

CONSTITUTION OF
UNITED NURSES ASSOCIATIONS OF CALIFORNIA
UNION OF HEALTH CARE PROFESSIONALS

NUHHCE · AFSCME · AFL-CIO



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CONSTITUTION
OF
UNITED NURSES ASSOCIATIONS OF CALIFORNIA/
UNION OF HEALTH CARE PROFESSIONALS

MISSION STATEMENT AND VALUES

The mission of the United Nurses Associations of California/Union of Health Care Professionals (UNAC/UHCP) is to empower health care professionals to be advocates for UNAC/UHCP members and patients: to create a high quality work environment; to provide economic and professional advancement; and to improve the quality of healthcare.

The values that guide the work of UNAC/UHCP are: health care professionals representing health care professionals, guided by transparent, accessible, democratic governance; advocacy for quality care; and the empowerment of our members.

ARTICLE I – NAME

SECTION 101

This Organization shall be known as the **UNITED NURSES ASSOCIATIONS OF CALIFORNIA/UNION OF HEALTH CARE PROFESSIONALS, NATIONAL UNION OF HOSPITAL AND HEALTH CARE EMPLOYEES, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, (UNAC/UHCP, NUHHCE, AFSCME, AFL-CIO)** hereinafter referred to as the “State Association.”

SECTION 102

Headquarters of the State Association, the registered office, shall be located by decision of the Board of Directors.

ARTICLE II – OBJECTIVES

SECTION 201

The objective of the State Association shall be:

- A. To be a chartered non-profit organization with the State of California and other states recognized under the jurisdiction granted to the UNAC/UHCP District by the National Union of Hospital and Health Care Employees, American Federation of State, County, and Municipal Employees, AFL-CIO.
- B. To organize and bring Associations of Health Care Professionals, to include but not limited to Registered Nurses, Nurse Practitioners, Physician Assistants, Optometrists, Certified Nurse Midwives, Clinical Laboratory Scientists and Pharmacists, into relations of mutual assistance and cooperation.

- C. To assist them in professional negotiations, political action, legislative representation, legal counsel, public affairs, educational and economic benefit programs for their members.
- D. To raise the standards of Health Care Professions by securing the conditions essential to the best professional service.
- E. To promote the welfare of the citizens of the State by insuring the highest standard of health care for all.
- F. To take action to eliminate discrimination in the Health Care Profession based on age, ancestry, color, disability, gender (including gender identity and expression), genetic information, marital status, medical condition, national origin, political affiliation, race, religion/religious creed, sex, sexual orientation, or veteran status.
- G. To ally with other organized groups in the pursuit of common aims and to support Health Care Professionals in the movement toward a single united Organization of Health Care Professionals.

ARTICLE III – MEMBERSHIP

SECTION 301

Qualifications for Membership:

- A. A Registered Nurse properly licensed in accordance with appropriate state laws.
- B. A professional employee, other than a Registered Nurse, within the meaning of Section 2 (12) of the National Labor Relations Act, engaged in health care delivery.
- C. The payment of dues by the last day of each month.

SECTION 302

The State Association shall consist of local affiliated Associations, hereinafter referred to as “Affiliates,” organized to conformity with the provisions of the Constitution.

SECTION 303

Any Health Care Professional Employee (as referenced in Section 301 A and 301 B) outside the jurisdiction of a chartered Affiliate may be accepted as an at-large member of the State Association.

SECTION 304

Retired members may elect to remain members-at-large of the State Association by paying to the State Association’s Treasury, dues equal to fifty percent (50%) of the current monthly assessment.

SECTION 305

Any staff member who is a permanent salaried, professional employee of the State Association may be accepted as an at-large member of the State Association.

SECTION 306

Effective October 1985, as a courtesy, retired members will remain a member-at-large without assessment. They will receive issues of the Voice and any other benefits in effect to which they are entitled.

SECTION 306a

UNAC/UHCP is to present \$500.00 to any member who retires or has retired as of January 2009 from a UNAC/UHCP represented facility. Such a member is to have been a member in good standing for the last five (5) years. This is a one-time benefit.

SECTION 307

No discrimination shall ever be shown by the State Association or any Affiliate toward individual members or applicants for membership because of age, ancestry, color, disability, gender (including gender identity and expression), genetic information, marital status, medical condition, national origin, political affiliation, race, religion/religious creed, sex, sexual orientation, or veteran status.

SECTION 308

Health Care Professionals who are supervisors within the meaning of Section 2 (11) of the National Labor Relations Act, 29 U.S.C. §152(11), shall not be eligible for membership. In the event that a member becomes elevated to such status, membership shall automatically be terminated effective on the date such status is changed.

SECTION 309

Membership in the State Association shall be open to properly licensed and/or certified Health Care Professionals, as defined by Section 2 (12) of the National Labor Relations Act and described in Section 301, herein above. Health Care Professional members shall be entitled to all of the rights, privileges and benefits of Registered Nurse members, including the right to nominate and hold office, and to be represented for purposes of collective bargaining by the State Association.

ARTICLE IV – CHARTERS

SECTION 401

Ten or more Health Care Professionals, upon application to the Board of Directors and the payment of a fee of \$50.00 and a per capita tax for one month may be granted a charter. Each new Affiliate shall establish and maintain dues at a rate not less than the per capita tax for each member as set by the State Convention.

SECTION 402

The Board of Directors may grant dispensations from payment of charter fees, when in its judgment such dispensation will promote the growth or interests of the State Association.

SECTION 403

The Board of Directors shall charter only one Affiliate for each employing facility and shall be responsible for determining what constitutes an employing facility under this section.

SECTION 404

Each affiliate shall be self-governing and responsible for representing the interest of its members, subject only to the provisions of Article XIX, Trusteeship.

SECTION 405

Each Affiliate may establish their own funding for strike benefits.

SECTION 406

Each Affiliate may establish their own fund for Registered Nurse scholarship purposes.

ARTICLE V – COLLECTIVE BARGAINING REPRESENTATION

SECTION 501

State Association shall function as a joint bargaining agent with each Affiliate.

SECTION 502

The membership through bargaining committees shall have input and direction in submitting and preparing proposals for collective bargaining/negotiations.

