraction thereof. Wherever possible, Delegates shall be elected on a departmental basis and for such purpose, a department with less than sixteen (16) members may be combined with another department. In the Pharmacy and Human Services Chapters, each group shall be entitled to and shall elect one (1) Delegate.

(d) The election of Delegates shall be conducted by a Chapter election committee in accordance with this constitution. Any challenge or appeal shall be submitted to the Secretary-Treasurer who shall make a final determination.

(e) The membership shall be informed of the dates, times, places and offices to be filled in any election of Officers, other Executive Council members and Organizers at least fifteen (15) days prior to the election. Notice of such election in the Union publication shall be deemed sufficient.

(f) Voting shall be by secret ballot.

(g) The President, Secretary Treasurer and Executive Vice Presidents shall be elected Union-wide. Vice Presidents who administer Areas shall be elected by the membership of the Area. Vice Presidents who are responsible for general Union functions shall be elected Union-wide. Rank-and-file members of the Executive Council and Organizers shall be elected by their respective Areas.

Section 2 — Election Board

(a) During the month of November in the year preceding an election year, the Regional Executive Boards shall recommend to the Executive Council an Election Board for appointment.

The Board shall consist of twenty (20) members and twenty (20) alternates, composed from the number of members and alternates from each Region in proportion to the Region's membership in the Union. The Executive Council shall determine the proportions. The Election Board shall designate three (3) of its members as follows: one (1) each as Chairperson and Secretary. A third shall be designated as Co-Chairperson who will preside only in the absence of the Chairperson.

(b) To be eligible for the Election Board one must be:

1. a member of the Union in good standing for not less than six (6) months; and

2. not a candidate for any of office in the election, except for the position of Delegate.

(c) The Election Board shall conduct and supervise the Nominations and Elections of the Union in accordance with the provisions made therefore by this Constitution and in so doing the board may adopt such initial rules

which are necessary to conduct the nominations and elections, subject to the approval of the Executive Council.

(d) The Election Board shall make and announce to the candidates an initial determination of eligibility of candidates. Any objection to the Election Board's determination of a candidate's eligibility must be filed by that candidate in writing with the Board within three (3) days of such announcement.

(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 hear and determine all objections to the conduct of the elections. All such objections must be received by the Board in writing within ten (10) days after the election has been conducted.

(h) 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.

(i) 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 Union within ten (10) days after the announcement by the Election Board of its decision. All such appeals timely made shall be considered and decided by the Executive Council and its decision shall be final and binding.

Section 3 — Nominations for Officers and Delegates

(a) Not later than the last business day in January in an election year, the Election Board shall make available to the membership nomination petitions for Officers, Rank-and-File Executive Council members and Organizers and Delegates.

(b) To be a candidate for office, as an Officer, Organizer, or Rank-and-File Executive Council member, the Candidate must be a member of the Union in good standing for at least one (1) year prior to the election, excepting that this eligibility period shall be reduced to three (3) months membership in good standing in the first election for an Officer, Organizer or Rank-and-File Executive Council member of a newly created administrative Division.

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

(d) A nominating petition for a candidate as an Area Officer, Rank-and-File Executive Council member and Organizers shall require the signatures and last four (4) digits of the social security numbers of no less than two percent (2%) of the appropriate members in good standing. For union-wide office the number of signatures required shall be no less than one percent (1%) of the members in good standing union-wide. The required numbers of

signatures will be based upon the membership as of the month of October immediately preceding the election.

(e) A nominating petition for a candidate as a Delegate shall require the signatures and last four (4) digits of the social security numbers of a minimum of eight (8) members in good standing from the Group or Department in which the member seeks election in all Chapters except in Pharmacy and Human Services, where a minimum of four (4) signatures is required.

(f) Nominating petitions for Officers, Rank-and-File Executive Council members and Organizers shall be submitted to the Election Board not later than the last business day in February in the election year.

(g) Nominating petitions for Delegates shall be filed with the office of the Secretary-Treasurer or his/her designee not later than the second Wednesday in March in the election year. The signature of the members on the nominating petition must be accompanied by the last four (4) digits of their social security numbers, Region and institution.

(h) No individual may be a candidate for more than one office and/or position in the elections for officers.

Section 4 — Elections

(a) To be elected to the position of President or Secretary-Treasurer the candidate receiving the highest number of votes shall be declared elected.

(b) The number of Executive Vice President positions, as predetermined by the Executive Council, shall be filled by the Executive Vice President candidates who receive the highest number of votes. Such candidates shall be declared elected by the Election Board.

