

# Constitution of the UNAP Local 5086

*Amended October 28, 1999*

*Amended June 5, 2001*

*Amended November 5, 2002*

*(Note: 5087 Constitution adopted on May 13, 2002 incorporated into 5086 Constitution with November 5, 2002 amendments)*

*Amended April 20, 2004*

*Amended April 13, 2011*

*Amended September 29, 2014*

*Amended May 9, 2022*

## **ARTICLE I: NAME**

This organization shall be known as the United Nurses & Allied Professionals, Local 5086, an affiliate of UNAP.

## **ARTICLE II: OBJECTIVES**

**Section 1.** To provide an effective collective for bargaining representation.

**Section 2.** To improve the standards for healthcare employees by advancing their economic status, by promoting better preparation via improvements in basic education programs, by encouraging and supporting continuing education, and by securing the working conditions foundational to the most effective delivery of healthcare and the best performances by our members and colleagues.

**Section 3.** To promote the welfare of health care consumers by providing progressively better access to, and utilization of, health care resources in this country.

**Section 4.** To address and combat all forms of bias in healthcare delivery including (but not limited to) those due to race, creed, age, gender, gender preference, sexual preference, national origin, disability, and social, political, or economic status.

**Section 5.** To promote local participation in community health, health systems, agencies, as well as any other regulatory body affecting the delivery of healthcare.

**Section 6.** To work for passage and retention of just laws which will improve the social climate for healthcare consumers, nurses, allied health professionals.

## **ARTICLE III: MEMBERSHIP**

**Section 1.** All non-supervisory employees of the Brattleboro Retreat specified in NLRB certification, case # 1-RC-21455 and 1-RC-21034, are eligible for membership.

**Section 2.** Supervisory personnel shall not be eligible for, or obtain, membership. Members who are promoted to positions with or above the rank of supervisor or manager are automatically removed from membership on the effective date of the promotion.

**Section 3.** Avant Nursing and traveler agency staff members, including but not limited to those employed as Behavior Health Technicians and Nurses, shall not be eligible for or obtain membership without becoming direct, non-supervisory employees of the Brattleboro Retreat. However, Union Core Staff, Floats and Per Diems shall work in concert with these other staff in a spirit of cooperation for the advancement of safety and well-being of patients and staff.

**Section 4.** No discrimination shall ever be shown toward individual members or applicants for Local membership because of race, creed, political activities or beliefs, sex, age, sexual preference, economic status, national origin or disability.

#### **ARTICLE IV: OFFICERS**

**Section 1.** The following officers shall be elected biennially in even numbered years by this Union, each an employee of the Brattleboro Retreat as specified in NLRB certification, case # 1-RC-21455 and 1-RC-21034:

- a) Two (2) Presidents, one being drawn from each unit whenever circumstances permit
- b) Two (2) Executive Vice Presidents, one being drawn from each unit whenever circumstances permit
- c) One (1) Treasurer
- d) One (1) Recording Secretary

**Section 2.** The Presidents and Vice Presidents shall be elected by their constituency groups within the individual units.

**Section 3.** Membership in good standing for at least one (1) year after post-probationary retention as a non-supervisory employee of the Brattleboro Retreat as specified in NLRB certification, case # 1-RC-21455 and 1-RC-20134 is required to hold Local office except during the first three (3) years after chartering this Local.

**Section 4.** Members in good standing shall include any person who has fulfilled the requirements for membership with this Local, and who neither has voluntarily withdrawn from membership nor has been expelled or suspended from the membership after appropriate proceedings consistent with lawful provisions of the constitution and bylaws of such organization. As well, a member in good standing shall be current with their union dues.

**Section 5.** An Election Committee shall be made up of at least two (2) interested, non-candidate members. This should include one (1) member from each unit whenever possible. Members of the Election Committee shall be considered qualified to serve as Proctors for the election.

**Section 6.** Elections shall be held by secret ballot during the month of June in even-numbered years beginning in the year 2002. Notice of any impending election shall be sent by mail and/or

email and received by the membership at least fifteen (15) days prior to the date of the election. A reasonable nomination period of no less than fourteen days shall precede the election, and petitions signed by at least 5% of the members in the relevant program, area, unit or department must accompany the paperwork requesting nomination. Candidates receiving plurality shall be elected. The Election Committee will install candidates immediately upon certification of the election results by the Proctors.

