

**Porter Federation of Nurses & Health Professionals  
Local 5753**

**Constitution**

**Article I: Name**

This organization shall be known as the Porter Federation of Nurses and Health Professionals, Local 5753, AFT VT, AFT, AFL-CIO.

**Article II: Objectives**

Section 1. To provide an effective collective bargaining representative for all employees who are eligible for membership, and to engage in member outreach, engagement, education and activation in order to build understanding of the value of solidarity and collective action. The primary purpose of the union is empowerment for positive change.

Section 2. To improve the standards for healthcare employees by advancing economic status, promoting better preparation in education programs, encouraging and promoting continuing education, securing working conditions essential to the best performance of services and the most effective delivery of healthcare through PFNHP.

Section 3. To promote the continuous improvement of safe, quality health care and universal access to it.

Section 4. To promote PFNHP local participation in community health programs, health systems, agencies, as well as any other regulatory body affecting the delivery of healthcare.

Section 5. To work for passage and retention of just laws which will improve the climate for health care consumers and healthcare employees.

Section 6. To promote democracy, equality and solution-driven unionism in our organization.

Section 7. To promote cooperative and collaborative relationships with labor organizations both regionally and nationally; and promote the civil and professional rights of all workers.

Section 8. To support efforts by the AFT and/or AFT VT to organize workers in related fields in order to help these workers gain representation, to strengthen the union, and ensure a collective voice and power in the workplace.

**Article III: Membership**

Section 1. All employees of Porter Medical Center who are RNs, LPNs, Technical Professionals, or Support Staff and who are not supervisors or managers are eligible for membership.

Section 2. No person shall be denied membership, nor shall this organization ever discriminate against individual members or applicants for membership on the basis of race, creed, sex, sexual orientation, disability, social, political, or economic status, or national origin.

Section 3. Discipline of members

- a. A member may be disciplined by the organization for actions contrary to this Constitution or to the interests of the union or its membership. Such action may only be initiated by the bringing of written and signed charges to the Executive Board by two or more members of the local; these charges must include a specific and detailed accounting, including any documentation, of the allegations against the member.
- b. Upon the receipt of such charges, the Executive Board shall cause a preliminary investigation to be conducted in order to determine whether the charges against the member have merit. In addition, at this time, the Executive Board shall give a copy of the charges to the accused member.
- c. Following the preliminary investigation, the Executive Board shall vote on the question of whether a disciplinary hearing should be held. If a majority of the Executive Board votes to hold a hearing, the member shall be given at least ten (10) calendar days written notice of the hearing.
- d. At the disciplinary hearing, the accused member shall have the right to be represented by a person of his/her choice, and shall have the right to question the charges and present evidence and witnesses to support their defense. At the conclusion of the hearing, a two-thirds (2/3) vote of the Executive Board shall be required for discipline. If a member of the Executive Board has brought the charges against the member, that Board member shall recuse him/herself from the vote.
- e. A disciplined member may appeal the decision of the Executive Board to the membership by requesting a vote at the next regular meeting. A simple majority of the members voting shall be sufficient to overrule the decision of the Executive Board to discipline.

Section 4. A member in good standing is defined as a member who has signed a membership card, form, or application is current in payment of dues to the organization, and adheres to this Constitution. Only members in good standing may vote in union business and run for office. A member who is more than 30 days delinquent in dues payment shall be considered to be a member in bad standing and shall be promptly notified of such status. A member shall be removed from membership in this organization, with notice, following three months of dues nonpayment, unless a plan to pay back dues is made and approved by both the Executive Board and the member.

Section 5. The Executive Board may establish guidelines for retiree membership, dues, and participation in the local in the form of a retiree chapter in accordance with AFT guidelines.

Section 6. PMC bargaining unit employees selecting Agency Fee Authorization do not have voting rights, do not have a voice in meetings, do not have the right to serve on a union

committee, may not run for office and are not eligible to participate in union activities not directly related to their representation.

#### **Article IV: Election of Officers**

Section 1. Elections shall be conducted in accordance with the AFT Constitution and the standards set out by the Labor-Management Reporting and Disclosure Act (LMRDA).