(c) The number of Union-wide Vice President and Organizer positions, as pre-determined by the Executive Council, shall be filled by the Union-wide Vice President and Organizer candidates who receive the highest number of votes.

(d) To be elected to the position of Area Vice President, Rank-and-File Executive Council Member or Organizer the Area Vice President, Rank-and-File Executive Council Member and Organizer candidates receiving the highest number of votes in that Area shall be declared elected.

(e) If no candidate for the particular office receives the highest number of votes, a run-off election shall be held within ninety (90) days thereafter to fill a vacant office. 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. In this run-off election, the candidate receiving a majority of the votes cast shall be declared elected.

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

(f) Every candidate shall have the right to an observer who is a member of the Union at the polls and at the tabulation of the ballots and during the

mailing, receipt and opening of mail ballots, subject to the rules of the Election Board.

(g) The Delegate candidate in a Group or department receiving the highest number of votes shall fill the vacancies in accordance with this constitution.

Section 5 — Installations

(a) The newly elected officers, Organizers and Rank-and-File Members and Delegates shall be installed no later than June 15th of the election year and shall immediately thereafter assume their office.

(b) Incumbents who have not been reelected to a position and/or any officer or organizer retiring or resigning shall turn over all Union records and property of whatever nature appertaining to their office or position to their successors immediately after the installation meeting, or leaving their office, position or employment with the Union. The Union shall have the right to withhold any severance pay and/or any other monies due any person who fails to comply with the above.

(c) Departing rank and file Executive Council members and delegates relinquishing their positions shall turn over to their successors all records and property of whatever nature appertaining to their office or position.

ARTICLE IX

Hearings and Appeals Board

It is the objective of 1199 to provide a democratic and orderly procedure for its members in order to hear and determine grievances, complaints and/or charges and appeals (hereinafter called collective "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 Union; incompetence, insubordination or failure of an Organizer, representative or Officer to perform the functions assigned to his office or position, corrupt or unethical practices, dual unionism; conduct calculated to bring the Union into disrepute; violation of the 1199 Constitution, or any resolution, orders or directives of Union officers or the 1199 Executive Council which are promulgated thereunder; failure to enforce the collective bargaining agreements; violation of Union decisions; scabbing; strike breaking or violation of wage or work standards established by the Union or any activity detrimental to its good and welfare.

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

(a) In each Chapter the Delegates shall elect a Hearing Board of not less than three (3) and not more than seven (7) delegates.

(b) Each Regional Delegate Assembly shall elect five (5) of its Delegates to act as a Regional Hearing and Appeals Board. Where, due to geographical considerations, an administrative division cannot effectively participate in the Regional Hearing and Appeal Board, the Executive Council may permit

an administrative division Hearing and Appeals Board of three (3) or five (5) members in lieu of the Regional Hearing and Appeals Board.

(c) The Unionwide Hearings and Appeals Board shall consist of twenty (20) members composed from the number of members from each Region in proportion to the Region's membership in the Union. The Executive Council shall determine the proportions. The election of Board members shall be held within six (6) months after the general election of officers and delegates.

(d) Each Board shall have a chairperson and a secretary elected by the members of the Board.

(e) The Board's decisions shall be in writing and shall require a majority vote. A quorum necessary for a hearing or appeal to the Union-wide Appeals Board shall be a minimum of five (5) members of the Board with at least one member from each Region.

(f) Any other appeals Board hereinafter mentioned shall be constituted as provided in this Constitution.

(g) No person shall sit on any Board who is directly or indirectly involved in the subject matter of the hearing or appeals.

(h) All complaints and/or charges filed under this article shall be in writing and shall include the name, last four (4) digits of social security number, Region and institution of the member or members filing such complaints or charges.

Parties by whom such 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 Union to act as spokesperson on their behalf in presenting their evidence and argument. Should a party fail to appear at a hearing, without having obtained a postponement of the hearing, the Board may proceed in his/her absence and render its decision.

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

A Complaints against a Member or Representative

Section 1 — Chapter or Area Hearing Board.

(a) A member shall have the right to bring a complaint against another member, for any of the reasons set forth in this Constitution. A complaint by a member against another member shall be filed with the Vice President assigned to the Chapter or Area in which the member, against whom the complaint is filed, is employed. A complaint against an Organizer or representative shall be filed with the Vice President responsible for supervision of the Organizer or representative.