SECTION 503

All ratification voting on the acceptance or rejection of a Labor Agreement shall be conducted by secret ballot vote with proper membership notification.

ARTICLE VI – OFFICERS: DUTIES & FUNCTIONS

SECTION 601

The Officers of the State Association shall consist of a President, Executive Vice President, Secretary, and Treasurer.

SECTION 602

The President and Secretary shall be elected during alternating State Convention years from the Executive Vice President and Treasurer.

SECTION 603

The elected officers of the State Association shall hold office for a term of four (4) years or until their successors are elected.

SECTION 604

Mid-term vacancies shall be filled as provided in Article VIII; Section 805.

SECTION 605

No member shall accept nomination for or hold more than one (1) salaried State Association office at the same time.

SECTION 606

No member shall be eligible for nomination or election to a State Association office unless the person:

- A. Is a member in good standing for a period of two (2) years immediately preceding the election;
- B. Has practiced the profession of nursing for at least three (3) years, or is a professional employee as defined in Article III, Section 301, and has previously been admitted to membership by action of the Executive Council, provided that such person has practiced as a professional employee engaged in health care delivery for at least three (3) years;
- C. Has been a member of an Affiliate for at least two (2) years; and
- D. Is not a member in a bargaining unit represented exclusively by another labor organization (except United Nurses Staff Union). Even if a member is otherwise eligible for nomination or election, the member is ineligible to seek or hold a State Association office when the member is in a bargaining unit represented exclusively by another labor organization, other than the State Association or a State Association Affiliate.

SECTION 607

The financial compensation of the elected officers of the State Association shall be fixed by the Executive Council subject to an annual review as to the amount upon the recommendation of the Financial Control Committee.

SECTION 608

President's Duties and Functions:

- A. The President shall attend and preside at all State Association Conventions and at all sessions of the Board of Directors and Executive Council. The President shall convene special meetings of the Board of Directors or Executive Council whenever necessary, or when requested by a majority of the members of the Board of Directors or Executive Council. The President shall interpret the meaning of the UNAC/UHCP Constitution and this interpretation shall be subject to review by the Board of Directors and the Executive Council.
- B. Between sessions of the Executive Council, the President shall have full power to direct the affairs of the State Association subject to approval of the Board of Directors.
- C. The President shall maintain liaison with Regional Offices and Affiliates.
- D. The President shall have the authority to appoint, direct, suspend or remove representatives, agents and employees as may be deemed necessary, and fix their compensation subject to approval of the Board of Directors.
- E. The President shall appoint, subject to approval of the State Convention, the chairpersons and committee members of all the Standing Committees established by the UNAC/UHCP Constitution.

- F. The President shall serve as an ex-officio member of all Standing Committees with the exception of the Investigative Committee.
- G. The President may appoint a temporary Trustee for conduct of the affairs of an Affiliate and may terminate such Trusteeship in accordance with the provisions of Article XIX.
- H. The President shall make a full report of the administration of the Presidency and the affairs of the State Association to regularly scheduled Executive Council meetings.
- I. The President shall perform all such other duties as pertain to the office.

SECTION 609

Executive Vice President's Duties and Functions:

- A. The Executive Vice President shall assist the President in the performance of the President's duties and shall work under the direction of the President.
- B. The Executive Vice President shall have the authority to execute the duties of the President in the absence of the President and when the office is vacant until such time as the office is filled as provided in Article VIII, Section 805.

SECTION 610

Secretary's Duties and Functions:

- A. The Secretary shall work under the direction of the President.
- B. The Secretary shall record the proceedings of all State Association Conventions, all sessions of the Executive Council, and all Board of Directors' meetings.

- C. The Secretary shall maintain copies of all correspondence sent out and/or received by the State Association.
- D. The Secretary shall be in charge of and preserve all files, records, books, documents and effects of the State Association, except such records as properly belong to the Office of the President, Executive Vice President and Treasurer.
- E. The Secretary shall perform such other duties as pertain to the office or which may be assigned by the President or the Board of Directors.

SECTION 611

Treasurer's Duties and Functions:

- A. The Treasurer shall work under the direction of the President.
- B. The Treasurer shall be the Chief Financial Officer of the State Association and shall receive and collect all monies due the State Association.
- C. The Treasurer shall review incoming financial records of the State Association at least once a month.
- D. The Treasurer shall have the authority, after consultation with the Financial Control Committee and the President to contact Affiliate Treasurers to review and/or audit the financial records of an Affiliate in arrears of dues to the State Association. If an Affiliate per capita tax has not reached the State Association Office for a period of forty-five (45) days or longer, or if an Affiliate's financial activity appears to be inaccurate, the Treasurer and the Financial Control Committee shall have the authority, under the direction of the President, to collect and review the Affiliate's financial records, then bring to the Executive Council for direction.

- E. The Treasurer shall pay all the bills and current expenses unless directed otherwise by the President.
- F. The Treasurer shall furnish the Board of Directors and the Executive Council monthly reports of the financial operations of the State Association.
- G. The Treasurer shall make the necessary arrangements for the maintenance of the financial books and records, the receipt of all funds due the State Association and shall deposit all such funds of the State Association in depositories approved by the Board of Directors.
- H. The Treasurer shall, in the name of the State Association as the Board of Directors may designate, deposit, invest, or purchase with all funds the Board of Directors may deem to be in excess of current need, in reserve accounts, securities or other investments.
- I. The Treasurer shall give a bond in an amount to be fixed by the Board of Directors to insure the faithful discharge of duties. Said bond shall be approved by the Board of Directors and the cost of said bond shall be paid out of funds of the State Association.
- J. The Treasurer shall have the authority, subject to the approval of the President, to employ with compensation such assistants as may be necessary to conduct the duties of the office of Treasurer. The compensation, and where appropriate, job rates, fixed for such assistants shall be subject to the approval of the Executive Council upon recommendations received from the Financial Control Committee.

- K. The Treasurer shall perform such other duties as pertain to the office or which may be assigned by the President or the Board of Directors.