**Section 7.** In the event of a vacancy in either section's presidency, the Executive Vice President of the same section shall assume the office of that section's President for the remainder of the unexpired term. If either unit's presidency should become vacant without a succeeding and willing Executive Vice President, the remaining unit's President may act as interim President for the remainder of the unexpired term or until a special election is called to elect a qualified candidate, whichever comes first. If both presidential positions become vacant and no succeeding and willing Executive Vice President is available, a Special Election shall be called by the Executive Council to fill at least one presidential office within days, with any remaining Executive Vice President assuming necessary presidential duties in the interim until the Special Election results are certified.

**Section 8.** Vacancies in any other office shall be filled by the Executive Council.

## **ARTICLE V: DUTIES OF OFFICERS**

**Section 1.** The Presidents shall:

- a) preside at all meetings of the Union and of the Executive Council
- b) be ex-officio members of all committees (except the Audit Committee and the Constitution Review Committee)
- c) sign all necessary papers and documents on behalf of 5086 including the annual registration of the Local with the U.S. Department of Labor.
- d) represent the Union when and where necessary
- e) co-author and make a report to the membership at least once each year summarizing the accomplishments of the Union and outlining plans for next year
- f) communicate regularly to the Local membership at large in regards to ongoing negotiations

This list of duties shall not exclude any other duty deemed necessary and assigned by due vote of the Executive Council with the President in attendance and agreement.

**Section 2.** The Executive Vice Presidents shall:

- a) perform all duties of the Presidents in the absence of those officers
- b) be charged with the responsibility of ensuring that the collective bargaining goals of the Union are carried out on behalf of their constituent members
- c) assist the President in handling matters of mutual concern to Union members including, but not limited to, communicating on the status of ongoing negotiations

**Section 3.** The Recording Secretary shall:

- a) issue all notices of meetings
- b) answer correspondence to the President and the Executive Council
- c) record the minutes of the Executive Board and of general membership meetings
- d) be Chairperson of the Communication Committee
- e) maintain and update the membership roll at least quarterly, communicating any such updates to UNAP's central offices.
- f) issue notices of delinquency

**Section 4.** The Treasurer shall:

- a) receive, record, and deposit in the name of the Union all monies from dues and all other sources
- b) issue receipts for payments
- c) pay all authorized dues and contributions on behalf of 5086 to UNAP at large
- d) be Chairperson of the Budget Committee
- e) present a written report of finances available to all members once a year
- f) pay all bills authorized by the adopted budget, retaining vouchers or invoice for the same
- g) present to the Executive Council for authorization expenses not authorized by the budget
- h) submit the fiscal documents to UNAP and its financial representative necessary for this Local to be registered with the U.S. Department of Labor

**ARTICLE VI: THE EXECUTIVE COUNCIL**

**Section 1.** The Executive Council shall consist of the following:

- a) All elected officers
- b) Unit Representatives

**Section 2.** The Executive Council shall administer the policy of this Union as set by the membership at regular membership meetings. It shall have the power to act for the good of the Union in emergency situations where policy cannot be set by the membership.

**Section 3.** The Executive Council shall be chaired by the Presidents of the Union.

**Section 4.** The time and place of Executive Council meetings shall be set by the Executive Council and revised as necessary. Any revisions will then be communicated to the membership at large before these changes are enacted.

**Section 5.** The Executive Council shall have the power to employ all personnel including an executive secretary, additional clerical help, and other persons on a full or part-time basis as may be determined by the needs and finances of the Union.

**Section 6.** The Executive Council shall have the power 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 Union purposes at such rates of interest and terms and conditions as they may deem

appropriate; to invest some portion of fiscal assets remaining after obligations are satisfied in order to preserve their real value for future labor actions; to issue notes, bonds, and other obligations; and to secure any of its obligations by mortgage, pledge, or deed of trust of all or any of its property and income.

**Section 7.** The Executive Council shall report its activities at each general membership meeting.

## **ARTICLE VII: UNIT REPRESENTATIVES**

**Section 1.** Unit Representatives for the groups listed below shall be elected by members in their respective programs biennially in even-numbered years beginning in the year 2002, by the members in good standing of the Union in each program. The programs are defined as each individual treatment program plus special area departments. Members who work in more than one program shall have their membership counted in one program in which they work and of their choice.