A hearing shall be held on any such complaint within sixty (60) days of the receipt of the complaint by the Vice President. Notice of the hearing date, time and place shall be sent by the Vice President to the parties

concerned in the complaint. It shall be the duty of such Vice President to convene the Board for the Hearing.

(b) The Board shall hear the parties and their witnesses and based on all the evidence, oral and documentary, presented, shall render its decision. The Board may dismiss the complaint, impose a reprimand, a censure and/or fine up to a maximum of \$25. It may also recommend to the Regional Hearing and Appeals Board a greater fine and/or suspension or expulsion.

(c) 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 Vice Presidents and the President of the Union. A formal transcript of the hearing need not be made.

Section 2 — Regional Hearing & Appeals Board.

(a) In order to appeal from a decision of the Chapter or Area Hearing Board, a member must make a request in writing to the Executive Vice President in charge of the Region affected or administrative division, if established, not 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 Union. 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 Section 1(b) above, the Executive Vice President shall convene the Regional Hearing and Appeals Board within sixty (60) days from the date of the Appeal.

(b) 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.

(c) 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.

(d) 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 Union.

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

(f) Any charge against an organizer or a delegate for any of the reasons set forth in the constitution shall be filed with and heard by the appropriate Regional Hearing and Appeals Board.

Section 3 — Unionwide Appeals Board

(a) In order to appeal from a decision of the Regional Hearing and Appeals Board, a party must make a request in writing to the Secretary-Treasurer of the Union 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 Secretary-Treasurer shall convene the Unionwide Appeals Board within sixty (60) 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.

(b) The appeal before the Unionwide Appeals Board shall be limited to deciding (1) whether the hearings below were held in conformity to this constitution and, if so (2) 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 this constitution, 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 conclusion of the appeal and shall be forwarded to the parties and the President of the Union.

Section 4 — Hearing Board of the Executive Council

(a) In order to appeal from a decision of the Unionwide Hearing and Appeals Board, a party must make a request in writing to the Secretary-Treasurer of the Union, 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 Secretary-Treasurer shall convene an Executive Council Hearing and Appeals Board of no less than three (3) and no more than five (5) of its members. The said Board, so elected, shall hold a hearing within sixty (60) days from the date of the Appeal. Notice of the hearing date, time and place shall be for-warded to the parties involved not later than ten (10) days prior to the date of hearing.

(b) 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 Council within ten (10) days from the conclusion of the hearing. The Board may affirm, reverse or modify the decision of the Unionwide Hearing and Appeals Board and may order any relief it deems appropriate under the facts and circumstances.

B Complaints against an Officer or Rank-and-File Executive Council member

Section 5 — Unionwide Hearing & Appeals Board

(a) A complaint against an officer or Rank-and-File Executive Council member shall be filed with the Secretary-Treasurer of the Union unless the complaint is against the Secretary-Treasurer, in which case it shall be filed with the President. The President or the Secretary-Treasurer, as the case may be, shall convene the Unionwide Hearings and Appeals Board within sixty (60) 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.

(b) The Board shall hear the parties and witnesses and based on all of the evidence presented, both oral and documentary, shall render its decision. The Board may dismiss the complaint, issue a reprimand or

censure, impose a fine or a suspension or expulsion or make any other decision or ruling it deems appropriate or necessary under the facts and circumstances. 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 Union, as the case may be. A formal transcript of the hearing need not be made.

(c) Any further appeals by an officer or Rank-and-File Executive Council member shall be in accordance with the procedure set forth in Sections 4 and 5 above.

Section 6 — Appeals Relating to Arbitration of Discipline Grievances

(a) This Section shall be limited to complaints against an organizer and/or officer of the Union in respect solely to arbitration of a member's grievance of discipline and matters of contract application limited to the particular complainant member, but shall not apply to issues of contract interpretation affecting bargaining unit members other than the complainant. No member shall file a charge of unfair representation at the NLRB or start a law suit based on unfair representation against the Union unless and until such employee has exhausted the internal remedies provided hereunder.