SECTION 612

The President shall appoint a Parliamentarian with the approval of the Board of Directors. The duties of the Parliamentarian shall be to ascertain that the rules of Parliamentary Procedure are followed according to Sturgis Standard Code of Parliamentary Procedures.

SECTION 613

Officers elected at the biennial State Convention shall assume their duties on January 1st following their election (officers elected at a Special Convention/Election shall assume their duties within sixty (60) days following their election) and shall serve until their successors are elected and qualified; at which time all monies, official records and documents, and all property belonging to the State Association shall be turned over to their successors.

ARTICLE VII – BOARD OF DIRECTORS: COMPOSITION, DUTIES & FUNCTIONS

SECTION 701

The Board of Directors shall consist of the President, who shall be Chair of the Board; the Executive Vice President; the Secretary; the Treasurer; and seven (7) members elected by the State Convention. The seven (7) elected Board members will be elected for four (4) year terms. The immediate Past President shall serve as an ex-officio member of the Board without a vote.

SECTION 702

The State Convention shall elect four (4) members to the Board of Directors in the election cycle with the President and Secretary, and shall elect three (3) members to the Board of Directors in the election cycle with the Executive Vice President and Treasurer.

SECTION 703

When either a temporary or permanent vacancy occurs in the Board of Directors between Conventions, the Executive Council shall appoint a member to fill such vacancy until the next election, through either the regularly scheduled State Association Convention as per Articles IX and X or through a specially convened State Association Convention as per Articles IX and X. The Executive Council shall have the power to determine how the appointment of a member to fill the Board of Directors shall be conducted. The Executive Council shall designate a member of the Executive Council to serve as chairperson to coordinate the selection process.

SECTION 704

Members of the Board of Directors shall attend all regular and special meetings of the Board of Directors and shall administer the affairs of the State Association and perform such duties as may be assigned subject to the direction of the President.

SECTION 705

The Board of Directors shall meet monthly and at such other times as deemed necessary by the President. The Board of Directors shall enforce the UNAC/UHCP Constitution and carry out the instructions of the State Convention and Executive Council and between sessions of the Executive Council, the Board of Directors shall have the power to direct the affairs of the State Association.

SECTION 706

The funds and property of the State Association shall be managed, invested, expended or otherwise used to implement and carry out the objectives, rights, activities and responsibilities of the State Association. The Board of Directors shall be directly responsible to administer the affairs of the State Association in accordance with the UNAC/UHCP Constitution and policies of the State Association.

SECTION 707

Real Estate necessary to the affairs of the State Association may be acquired, held, leased, mortgaged and disposed by the Board of Directors in the name of the President and Treasurer and their successors in office as trustees for the State Association.

SECTION 708

A quorum of the Board of Directors shall be a majority of its members. Questions coming before the Board of Directors shall be decided by a majority vote of its members present at a quorum, except as otherwise provided in this Constitution.

SECTION 709

Bond for the office of Treasurer shall be fixed by the Board of Directors upon recommendation of the Financial Control Committee.

SECTION 710

Members of the Board of Directors shall receive financial compensation as fixed and reviewed annually by the Executive Council upon recommendations of the Financial Control Committee.

SECTION 711

Members of the Board of Directors elected at the State Convention shall assume their duties on January 1st following their election and shall serve until their successors are elected and qualified.

ARTICLE VIII – EXECUTIVE COUNCIL

SECTION 801

The Executive Council shall be comprised of one (1) delegate from each Affiliate in good standing. Affiliates in Trusteeship shall not have a delegate on the Executive Council.

SECTION 802

It will be the duty of the Executive Council to enforce the UNAC/UHCP Constitution and carry out the instructions of the State Convention, and to review, approve or overrule the decisions of the Board of Directors in the management of the State Association affairs.

SECTION 803

The Executive Council shall review the financial position of the State Association at each meeting, determining what changes need to be affected and give definitive instructions to the Board of Directors.

SECTION 804

The Executive Council shall have the authority to assign duties and areas of responsibility for each delegate.

SECTION 805

The Executive Council shall have the power to designate one of the officers of the State Association to act in place of any elected

officer in the event a temporary or permanent vacancy of the office occurs.

SECTION 806

The President and other elected Officers of the State Association may employ an Executive Assistant to the Officers who shall function under the direction of the President and other elected Officers.

SECTION 807

The Executive Council shall have the power to interpret and enforce the UNAC/UHCP Constitution and to make rules not in conflict with the Constitution and shall report such rules to the succeeding State Convention for ratification or rejection. Any interpretation of the Constitution by the Executive Council may be appealed to any subsequent Convention.

SECTION 808

The Executive Council shall appoint such committees as it deems necessary not inconsistent with this Constitution.

SECTION 809

A quorum of the Executive Council shall be a majority of the Affiliate delegates. Questions coming before the Executive Council shall be decided by a majority vote of its members present at a quorum except as otherwise provided in this Constitution.

SECTION 810

The Executive Council shall direct the Treasurer to have an audit, conducted by a certified public accountant, of the financial posture of the State Association sixty (60) days prior to the convening of the State Convention. The report of this audit shall be submitted

to each Affiliate fifteen (15) days prior to the convening of the State Convention.

SECTION 811

The Executive Council shall have the authority to deal with all affairs of the State Association in the period between State Conventions. Between meetings of the Executive Council, the Board of Directors shall have the authority to deal with the day-to-day affairs of the State Association.

SECTION 812

The Executive Council shall, upon recommendations of the Financial Control Committee, direct the Treasurer to procure bond for the State Officers and Board of Directors. The cost of said bonds shall be paid out of funds of the State Association.

SECTION 813

The Executive Council shall meet every other month on the odd numbered months of the year. Special sessions may be called by the Board of Directors, or by request of two-thirds (2/3) majority of members of the Executive Council.

SECTION 814

The Executive Council shall have the power to carry on all the business affairs of the State Association, including, without limitation, the power to do on its behalf any or all of the following:

- A. To employ accountants, agents and other persons having skills and knowledge needed in the conduct of its business.
- B. To employ attorneys and counselors on all matters pertaining to its business and affairs.