Section 2. Officers shall be elected in March of odd years. Terms of office shall be for two years. This local shall elect the following general officers at-large:

- a. Elected at large:
  - i. President
  - ii. Secretary
  - iii. Treasurer
  - iv. Member Engagement Chair
- b. Elected by designated bargaining unit(s):
  - i. Vice President of Registered Nurses
  - ii. Vice President of LPNs & Technical Professionals
  - iii. Vice President of Support Staff
  - iv. Grievance Chair: RN Bargaining Unit
  - v. Grievance Chair: Support Staff, Techs, LPNs Bargaining Unit
- c. Elected by members in the category/ groups detailed below:
  - i. Chief Stewards:
    - 1. Support Staff/ Techs/ LPNs: 16
    - 2. RNs: 7

The following Chief Stewards shall be elected in March of odd years by members in their respective category/ group as described below, and terms of office shall be for two years.

<b>Support Staff, LPNs, Techs</b>		
<b>Category/ Group</b>	<b>Department/ Cost Center</b>	<b>Number of Chief Stewards</b>
Helen Porter	Environmental Services (HP) Laundry (HP) Long Term Care Memory Care Nutritional Services (HP) Post Acute Recreational Therapy  <b>Total employees: 106</b>	5
PMG and Express Care	Cardiology Practice Cardiology Hospital ENT Express Care	5

	General Surgery Orthopedics Pediatrics Physical Therapy Podiatry PMG Float Primary Care: Brandon Primary Care: Middlebury Primary Care: Vergennes OBGYN & Midwifery  <b>Total employees: 106</b>	
Hospital 1	Laboratory Nuclear Medicine Patient Access Pharmacy Radiology Respiratory Therapy  <b>Total employees: 54</b>	2
Hospital 2	Birthing Center Central Sterile Emergency Room Med/Surg Operating Room  <b>Total employees: 47</b>	2
Hospital 3	Environmental Services Maintenance Materials Management Nutritional Services  <b>Total employees: 46</b>	2
<b>RNs</b>		
Helen Porter	Long Term Care Memory Care Post Acute  <b>Total employees: 15</b>	1
PMG	Cardiology ENT General Surgery Infusion Center Pediatrics	2

	PMG Float Primary Care: Brandon Primary Care: Middlebury Primary Care: Vergennes OBGYN & Midwifery  <b>Total employees: 38</b>	
Emergency Room	Emergency Room  <b>Total employees: 22</b>	1
Med/Surg	Med/Surg  <b>Total employees: 24</b>	1
Surgical Services	Operating Room PACU/ASU  <b>Total employees: 17</b>	1
Birthing Center	Birthing Center  <b>Total employees: 19</b>	1

Section 3. To be eligible for office a person must be a member in good standing of this organization for a period of six (6) months prior to the date of the election. This six (6) month requirement shall be waived for the initial election cycle.

Section 4. The Election Committee shall conduct all general and special elections.

- a. The Election Committee shall consist of three (3) members in good standing appointed by the President with the approval of the Executive Board. The Election Committee will elect its chair.
- b. Any member of the Election Committee nominated for or seeking office must vacate their position and be replaced by a member nominated by the President and approved by the Executive Board.

Section 5. Except for the initial election cycle, sixty (60) calendar days prior to the date of the election, the Election Committee shall notify all members of the opening of nominations for officers and unit representatives, the offices to be filled and of the date of the election, digitally to members' last known home email address and by first class email to last known physical address.

Section 6. The nomination of candidates for office shall be conducted as follows:

- a. To be nominated a candidate may self-nominate or a member may submit a nomination for a member using the local's nomination form.
- b. Members nominated to run for office must affirmatively accept their nomination.

- c. The Election Committee shall determine whether the nominations were timely and if the nominees are eligible for office.

Section 7. Except for the initial election cycle, at least fifteen (15) business days prior to the election, the Election Committee shall notify all members of the election date and the candidates for offices.