(b) Whenever an organizer and/or officer, after completion of the grievance procedure and when the contract time limitation for arbitration commences, decides that there is not basis for arbitration, the organizer and/or officer in charge shall immediately advise the employee, in writing, of his or her right to appeal this decision to the Chapter and/or Area Board. If the employee indicates by written notice to the Organizer and/or Officer within 72 hours thereafter that he or she desires to appeal the decision of the organizer and/or officer, the said organizer and/or officer shall see to it that the applicable Chapter and/or Area Hearing Board shall be convened without delay to hear the member's version of the matter and make a prompt determination whether to sustain or reverse the organizer and/or officer who made the decision against arbitration. If the Chapter and/or Area Hearing Board decides in favor of arbitration, the Union shall be obligated to proceed with the arbitration. If thereafter, the Employer makes an offer of Settlement that the Union recommends, but which the member rejects, the Union may convene the Chapter and/or Area Hearing and Appeals Board to determine whether arbitration is warranted in light of the settlement offer. If the Chapter and/or Area Hearing and Appeals Board determines that the offer is fair and reasonable then the Union may withdraw the arbitration. If the Chapter and/or Area Hearing Board decides to sustain the organizer and/or officer, then and in that event:

(c) The member shall be promptly advised, in writing, of his or her right to a further hearing before the Regional Hearing and Appeals Board. If the member decides to pursue such further appeal, the member must, within 72 hours of the aforesaid notice, notify in writing the organizer and/or

officer of his or her desire to make such appeal to the Regional Hearing and Appeals board. In the latter case, the organizer and/or officer shall promptly convene the Regional Hearing and Appeals Board for a hearing and the member involved shall be given written notice of the date, time and place of the hearing. If the Regional Hearing and Appeals Board decides in favor of arbitration, the Union shall proceed to arbitration. If, on the other hand, the Regional Hearing and Appeals Board sustains the decision not to arbitrate, said decision by the Regional Hearing and Appeals Board shall be final and binding.

(d) In view of the contract time limitation to initiate grievance arbitration the above procedure shall be followed by all parties without delay. However, the Union, despite the organizer's and/or officer's decision to forego arbitration may, pending any appeals as above set forth, in order to avoid the possibility of exceeding the contract time limitations initiate an arbitration and in the event the organizer's and/or officer's decision not to arbitrate is sustained on appeal, the Union may then withdraw the arbitration as if it had never been initiated.

ARTICLE X

Affiliation

The Union may affiliate with or disaffiliate from such central labor bodies and/or other organizations as the Executive Council may, from time to time, determine.

ARTICLE XI

Delegates to the SEIU Convention

All officers of the Union, including President, Secretary-Treasurer, Executive Vice Presidents and Vice Presidents shall be elected delegates to the SEIU Convention by virtue of their election as officers.

According to the number of delegates the Union is entitled to, it shall endeavor to elect additional delegates to the convention who are representative of the membership.

ARTICLE XII

Amendments

(a) Amendments to this Constitution may be initiated by:

1. A majority vote of a Regional Delegates Assembly
2. A majority vote of the Executive Council or
3. A petition signed by two (2%) percent of the members of the Union

who are in good standing.

(b) The Executive Council shall submit the proposed amendment(s) to a vote of the Union membership within one hundred and twenty (120) days from the date of initiation of the amendment(s) or receipt of a valid petition. The vote may be conducted at membership meetings or by mail ballot.

(c) A copy of the proposed amendment(s) shall be mailed to the members of

the Union at least fifteen (15) days before the meeting(s) at which such amendment(s) are to be submitted to a vote. A copy of any proposed amendment(s) appearing in the Union publication and mailed at least fifteen (15) days before such meeting shall be deemed good and sufficient notice for this purpose. A mail ballot setting forth the proposed amendments mailed at last fifteen (15) days before the deadline for mailing back the ballot shall be deemed good and sufficient notice.

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

ARTICLE XIII

Referendum

(a) The members shall have the right to reverse any policy or action of the Executive Council by a majority vote of the members participating in a referendum. Such a referendum may be initiated by a petition signed by fifteen percent (15%) of the members of the Union who are in good standing.

(b) The Executive Council shall submit the proposed referendum issue to a full vote of the Union membership - at a meeting(s) or by mail ballot - within one hundred and twenty (120) days from the date of receipt of a valid petition.

(c) A copy of the proposed referendum shall be mailed to the members of the Union at least fifteen (15) days before the meeting at which such a referendum is to be submitted to a vote. A copy of any proposed referendum appearing in the Union publication and mailed at least fifteen (15) days before such a meeting shall be deemed good and sufficient notice for this purpose. A mail ballot setting forth the proposed referendum mailed at last fifteen (15) days before the deadline for mailing back the ballot shall be deemed good and sufficient notice.

(d) Any referendum approved by a majority of the members voting shall become effective upon its adoption unless otherwise provided for.