- C. To, in any lawful manner, acquire or dispose of any property or interest therein equitably or legally.
- D. To make contracts and incur liabilities which may be appropriate to enable it to accomplish any or all of its purposes; to borrow money for the purposes of the State Association at such rates of interest and terms and conditions as they may determine; to issue notes, bonds, and other obligations; and to secure any of its obligations by mortgage, pledge, or deed to trust of all or any of its property and income.
- E. To invest the funds of the State Association.
- F. To take and hold real and personal property as security for funds invested or loaned.
- G. To decide whether a temporary Trustee should be appointed to conduct the affairs of an Affiliate and to decide whether such Trusteeship should be terminated in accordance with the provisions of Article XIX.
- H. To do anything they deem necessary or appropriate to exercise the foregoing or any other power of the Executive Council.

SECTION 815

State Association may join with other local and state central bodies of the AFL-CIO with the approval of the Executive Council.

ARTICLE IX – STATE ASSOCIATION (UNAC/UHCP) CONVENTIONS

SECTION 901

Beginning in 2004 Conventions for the State Association shall be held in the month of October, in even years, and shall be for three (3) days. The place of the Conventions shall be determined by the delegates of the Convention which preceded it or by the Executive Council.

SECTION 902

More than fifty percent (50%) of the Affiliates whose members number together at least ten percent (10%) of the total full membership in good standing may petition the Executive Council for a Convention, and a Convention shall begin between ninety (90) and one hundred and twenty (120) days after the presentation of the petition.

SECTION 903

The call for each convention shall be mailed by the Secretary at least sixty (60) days after the presentation of the petition.

SECTION 904

The members of the Executive Council shall be ex-officio members of the Convention without vote unless accredited as delegates from their Affiliate.

SECTION 905

The convention shall be the supreme legislative and policy forming body of the State Association. It shall have the power to elect the officers of the State Association, adopt the annual budget for the preceding and upcoming fiscal year, and approve resolutions and platforms. The Convention shall be the final judge of the qualifications of delegates. It shall have the power to adopt

Amendments to the UNAC/UHCP Constitution as provided elsewhere in this Constitution and shall adopt rules governing the State Convention.

SECTION 906

For the conducting of business before the Convention, a majority of the delegates defined by Article X; Section 1001 shall constitute a quorum. Questions coming before the Convention shall be decided by the majority vote of the delegates present at a quorum except with questions in respect to finances and amendments; decisions on these questions will require two-thirds (2/3) vote of the delegates present at a quorum.

ARTICLE X – STATE (UNAC/UHCP) CONVENTION DELEGATES

SECTION 1001

Two (2) delegates to the State (UNAC/UHCP) Convention may be elected by each Affiliate having a membership of fifty (50) or less. For each additional fifty (50) members or major fraction thereof, two (2) additional delegates may be elected.

SECTION 1002

At-large dues paying members shall be considered an Affiliate for purposes of representation at the convention and shall be permitted to elect delegates in accordance with this Article.

SECTION 1003

Delegates and/or alternates to each convention from an Affiliate shall be elected by secret ballot. All members shall be eligible to vote and be elected. Reasonable notice must be given both for nominations and for the election. The results of the election must be published and the ballots kept for one year.

SECTION 1004

Affiliates with fewer than one hundred (100) members each, but in the aggregate fewer than three hundred (300) members from a geographic area, may form Councils of Affiliates for the exclusive purpose of electing by secret ballot common delegates to the Convention. In roll call votes and election of officers the voting strength of the Council's delegates shall be based on the aggregate of the members in the Affiliates which credential the Council's delegates and be proportional among them if more than one.

SECTION 1005

To be entitled to representation at the Convention, the full per capita tax of the Affiliate and all other monies due the State Association, credited by any amount due the Affiliate by the State Association, shall be paid through the sixth (6th) month preceding the Convention date.

SECTION 1006

For the purpose of this Article, membership shall mean the highest number of members in the Affiliate during the sixth (6th) month preceding the Convention.

SECTION 1007

For roll calls at the convention, each Affiliate represented shall be entitled to a number of votes equal to the number of the delegates allotted as per Section 1001 and Section 1006. The votes of an Affiliate shall be distributed as evenly as possible among the delegates present at the time of the voting, but votes shall not be fractioned.

SECTION 1008

The election of UNAC/UHCP State Officers and Board of Directors shall be by secret ballot vote. Only those delegates who are present on the Convention floor at the time of the election shall be allowed to vote.

SECTION 1009

When a delegate leaves the Convention, that place in the Convention may be taken by an alternate delegate who has been properly certified by the Affiliate or Council of Affiliates. No other transfer or substitution of voting rights shall be allowed.

SECTION 1010

The Secretary shall furnish the Affiliate with credential forms in triplicate, which must be signed by the Affiliate Co-Chairperson/President and the Affiliate Secretary. The credentials shall certify that the delegates have been duly elected. The original copy of the credentials shall be in the hands of the Secretary at least ten (10) days prior to the date of the Convention. No credentials shall be acceptable after ten (10) days without the consent of the Credential Committee subject to final approval of the Convention.

SECTION 1011

The Credentials Committee shall not transfer votes to any delegates unless authorized by the Affiliate to do so.

SECTION 1012

When a delegate's credentials are to be contested, notice of such shall be sent to the Secretary not later than five (5) days prior to the date of convening the State Convention. A delegate whose credentials are contested may be unseated at anytime during the Convention.

SECTION 1013

Prior to the opening date of any Convention, the Board of Directors shall meet and constitute itself, or a sub-committee, as the Credentials Committee for the State Convention. Appeals from its decisions shall be made to the Convention. The Convention shall not be constituted for business until the Credentials Committee shall have examined and reported on the credentials of all delegates present at the scheduled time of opening.

SECTION 1014

All Affiliate resolutions other than Constitutional Amendments to be considered by the Convention must be adopted by the Affiliate and sent to the Secretary. They must be in the Secretary's hand no later than ten (10) days prior to the convening of the Convention. The Secretary shall submit all Affiliate resolutions and any recommendations of the Board of Directors to the Chairperson of the appropriate committee.

SECTION 1015

Resolutions bearing on differing subjects must be typewritten on separate papers and only on one side of the paper. Resolutions must be properly signed by the President/Co-Chairs and Secretary of the Affiliate submitting such resolution.