Section 8. The Election Committee shall conduct an election for officers and unit representatives at the March Membership Meeting via US Mail, or electronically. The vote shall be by secret ballot. The general officers shall be determined using the plurality method and Chief Stewards shall be determined by those with the most votes being elected. Candidates for the office of Chief Steward shall be elected by the membership from the constituency area in which they serve, as defined in Article IV, Section 2.

Section 9. Challenges and objections to the election must be submitted in writing, with a statement of supporting reasons that includes specific facts as well as any documentation, to the Election Committee within five (5) business days of the count. The Election Committee shall issue its written opinion regarding the objections no later than ten (10) business days after receipt of such objections.

Section 10. The election results will be published and distributed to the membership within thirty (30) calendar days of the count. All election materials, including the ballots, will be kept in a secure location for one (1) year.

Section 11. Successful candidates shall assume office within thirty (30) calendar days of the conclusion of the election.

Section 12. With the exception of the President, or in case of a recall, the Executive Board will have the power to fill vacancies in its membership until the next general election of officers and unit representatives.

Section 13. A petition signed by forty-five percent (45%) of the membership, and alleging constitutional violations, fiduciary breaches or acts clearly detrimental to the union, shall be sufficient to require the Executive Board to vote on whether to conduct a recall election of the officer identified in the petition. The officer subject to recall and any Executive Board member signing the petition shall not vote on the question of a recall election. If a majority of the Executive Council approves a recall election, the Election Committee shall supervise the recall election.

## **Article V: Duties of Officers**

Section 1. The President shall:

- a. be the presiding officer at all meetings of the membership and the Executive Council.

- b. be an ex-officio member of all committees except the Election Committee.
- c. appoint, with the approval of the Executive Council, the chairs of all standing and special committees except the Election Committee, as well as the corresponding committee members
- d. be the principal executive officer of the organization.
- e. supervise any employees of the organization.
- f. be one of the responsible financial officers of the organization and shall be authorized to co-sign financial instruments and make regular and usual disbursements of funds.
- g. represent the organization before bodies of the employer, executive and legislative officials.
- h. represent the organization before the public, community organizations, and the news media. The President shall be the chief spokesperson for the Local in accordance with the Constitution.
- i. make an annual report to the organization's membership.
- j. be able to delegate the responsibilities of the office except where otherwise specified by the Constitution.
- k. serve as the chairperson of the Negotiating Committee.
- l. Provide an array of membership involvement opportunities.
- m. Oversee the union's programs of new member outreach and orientation.
- n. be, by office, a delegate to the Rutland-Addison Central Labor Council meetings and to meetings or conventions of the Vermont State Labor Council.
- o. be, by office, a delegate to the convention of the American Federation of Teachers and meetings or conventions of AFT-VT.

Section 2. The duties of all Vice Presidents shall be:

- a. share the duties of the President with the other Vice Presidents in the event of the absence of the President.
- b. assist the President in the execution of their duties.
- c. perform all other duties as authorized by the Executive Board and/or the membership.
- d. serve as co-signers on financial instruments in the absence of the President or the Treasurer.
- e. serve on the Labor - Management Committee for their bargaining unit.

Section 3. The Secretary shall:

- a. Issue all notices, shall answer all correspondence at the direction of the President, and shall report outside correspondence to the President and the Executive Council.
- b. Record the minutes of all regular and special Local meetings, Executive Board Council and membership meetings.
- c. Maintain the non-financial files and records of the organization. Keep current addresses and phone numbers of the membership.
- d. Prepare and oversee the distribution of member communication, including a local newsletter.

- e. Perform duties of the office as required by the Labor-Management Reporting and Disclosure Act.