- a) Osgood 1
- b) Osgood 2
- c) Osgood 3 (if active)
- d) Tyler 1 (if active)
- e) Tyler 2
- f) Tyler 3
- g) Tyler 4
- h) Linden Lodge
- i) Residential (including ARCC)
- j) A&E (including the Clinic)
- k) Pharmacy
- l) MHW Floats/Per Diems
- m) RN Floats/Per Diem
- n) HIM (Health Information Management)
- o) UR
- p) Switchboard/Transportation
- q) Social Workers/Therapists/AMBCC
- r) Birches
- s) Starting Now (including, if active, the HUB, MAP and SPOKE Programs)
- t) Unit Clerks, Program Assistants, and Administrative Assistants

**Section 2.** The duties of the unit Representatives shall include being a member of the Executive Council and representing their constituency in all of the activities engaged in by the Union at the direction of the President.

**Section 3.** Duly elected unit representatives shall serve a two-year term.

**Section 4.** Elections shall be held by secret ballot during the month of June in even-numbered years beginning in the year 2002. Notice of the election shall be sent by mail and/or email and

received by the membership at least fifteen (15) days prior to the date of the election. A reasonable nomination period shall precede the election and petitions signed by the smaller of either ten (10) members or 30% of their group's membership must accompany all nominations. Candidates receiving plurality shall be elected. The Election Committee installs candidates immediately upon certification of the election results. All duly nominated, non-contested candidates in good standing shall be installed at the next Executive Council Meeting.

**Section 5.** If a unit representative position becomes vacant, a special election shall be held for the members of that program by their request. If such a request is not made, the position may be filled with a member of that program by the executive council until the next general election, at which time the position may be contested.

## **ARTICLE VIII: COMMITTEES**

**Section 1.** The following special committees shall be established as deemed necessary to the proper functioning of the Local by the Executive Council. The Executive Council will assign duties and apportion powers as necessary to fulfill the objectives of special committees.

- a) Audit Committee
- b) Nominations & Elections Committee
- c) Negotiating Committee
- d) Constitution Review Committee

**Section 2.** The following standing committees shall be active in this union on a permanent basis.

- a) A Grievance and Arbitration Review Committee, which shall be comprised of three (3) members, at least one (1) of whom will be drawn from employees specified in NLRB certification, case # 1-RC-21455 and at least one of whom will be drawn from employees specified in NLRB certification, case # 1-RC-21034. These members shall review all grievances and ensure the grievance process is executed in accordance with Article IV of the contract. This body will review all grievances unable to be resolved by step three of the grievance process and decide whether or not to bring such grievances to arbitration.
- b) A Budget Committee, which shall be comprised of at least three (3) members, one of whom shall be the Treasurer. If openings on this committee exist, the Treasurer or other remaining member(s) shall carry out the duties of the committee in consultation with the Executive Council until these openings are filled.
- c) A Communication Committee, which shall be comprised of at least three (3) members, one of whom shall be the Recording Secretary. If openings on this committee exist, the Treasurer or other remaining member(s) shall carry out the duties of the committee in consultation with the Executive Council until these openings are filled.

**Section 3.** The Chair of each committee shall be a member of the Executive Council whenever possible taking into consideration any constraints due to available membership and necessary experience.

## **ARTICLE IX: DUTIES OF THE COMMITTEES**

### **A. SPECIAL COMMITTEES**

**Section 1.** The Audit Committee shall be composed of three to five members. The Treasurer and Presidents are prohibited from serving on this committee. The Audit Committee shall review the Treasurer's books and yearly Financial Report. They shall present their annual report to the membership.

**Section 2.** The Election Committee shall conduct all elections in accordance with Article IV of this constitution.

**Section 3.** The Negotiating Committee shall be composed of the unit Presidents, Executive Vice Presidents, and such other members as may be necessary to negotiations subject to the approval of the Executive Council. The Negotiating Committee shall survey the Local membership and prepare and substantiate contract proposals. It shall negotiate these proposals, as well as any proposals and Memos of Understanding made by the Brattleboro Retreat, and communicate the nature and results of such negotiations to the Executive Council and general membership for review previous to final agreements.

**Section 4.** The Constitution Review Committee shall oversee all changes to the Constitution in order to ensure that the Constitution remains accurate and reflects the needs and circumstances of the membership at large at the time of revisions.