SECTION 1016

On questions coming before the Convention a roll call vote shall be taken. The Secretary shall have a roll of accredited delegates prepared and make such other arrangements as will expedite and facilitate the calling of the roll.

ARTICLE XI
NATIONAL UNION (NUHHCE) CONVENTION DELEGATES

SECTION 1101

The number of delegates to the National Union (NUHHCE) Convention shall be determined in accordance with the National Union of Hospital and Health Care Employees Constitution and By-laws.

SECTION 1102

All elected Officers of the State Association, shall be delegates to the National Union Convention during their term of office.

SECTION 1103

Nominations for delegates and alternates will be taken no later than ninety (90) days prior to the National Union Convention and elections will be held no later than sixty (60) days before the National Union Convention of that year.

SECTION 1104

To be eligible to be a candidate for election as a delegate to the National Union Convention a member must have been in good standing for at least one (1) year immediately prior to the election date for Convention Delegates.

SECTION 1105

Delegates to the National Union Convention shall be elected by secret ballot. Delegates must receive a plurality vote of the members voting.

ARTICLE XII
INTERNATIONAL UNION (AFSCME) CONVENTION DELEGATES

SECTION 1201

The number of delegates to the International Union (AFSCME) Convention shall be determined in accordance with the American Federation of State, County and Municipal Employees, AFL-CIO Constitution, Article IV.

SECTION 1202

All elected Officers of the State Association shall be delegates to the International Union Convention during their term of office.

SECTION 1203

Nominations and election of delegates shall be held in accordance with the AFSCME Constitution, Article IV, Sections 11 through 17.

SECTION 1204

To be eligible to be a candidate for election as a delegate to the International Union Convention, a member must have been in good standing for at least one (1) year immediately prior to the election date for Convention Delegates.

SECTION 1205

Delegates to the International Union Convention shall be elected by secret ballot. Delegates must receive a plurality vote of the members voting.

ARTICLE XIII – FINANCE

SECTION 1301

Dues shall be 1.25% of the current Weighted Average Hourly Rate effective immediately and thereafter adjusted at 1.25% after each negotiated wage increase at each affiliate and paid times 173.33 hours per month. Of this amount eighty-six percent (86%) will be paid to the State Association and fourteen percent (14%) will be paid as Affiliate dues. For those Affiliates with membership greater than 250, eighty-seven percent (87%) will be paid to the State Association and thirteen percent (13%) will be paid as Affiliate dues.

SECTION 1302

Dues for Per Diem would be set to a minimum rate of \$1.25 per hour for all hours worked up to a maximum of 20 hours worked in a pay period or one-half of the dues charged to members who work part-time/full-time at the subject affiliate. If an individual works at or above the maximum of 20 hours per pay period and works all 26 pay periods in a year, the last pay period will be refunded. (No individual member will pay more dues than a part-time/full-time member does in a year).

SECTION 1303

An amount not to exceed 2.5 % of regular dues shall be set aside from each member's dues and shall be deposited in the United Nurses Associations of California/Union of Health Care Professionals political action committee fund for the purpose of:

1. establishing standards of quality patient care, patient advocacy, health care professional practice, health care professional education, and health care professional services;

2. promoting and protecting the economic and general welfare of UNAC/UHCP members;
3. electing candidates to public office who support the mission and goals of UNAC/UHCP;
4. promoting and supporting the government relations program as a means to secure and protect the rights of health care professionals;
5. assuming an active and meaningful role as a patient and consumer advocate;
6. protecting and advancing human rights related to health care and health care professional practice;

Unless individual members elect to have the funds go into the general fund.

SECTION 1304

The State Association shall pay the National Union monthly per capita dues, initiation fees, and the Strike and Defense Fund contribution as set forth in the National Union Constitution, Article VII and in accordance with the UNAC/UHCP, NUHHCE Affiliation Agreement dated April 30, 1987.

SECTION 1305

It is recognized that on occasion an Affiliate may not be able to determine the employment status of a particular member for a given month. The Affiliate may elect to send to the Treasurer an amount to be determined by the Executive Council in lieu of full dues assessment, until a determination of the member's status can be made.

SECTION 1306

The amount of dues retained by the Affiliates shall be solely established by the Affiliates, provided the amount is consistent with Article IV, Section 401 and Article XIII, Section 1301 and 1302.

SECTION 1307

Effective January 1, 1989, each new State Association member shall pay a one-time one hundred dollar (\$100.00) initiation fee. Of this amount eighty-five percent (85%) will be paid to the State Association and fifteen percent (15%) will be paid to the Affiliate. The initiation fee can be waived at the discretion of the Board of Directors on the recommendation of the President for reasons they deem justifiable, when in their judgment it will adversely affect membership growth or interest at the Affiliate or for original members of a newly formed Affiliate up to the time the first contract is signed.

SECTION 1308

Any member of State Association, who discontinues paying dues but returns to State Association, as a dues-paying member within six (6) months will be exempt from paying an initiation fee.

SECTION 1309

The State Association shall assume financial responsibilities for legal counsel, accounting, arbitration fees, insurance premiums, and any other financial liabilities that are incurred with the prior approval of the Executive Council.

SECTION 1310

In even years, the annual budget of the State Association shall be prepared under the direction of the Executive Council. A copy of this proposed budget and the preceding year's budget previously

approved by the Executive Council shall be submitted to the delegates thirty (30) days prior to the State Convention.

SECTION 1311

In even years, the adoption of the annual budget, including any amendments thereto, shall be by vote of the State Convention.

ARTICLE XIV – AMENDMENTS

SECTION 1401

Proposed Amendments to the UNAC/UHCP Constitution may be submitted to the State Convention by request of the Executive Council, the Board of Directors, Resolutions Committee, or an Affiliate. All Amendments introduced by an Affiliate shall bear the signatures of at least two (2) elected officers of the Affiliate certifying that the Amendment was approved for submission to the Convention by the policy making body or membership of the Affiliate.

SECTION 1402

Proposed Amendments to the UNAC/UHCP Constitution may be submitted to the State Convention by a signed petition of twenty-five percent (25%) of the membership of any Affiliate in good standing.