Section 4. The Treasurer shall:

- a. Receive, record and deposit all dues monies and other income in the name of the organization.
- b. Maintain accurate membership records.
- c. Issue membership cards and notices of delinquencies.
- d. Be one of the responsible financial officers of the organization and be authorized to co-sign financial instruments and make regular and usual disbursements of funds.
- e. Maintain all financial records of the organization.
- f. Arrange for independent audit of the finances of the organization annually and make same available to the Executive Board and membership.
- g. Transmit per-capita payments on a regular basis to the Secretary-Treasurer of the AFT and other affiliated organizations as required.
- h. Perform duties of the office as required by the Labor-Management Reporting and Disclosure Act, and the guidelines as developed by the AFT. Comply with all required reporting/filing related to the finances of this local.
- i. Be the chair of the Budget Committee and shall present a written report to all members annually.
- j. Pay all bills authorized by the adopted budget, retaining voucher or receipt for the same. Expenses not authorized in the budget must be presented to the Executive Board for authorization.
- k. Present a Treasurer's Report to the Local membership at each regular and special meeting of the Local. Additionally, a Treasurer's Report shall be presented to the Executive Board at each regular/special Executive Board meeting of the Local.

Section 5. The Grievance Chairs shall

- a. Oversee the processing of Step 3 grievances and serve as a resource to Officers, Chief Stewards, and Stewards for Step 1 and Step 2 grievances,
- b. Ensure all group grievances are coordinated,
- c. Serve on the Labor Management Committee,
- d. Recommend to the Executive Board the grievances that should be considered for arbitration with the final decision made by a majority vote of the Executive Board,
- e. Ensure proper training and mentorship for Stewards and Chief Stewards,
- f. Present a report to the Executive Board at each regular/special meeting, and
- g. Present a report to the Local membership at each regular and special meeting.

Section 6. The Member Engagement Chair shall

- a. lead or coordinate union orientations at new employee orientations.
- b. lead or coordinate member communication and engagement.



- c. perform other duties as delegated by the President or assigned by the Executive Board.

Section 7. Chief Stewards shall be responsible for representing their constituency in all of the activities engaged in by the Local. Such activities include, but are not limited to, contract negotiations, grievance handling, communications from members and to members, coordination of job activities, attendance at Executive Board meetings and education training programs and other activities.

## **Article VI: Executive Board**

Section 1. The Executive Board shall meet monthly, or at the call of the President, or at the call of a quorum of its members, for the purpose of initiating, overseeing or revising the program of the organization and to conduct other business of the organization that is within its authority. The Executive Board shall administer the policy of this local as set by the membership at regular meetings. It shall have the power to act for the good of the Local in emergency situations where the policy cannot be set by the membership. A quorum of the Executive Board shall be one-half (1/2) of its members.

Section 2. The Executive Board of this Local shall consist of all elected officers. This shall include general officers and Chief Stewards.

Section 3. The Chair of the Executive Board shall be the President of the Local.

Section 4. The time and place of the Executive Board meeting shall be set by the Executive Board and announced to the membership.

Section 5. The Executive Board shall determine the agenda for all membership meetings and shall report its activities at each regular membership meeting.

Section 6. The Executive Board shall have the power to employ all professional, technical, clerical and support staff of the organization.

Section 7. The Executive Board shall establish the expense and reimbursement guidelines for any general officer, Chief Steward and/or member.

Section 8. The Executive Board shall be empowered to make contracts and incur liabilities including the purchase of services, equipment and real property, to borrow money, to secure such obligations by mortgage or other instrument, and to otherwise engage in financial transactions to the extent permitted by applicable law or statute. The Executive Board shall have the power to sue, complain and defend on behalf of the membership.

Section 9. The Executive Board shall approve the chairperson and membership of all standing and special committees of the organization, except the Election Committee, and shall receive regular reports from such committees.

Section 10. The Executive Board shall be responsible for adherence to and enforcement of the Constitution of the organization.

### **Article VII: Committees**

Section 1. The standing committees of this organization shall be:

- a. Election Committee
- b. Negotiating Committee
- c. Audit Committee

Section 2. The President, with the approval of the Executive Board, shall appoint all committee chairs, except the Election Committee, and committee members.

Section 3. Each committee shall present its annual program of action to the Executive Board and to the membership.

Section 4. The Election Committee shall conduct and supervise all elections of this organization. (See Article IV: Section 4, 5, 6, 7, and 8).

Section 5. The Negotiating Committee shall survey the membership and prepare and substantiate contract proposals. The Committee shall present these proposals for approval of the membership and then negotiate the proposals with the employer. The Committee shall seek representation from each unit within the local membership. The President and Vice Presidents shall serve as the Negotiating Committee Chairpersons.