### **B. STANDING COMMITTEES**

**Section 1.** The Grievance and Arbitration Review Committee shall act on all grievances. Acting as the Grievance Committee, the committee members shall coordinate with the Communication Committee to help assure the nature, process, and resolution of any formal grievances will be widely publicized and understood. Acting as a fully staffed Arbitration Review Committee, the Committee shall be made up of two (2) sub-committees, each containing three (3) members: a President and two (2) other members from that President's unit. In this situation each sub-committee shall review all post Step 3 (three) grievances for the unit they represent and decide whether or not to bring such grievances to arbitration. If, due to external circumstances, only enough members are available to constitute a single sub-committee, the Executive Council shall make a sustained effort to assure that both units are represented on the sole committee, including drawing from its own membership for volunteers as needed as well as publicizing the need for volunteers from the general membership.

**Section 2.** The Budget Committee shall prepare a budget for adoption by the membership at least one (1) month prior to the beginning of the next fiscal year. The fiscal year shall be July 1 through June 30 of the succeeding year.

**Section 3.** The Communication Committee shall pass relevant information, including the time and location of meetings and elections, to Local members once such dispersal has been approved by the Executive Board. Means of communication should include Bulletin Boards, websites, and Union email.

## **ARTICLE X: MEETINGS**

**Section 1.** The time and place of meetings shall be fixed by the membership. Special meetings will be fixed by the Executive Council.

**Section 2.** There shall be at least one (1) membership meeting per calendar quarter and additional membership meetings may be held as needed.

**Section 3.** A quorum shall consist of two (2) percent of the total membership in attendance over all the scheduled meetings dealing with the same agenda.

**Section 4.** Membership meeting notices shall be posted at least 14 days prior to the meeting on all union bulletin boards as well as being communicated via all-membership emails.

**Section 5.** A Unit or the Unit Presidents will call and serve as the Chair for all meetings. They shall start and end meetings, recognize speakers, interpret motions, oversee votes, and guide the meeting.

## **ARTICLE XI: FINANCE**

**Section 1.** Regular dues shall be equal to the total amount of dues required by affiliates (UNAP entire) plus local dues. After consulting the Budget Committee, the Executive Council shall draft proposals for changes in local dues. These changes may be enacted after a majority vote in a regular membership meeting.

**Section 2.** Additional finances may be obtained by various fund-raising activities.

**Section 3.** Expenditures over \$50.00 by any member other than the Treasurer or their Council-appointed emergency substitute must be approved beforehand by the Executive Council or they will not be recompensated.

**Section 4.** The Treasurer, Finance, and Audit Committees shall take annual actions to secure the fiscal probity and security of the Local's assets. Such actions shall include, but not be limited to, bonding the Officers of the Local, maintaining more than one signatory upon all accounts containing fiscal assets whenever possible, and reporting to the Executive Council upon the successful submission of the financial documents from the Local required for annual recertification of the Local with the U.S. Department of Labor.

**Section 5.** After final approval, the annual proposed budget of the Local, as well as the actual fiscal results of the previous year's finances, shall be made available to current Local members in good standing upon request. Such requests may be vetoed only by a supermajority (two-thirds,



rounded down) vote of the Executive Council or by evidence being presented to the Council that the requestor is not a member in good standing.

## **ARTICLE XII: RULES OF ORDER**

**Section 1.** Robert's Rules of Order, Revised, shall govern in all cases involving due process during meetings that are not covered by this Constitution or by the By-laws of this Local.

**Section 2.** Local governance shall always uphold the Roberts Rules principles of equal rights, privileges, obligations, and voting power for all members, most especially in the following two regards:

- a) Decision-making shall permit full, free, and respectful discourse regarding every motion.
- b) Members who do not vote will, through this choice, be allowing decisions about the topic being voted upon to be made by those members who do vote.

## **ARTICLE XIII: AMENDMENT**

**Section 1.** This constitution may be amended as follows:

- a) The proposed amendment shall be mailed and/or emailed to the general membership or submitted at any regular membership meeting and read to the assembled members.
- b) A three-fourths (75% rounded down) affirmative vote of those present at a membership meeting held within six (6) weeks after the proposed amendment(s) was/were sent to the membership shall be sufficient to adopt the amendment.

**Section 2.** By-laws shall be submitted at any regular membership meeting and read to the assembled members. A majority vote (show of hands) is necessary for their adoption.

## **ARTICLE XV: AVAILABILITY OF CONSTITUTION**

Copies of this Constitution in its latest revision shall be available for any member of this Union upon request to the Secretary.

## **ARTICLE XVI: AFFILIATION**

This organization shall be affiliated with the United Nurses and Allied Professionals.