SECTION 1403

If a proposed Amendment is to be submitted to the State Convention, it must reach the office of the Secretary at least ninety (90) days prior to the convening of the Convention and must be sent by the Secretary to the Affiliates at least sixty (60) days before the Convention.

ARTICLE XV – REFERENDUM

SECTION 1501

Proposed actions, including Amendments to the UNAC/UHCP Constitution, recall of elected officers, and actions of the State Convention, shall be submitted to a referendum vote under the direction of the American Arbitration Association by order of the Convention, or of the Executive Council, or by request of fifteen (15) or more Affiliates representing not less than fifteen percent (15%) of the members in good standing, or by a petition signed by not less than twenty-five percent (25%) of all members of all the Affiliates. The referendum shall be either:

- A. A vote referred to all members of all Affiliates in good standing, in which case a majority of the votes cast will be decisive, or,
- B. A vote referred to the policy making bodies of all Affiliates in good standing, in which case a two-thirds (2/3) majority of the votes cast shall be decisive.

SECTION 1502

Each Affiliate shall cast the number of votes to which it is entitled according to the State Convention formula provided in Article X, Section 1001. A majority of the votes cast by an Affiliate's policy making body shall commit the total strength of the Affiliate for or against the question.

ARTICLE XVI – DISCIPLINE

SECTION 1601

Affiliates, their Officers or members, and Officers of the State Association, if charged with a violation of the UNAC/UHCP Constitution, malfeasance or misfeasance, shall be notified in writing of these charges and the penalties associated with

substantiation of the charges by the Secretary and Board of Directors by certified mail, return receipt requested, at least ten (10) days prior to the hearing of these charges.

SECTION 1602

Charges of alleged violations shall be accepted by the Executive Council upon written presentation to the Secretary of the specific section of the UNAC/UHCP Constitution violated. The Executive Council shall entertain only those charges submitted by fifteen (15) or more Affiliates representing not less than fifteen percent (15%) of the members in good standing, or a petition signed by not less than ten percent (10%) of all members of all Affiliates.

SECTION 1603

The Executive Council shall act and serve as the trial and appeals body. After exhausting the hearing and appeals process of the State Association, the dissatisfied accused may pursue the appeals procedures in accordance with the NUHHCE Constitution, Article XIII, and the AFSCME Constitution, Article X.

SECTION 1604

In the event the Executive Council finds that an Affiliate Officer or member, or Officer of the State Association has acted in a manner or engaged in a practice which tends to bring discredit to the State Association, or its expressed objectives, after full trial and appeals, the Executive Council may determine judgment and/or penalties as it deems appropriate, and the Council shall thereafter arrange for settlement. Further appeals may be pursued in accordance with the NUHHCE Constitution, and the AFSCME Constitution.

ARTICLE XVII – RESIGNATION FROM MEMBERSHIP

SECTION 1701

Resignation from membership shall not be effective until receipt by the State Association, or Affiliate, of written notice thereof.

SECTION 1702

Notwithstanding the above, it is recognized as follows: The National Labor Relations Act recognizes that by pooling their economic strength and acting through a labor organization freely chosen by the majority, the employees can effectively bargain for improvements in wages, hours and working conditions. Therefore, the State Association has both power to establish the conditions of employment, and the duty to represent all members of the bargaining unit fairly and consistently with its best efforts.

SECTION 1703

It is recognized that the effectiveness of State Associations' activity in the context of a labor dispute, is derived from unity, solidarity, and the mutual reliance by all of the members in the undertaking of each other to abide by a majority strike vote, as determined by the Affiliate membership.

ARTICLE XVIII – TRIALS & APPEALS

SECTION 1801

A member or Officer of an Affiliate charged by any other member of the Affiliate with any offense, constituting a violation of this Constitution, shall, unless otherwise provided in this Constitution, be tried by the Affiliate Executive Board. If the member charged, or proffering the charges, is a member of such board, or if a member of the Affiliate Executive Board is unable to attend the hearing of any reason, then the principle Executive Officer of the

Affiliate shall appoint a disinterested member who is active and in good standing as a substitute. If either the President or Secretary of the Affiliate is charged, or, is proffering the charges, or is unable to attend the hearing for any reason, the other Officer shall appoint the substitute.

SECTION 1802

If both the President and Secretary of the Affiliate are charged or, are proffering the charges, or for any reason are unable to attend the hearing the remaining members of the Affiliate Executive Board shall appoint the substitutes. Charges by, against or involving a majority of the members of an Affiliate Executive Board shall be filed with the Secretary of the State Association for trial by the State Executive Council.

SECTION 1803

Whenever charges are proffered against any member or officer of an Affiliate, the charges shall be filed in writing in duplicate with the Secretary of the Affiliate or the Secretary of the State Association whichever is to try the case. No member or Officer of an Affiliate shall be tried unless such person shall be served by the Secretary of the Affiliate or the Secretary, personally or by registered or certified mail, with a written copy of such charges specifying the nature of the offense of which the member is accused. Thereupon, the accused shall be required to stand trial at the time and place designated which shall not be less than ten (10) working days from the date the charges are served upon the accused. The accused may appear in person, and with witnesses, to answer the charges preferred. The accused may select only a member of the Affiliate for representation in connection with presentation of a defense; and the charging party may select only a member of the Affiliate for assistance in the presentation of evidence in support of the charges. The Affiliate Executive Board shall have the authority to determine the manner of reporting the

proceedings, and shall have the authority to exclude any method not authorized by it. Any charge based upon alleged misconduct which occurred more than one (1) year prior to the filing of such charge is barred and shall be rejected by the Secretary of the Affiliate or the Secretary.

SECTION 1804

A member of one Affiliate shall have the right to file charges against a member of another Affiliate. Such charges must be filed with the Executive Board of the Affiliate of which the accused is a member. The Executive Board may, at its discretion, decline to process the charges. However, a decision of the Executive Board not to process the charges may be appealed in accordance with the provisions of Section 1803.