Section 6. The Audit Committee shall audit the Treasurer's books and yearly Treasurer's report in accordance with the terms of Article IX, Section 3 of the AFT Bylaws. They shall present their yearly report at the first regular membership meeting after the close of the fiscal year.

Section 7. The Executive Board shall have the power to create additional committees as they see fit, based on the needs of the membership

### **Article VIII: Membership Meetings**

Section 1. The legislative power of the organization shall be vested in the Membership Meeting. Unless otherwise stipulated in the Constitution, action items and elections shall require a simple majority of votes cast in the Membership Meeting. The Membership Meeting shall approve the annual budget; shall receive and approve committee reports, including the required annual

financial report or audit; and shall develop and vote on resolutions to guide the policy of the organization.

Section 2. The Membership shall meet quarterly at a predetermined time and place.

Section 3. Quorum for the Membership Meeting shall be ten percent (10%) of the total membership of the organization.

Section 4. Special meetings may be called by the President, by a majority of the Executive Board or by petition to the Executive Board of fifteen percent (15%) of the members in good standing. The notice of the special meeting and the agenda shall be circulated to all members at least five (5) business days in advance of the meeting. Items not included on the agenda for the special meeting will not be addressed. All special meetings shall be adequately advertised and conducted according to the provisions of this Constitution.

### **Article IX: Revenues**

Section 1. The dues of this organization shall be 1% of pre-tax wages.

Section 2. There shall be an agency service fee for all non-members. The percentage shall be determined annually based on the previous year's audit of the Local and the affiliates. The local shall adopt procedures consistent with local, state and federal law and Article VIII, Sections 1 (a) - (d) of the AFT Bylaws.

### **Article X: Affiliations**

This organization shall maintain affiliation with the following organizations:

- a. The American Federation of Teachers, AFL-CIO. Whenever possible, the Porter Federation of Nurses and Health Professionals will send delegates to the AFT's convention.
- b. AFT Vermont. Whenever possible, the Porter Federation of Nurses and Health Professionals will send delegates to AFT VT's convention.
- c. The Vermont State Labor Council and the Rutland-Addison Central Labor Council.

### **Article XI: Rules of Order**

Robert's Rules of Order, Newly Revised shall govern this organization and all of its subordinate bodies in all matters not expressly covered by this Constitution or the Bylaws of this organization.

### **Article XII: Amendments**

Section 1. The Constitution shall be amended as follows: Thirty percent (30%) of the membership may present, by petition, a proposed amendment to this Constitution to the

Secretary. Alternatively, the Executive Board may vote by  $\frac{2}{3}$  majority to present a proposed amendment to membership. In either case, the Executive Board shall notify the membership of the proposed amendment within five (5) business days.

- a. The Executive Board shall convene within thirty (30) days to discuss the proposed amendment. A copy of the proposed amendment, along with an explanation of said amendment, shall be distributed to all officers a reasonable time prior to the meeting at which the amendment will be introduced and discussed.
- b. The Executive Board shall move the amendment to a membership vote with the approval of two-thirds ( $\frac{2}{3}$ ) of the Executive Board.
- c. The amendment shall be brought into effect by a simple majority of the votes cast by the membership.
- d. Alternatively, should sixty percent (60%) of the membership present, by petition, a proposed amendment to this Constitution to the Secretary, they shall bypass the need for an Executive Board vote (bypassing Section a. and Section b. above) and bring the proposed amendment directly to a membership vote, as outlined in Section c. above.
- e. Membership votes shall be run by the Elections Committee.

#### **Article XIII: Availability of the Constitution**

Section 1. One (1) digital copy of this constitution and all subsequent amendments shall be submitted electronically to the office of the Secretary-Treasurer of the American Federation of Teachers.

Section 2. One (1) copy shall be sent to the similar officer of each organization with which this organization is affiliated.

Section 3. The Secretary shall make available upon request a copy to any member of the organization.

Constitution adopted on \_\_\_\_\_