SECTION 1805

If the charges or any portion thereof are sustained, then the trial body shall render judgment and impose disciplinary action as provided for in this Constitution. If the charges are not sustained, the same shall be dismissed.

SECTION 1806

Charges may be proffered against a suspended member.

SECTION 1807

In the event disciplinary action is taken against the accused, an appeal from the decision of the Affiliate Executive Board may be made to the Executive Council of the State Association. All manner of appeals shall be taken within fifteen (15) days from the date the decision is placed in the mail or otherwise transmitted to the interested parties.

SECTION 1808

The Appellant shall mail a written notice of such appeal to the Secretary. No specific form or formality shall be required except that such notice shall clearly state that an appeal is being taken from the particular decision rendered in a particular case. Appeals shall be heard either on the record made before the trial tribunal, or by a retrial, at the discretion of the Executive Council of the State Association. Decisions on appeal shall be rendered as promptly as possible after the appeal has been heard. The date when an appeal will be considered by the Appellate Body may be fixed by it, but it shall proceed without unnecessary delay. No hearing on appeal shall be held less than ten (10) working days from the date on which notice of the hearing has been served upon the parties, unless all parties agree to waive this requirement. Notice of the date when the appeal will be heard shall be served personally or by registered or certified mail on the parties interested in the particular case, and such parties may, at the discretion of the Appellate Body, be accorded the right to appear before the State Executive Council and present argument on the case.

SECTION 1809

If a member of the Executive Council of the State Association is involved in a case as a party or witness, or is unable to attend the hearing for any reason, a substitute shall be appointed by the President of the State Association.

SECTION 1810

Failure of any interested party in any case to appear before the Affiliate Trial Board or the Executive Council at the time and place designated in the notice, shall constitute a waiver of appearance and the trial shall proceed or the appeal shall be heard regardless of the absence of such party. If the charging party fails to appear

in person and/or present evidence before the Trial Board of the Executive Council on the date set for trial or hearing, the charges shall be dismissed. Such dismissal shall constitute a final adjudication from which there can be no appeal, and after such dismissal, the accused may not be retried on the same charges.

SECTION 1811

Any party to a case regardless of whether such party is the accused or not being aggrieved of a decision rendered in the case shall be entitled to the same rights of appeal as are hereinbefore provided for the accused.

SECTION 1812

The charging party, the accused and the Affiliate Executive Board may select only a member of the Affiliate to represent them at a hearing conducted before the Executive Council of the State Association.

SECTION 1813

The basis for charges against members, officers or Affiliates for which they or it shall stand trial shall consist of the following:

- A. Violation of any specific provision of the Constitution or failure to perform any of the duties specified there under.
- B. Embezzlement.
- C. Secession or fostering the same.
- D. Repeatedly filing non-meritorious charges in order to harass or vex any other member.
- E. Conduct that interferes with the State Association or Local Affiliate's performance of its legal or contractual obligations.

SECTION 1814

Decisions and penalties imposed upon individual members, officers or Affiliates found guilty of charges may consist of reprimands, suspensions, expulsions, revocations, denial to hold any office permanently or for fixed period, or commands to do or perform or refrain from doing or performing specified acts.

SECTION 1815

In the event of noncompliance with the decision handed down by the Trial Board or Executive Council, the member, officer, or Affiliate shall stand suspended from all rights and privileges under this Constitution until the provisions of the decision have been complied with, unless the Board of Directors of the State Association has stayed the effectiveness of the decision pending appeal. If, however, the decision carries with it an order of expulsion, then such order of expulsion shall immediately take effect, unless the Board of Directors of the State Association has stayed the effectiveness of the decision pending appeal.

SECTION 1816

Any expelled member may be subsequently reinstated to membership in the Affiliate from which expelled, or to acquire membership in another Affiliate, only by the action of the Executive Council.

SECTION 1817

The Executive Council of the State Association may send a case back to the Affiliate Trial Board for further hearing, production of additional testimony, or for further consideration with or without such further hearing.

SECTION 1818

Upon exhausting the hearing and appeals procedure in accordance with Article XVI and XVIII, a dissatisfied accused may pursue the appeals procedures in accordance with Article XIII of the NUHCE Constitution, and with Article X of the AFSCME Constitution.

ARTICLE XIX – TRUSTEESHIP

SECTION 1901

If the President has or receives information which leads the President to believe that the affairs of an Affiliate are not being conducted so as to assure the performance of its collective bargaining responsibilities, or that the Affiliate is unable to properly discharge its other duties of a bargaining representative, or that the affairs of the Affiliate are being conducted in a dishonest or corrupt manner or financial malpractice, or that the Affiliate is not carrying out the legitimate objects of the State Association, the President may appoint a temporary Trustee to take charge and control of the affairs of the Affiliate; provided, that before the appointment of such a temporary Trustee, the President shall set a time and place for a hearing for the purpose of determining whether such temporary Trustee shall be appointed.

SECTION 1902

The President shall appoint a panel composed of at least three uninvolved members or employees of the State Association. The President shall give the affected Affiliate notice of the reason for appointment of the temporary Trustee at least ten (10) days prior to the beginning of the hearing. The panel shall make its recommendation to the Executive Council within thirty (30) days of the close of the hearing, and the Executive Council shall make the decision in the case at its next regularly scheduled meeting following receipt of the panel's recommendation or at a special

session of the Executive Council called in accordance with the provisions of Article VIII, Section 813 of this Constitution. The affected Affiliate may participate in and cast its vote in the Executive Council on the issue of its trusteeship.

SECTION 1903

When, in the judgment of the President, an emergency exists within the Affiliate, the temporary trustee may be appointed prior to a hearing on the appointment of the Trustee, but such hearing shall then commence within twenty (20) days of the appointment of the temporary Trustee, the recommendation of the panel shall be made within twenty (20) days of the close of the hearing, and the decision of the Executive Council shall be made at the next regularly scheduled meeting or at a special session called in accordance with the provisions of Article VIII, Section 813 of this Constitution. If at the time of the Executive Council determination, the temporary Trustee has removed any or all officers of the affected Affiliate, the participation of said Affiliate and its vote on the issue of its trusteeship alone shall be determined in accordance with the officers and procedures in effect prior to their removal by the Trustee.

SECTION 1904

An appeal from the trusteeship decision of the Executive Council may be taken only to the biennial Convention of the State Association, and only the affected Affiliate may take such appeal. The affected Affiliate may not participate in the Convention other than to raise, but not vote on, its appeal.

SECTION 1905

The Trustee shall be authorized and empowered to take full charge of the affairs of the Affiliate, to remove any or all Officers and appoint temporary Officers at any time during the Trusteeship, and

to take such other action as is necessary in the Trustee's judgment for the preservation of the Affiliate and its interests. The terms of office of Officers so removed shall terminate as of the date of removal.

SECTION 1906

The removed Officers shall turn over all monies, books and properties of the Affiliate to the Trustee, who must receipt for the same.

SECTION 1907

The Trustee shall report to the President in writing at least every six (6) months concerning the affairs and transactions of the Affiliate and containing the recommendation of the Trustee concerning whether the Trusteeship should be continued or terminated.

SECTION 1908

The President may remove any Trustee at any time and may appoint successor Trustees.

SECTION 1909

The affected Affiliate may petition the President to be removed from Trusteeship and returned to self-government.

SECTION 1910

The Executive Council, in its discretion, may decide to relieve the Affiliate in Trusteeship and/or the membership of said Affiliate, from payment of dues or fees to the State Associations; and other provisions of this Constitution to the contrary notwithstanding.

SECTION 1911

When it is determined by the President or the Executive Council that the Trusteeship should be terminated and self-government be restored to the Affiliate, the Trustee shall schedule an election for the governing body and/or officers of the Affiliate; any other provisions of the Affiliate's rules or this Constitution to the contrary notwithstanding. The Trustee shall install the persons elected in said election upon the direction of the President, and upon their installation, the Trusteeship shall terminate. The Trustee shall return all funds, papers, property and books to the appropriate officers of the Affiliate. The terms of the newly elected officers shall last until the next election called for by the governing rules of the Affiliate.

ARTICLE XX – STANDING COMMITTEES

SECTION 2001

The standing committees of the State Association shall be:

- A. State (UNAC/UHCP) Convention Committee
- B. Financial Control Committee
- C. Investigative Committee
- D. Grievance Committee
- E. Legislative and Political Endorsement Committee
- F. Nominating Committee
- G. Historical Committee

SECTION 2002

Each Standing Committee shall be composed of five (5) members in good standing, appointed by the incoming President who shall further designate the chairperson, provided it has not been designated herein.

SECTION 2003

Membership on Standing Committees shall be for two (2) years.

SECTION 2004

The State (UNAC/UHCP) Convention Committee shall be charged with making arrangements for the annual State Convention. It shall establish such sub-committees as may be deemed necessary to accomplish its mission.

SECTION 2005

The State (UNAC/UHCP) Convention Committee shall make reports to the Executive Council on proposed plans and progress. A final report shall be submitted to the Executive Council sixty (60) days prior to the convening of the State Convention.

SECTION 2006

The Financial Control Committee shall be chaired by the Treasurer. Its membership shall reflect as far as practical the geographic areas the State Association embraces.

- A. The Financial Control Committee shall meet monthly. A quorum of three (3) members, including the chairperson, shall be necessary for it to conduct its functions.
- B. The Financial Control Committee shall review and approve:
 - 1) All expense accounts.
 - 2) All investments of the State Association real or personal.

- 3) All financial transactions undertaken by the State Association.
- 4) The annual budget of the State Association

SECTION 2007

When the President determines that the need has arisen, the President shall reconvene the Investigative Committee to ensure that the operations of the State Association are in compliance with the State Constitution.

- A. Members of the Investigative Committee may attend all meetings of the State Association and its committees.
- B. All files and records of the State Association shall be made available to the Investigative Committee upon request.
- C. The Investigative Committee may submit reports on any matter it considers pertinent to the well-being of the State Association.

SECTION 2008

The Legislative and Political Endorsement Committee shall be charged with keeping current on targeted candidates running for elective office in California chosen because of their commitment to the principles expressed herein previously in Section 1303 Numbers 1-6 and legislation on health care professionals, and shall make a report, recommending endorsements to elective offices in California, to the Board of Directors and the Executive Council.

SECTION 2009

The Grievance Committee shall review all discipline and discharge grievances that have been appealed to arbitration and submit its recommendations to the Board of Directors.

SECTION 2010

All delegates to the State Convention shall be given the opportunity to nominate candidates. The Nominating Committee shall be charged with the responsibility of preparing slates of candidates for State Association Offices at the State Convention. The Nominating Committee shall further be charged with the conduction of the election at the Convention and shall perform the official vote tabulation for said elections. It shall be the additional responsibility of the Nominating Committee to arrange for the installation of the newly elected Officers of the State Association.

SECTION 2011

The Historical Committee shall be charged with maintaining a history of the State Association from its inception and the major events relative to its growth. This history shall be maintained in the State Association Office.

ARTICLE XXI – PARLIAMENTARY AUTHORITY

SECTION 2101

The rules in Sturgis Standard code of Parliamentary Procedure shall govern the State Association in all cases to which they are applicable and in which they are not inconsistent with this Constitution or any special rules of order which the State Association may adopt.

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UNITED NURSES ASSOCIATIONS OF CALIFORNIA/
UNION OF HEALTH CARE PROFESSIONALS
NUHHCE, AFSCME, AFL-CIO

<u>PRESIDENTS</u>	<u>TERM OF OFFICE</u>
1 st Janet F. Platz, RN	May 1972 to January 1974
2 nd Madama M. Coles, RN	February 1974 to December 1976
3 rd Kathy J. Sackman, RN	January 1977 to December 2010
4 th Ken Deitz, RN, BSN	January 2011 to Present

HOW TO CONTACT UNAC/UHCP

STATE OFFICES

955 Overland Court, Suite 150
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PHONE: 909-599-8622 or 800-762-5874
FAX: 909-599-8655

WEBSITE: **UNACUHCP.org**

SAN DIEGO OFFICES

5030 Camino de la Siesta, Suite 306
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PHONE: 619-280-5401
FAX: 619-280-7406

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