

By-Laws of SEIU/District 1199 The Health Care and Social Service Union

Article 1 Name and Affiliation

Section 1 – This organization shall be known as SEIU/District 1199, The Health Care and Social Service Union, (herein referred to as “SEIU/District 1199” or “District”).

Section 2 – As provided by the International Union Constitution, SEIU/District 1199 WV/KY/OH was created by issuance of a certificate of affiliation to it by the International Union, District 1199 is consequently an inseparable part or segment of the International Union.

Article II Jurisdiction

The jurisdiction of the District shall extend to employees of medical centers, hospitals, nursing homes, research institutions, pharmacies, similar related or comparable institutions, and other health care and social service facilities and agencies, and public employees, and shall embrace all professional, technical, clerical, service and maintenance and all other employees in the health care field and public sector, and shall also include all higher education, library and Head Start agencies.

The geographical jurisdiction of the District shall encompass the States of West Virginia, Kentucky, Ohio and adjoining areas.

Article III Aims and Purpose: Guiding Principles

Section 1 – Objects

The objects of the District are:

- a) To organize and unite all employees within its jurisdiction without regard to race, color, sex, age, religion, national origin, political belief or affiliation, or sexual orientation.
- b) To promote for its members higher wages and improved working conditions; to promote and safeguard the economic and work-life interests of its members and their families.
- c) To educate the workers in Trade Union principles; to maintain, preserve and extend the democratic process and institutions of our country; to advance, defend and protect civil liberties and the rights of all; to eliminate all forms of discrimination and prejudice and to aid in the adoption of legislation in the interest of its members and for the well-being of the people generally.
- d) To protect and advance the technical and professional status of its members; to aid and encourage members to acquire greater knowledge and skill in the health care field and to help achieve high quality health care for all people regardless of the economic status.

Section 2 – Guiding Principles:

- a) The policy of the District and its methods of operation shall be such as to facilitate and stimulate the broadest possible rank and file participation in the formulation and execution of the program of the District and to encourage development of the most effective leadership.

- b) There shall be full respect for all differences of opinion, and all members shall have full freedom of expression.
- c) Majority rule as provided by these By-Laws shall prevail and all members shall be bound by, respect and support the decision of the majority.
- d) Robert's Rules of Order shall control the conduct of all membership meetings, except as otherwise provided by these By-Laws.

Article IV District Officers

Section 1 – District President

- a) The President of the District shall function as the Chief Officer of the District. He or she shall coordinate and administer all of the affairs and activities of the District, subject to the approval of the Executive Board. The President's decision shall be binding between meetings of the Executive Board and thereafter unless reversed by the Executive Board.
- b) Subject to the approval of the Executive Board, the President shall appoint organizers for the District. He shall fix salaries of all personnel, with the approval of the Executive Board.
- c) The President shall preside at all membership meetings, or may designate such authority to preside to any other officer.
- d) The President is authorized to appoint committees and representatives not otherwise provided for, subject to approval of the Executive Board.
- e) The President shall be a member of the Executive Board.
- f) The President shall sign all official documents.
- g) The President shall have the right to subdivide the District into appropriate areas for proper and efficient administration of the District.
- h) The President shall sign all collective bargaining agreements on behalf of the District or may designate someone else to do so.
- i) The President shall have the power, jointly with the Secretary-Treasurer or a Vice President to sign checks, promissory notes and other instruments for the payment of money issued against the accounts of the District.
- j) The President shall have the power to make disbursements as may be required by the needs of the District.
- k) The President shall be responsible for, direct and be in charge of collective bargaining on behalf of the District.
- l) The President may be salaried.
- m) The President shall have the authority to take such legal action as is deemed necessary to protect and effectuate the interests of the District, its members, officers, or employees, including the initiation, prosecution and defense of lawsuits, administrative proceedings, and arbitrations; and the settlement or compromising of any claim whether defended or prosecuted; or authority to abstain from enforcing any claim. The President may, if he deems it warranted, seek the authority and guidance of the Executive Board or its delegated representatives in the prosecution or defense of any claim.
- n) In the event of the death or disability of the President, the Executive Board shall meet and appoint an interim President to serve until the next election.

Section 2 – Secretary Treasurer

- a) The Secretary-Treasurer shall be responsible for, direct and be in charge of organizing on behalf of the District.
- b) The Secretary-Treasurer shall assist the President in the administration of the District.
- c) The Secretary-Treasurer shall be the chief financial officer of the District and shall make payments from District Funds.
- d) The Secretary-Treasurer shall maintain and preserve proper books and records of the finances, accounts, assets and disbursements of the District, which shall be subject to

- inspection and examination upon request by the Executive Board of the District and/or the President of the International Union.
- e) The Secretary-Treasurer shall be in charge of, preserve and maintain for safekeeping all monies and properties, securities and other evidences of investment, received by, held or in possession of the District.
 - f) The Secretary-Treasurer shall prepare and submit an annual financial report and such other additional reports as the Executive Board of the District and/or President of the International Union may require.
 - g) The Secretary-Treasurer shall submit all books and records of the District for audit, examination and inspection each year, and at such other times, as the Executive Board of the District and/or President of the International Union may require.
 - h) The Secretary-Treasurer shall prepare and submit an annual budget for the District to the Executive Board.
 - i) The Secretary-Treasurer shall also perform other duties as may be assigned by the President or the Executive Board.
 - j) The Secretary-Treasurer shall be a member of the Executive Board.
 - k) The Secretary-Treasurer may be salaried.

Section 3 – The Vice Presidents

- a) The Vice Presidents shall assist the President and shall preside at meetings in the absence of the President or whenever directed by the President to do so.
- b) The Vice Presidents shall assist in administrative duties of the District, and shall help in the ongoing organizing of new members.
- c) The Vice Presidents at the discretion of the President and the Executive Board shall speak on behalf of the District, shall be responsible for improving community relations of the District and shall be responsible for the legislative and political activities of the District.
- d) The Vice Presidents shall be members of the Executive Board.
- e) The Vice Presidents may be salaried.
- f) The Vice Presidents shall be responsible for the proper performance of their duties to the President, to the Executive Board, the Delegate Assembly and the membership.
- g) One Vice President shall be a Registered Nurse, elected by the total District membership, who shall chair the District 1199 Nurse Council. One Vice President shall be from West Virginia. One Vice President shall be from Kentucky. One Vice President shall be from Ohio. One Vice President shall be from the Ohio State Chapter. One Vice President shall be from a Chapter representing employees in Library, Higher Education and Head Start Agencies. One Vice President shall be from a chapter representing public school district employees or local government employees not otherwise enumerated above. These Vice Presidents shall be elected by the membership of their state, or Chapter or designated jurisdiction.

Section 4 – The Executive Vice Presidents

- a) There shall be a minimum of two Executive Vice Presidents which shall, commencing with the next District-wide elections subsequent to adoption of this provision, be elected by the total membership of the District. The Executive Vice President shall be full time positions with the District, with duties assigned by the President consistent with these By-Laws.
- b) The President, the Secretary-Treasurer, the Executive Vice Presidents and the Vice Presidents shall make up the Executive Committee of the District. The Executive Committee shall perform such functions as are requested by the President or are delegated by the Executive Board.

Section 5 – Establishment of Additional Vice President and Executive Vice President Positions:

In order to facilitate affiliations, mergers, and organizational changes within the District, the President shall have the authority, subject to approval of the Executive Board, to

create additional Vice President or Executive Vice President positions and shall have the authority, with the approval of the Executive Board, to make interim appointments to such positions pending the next subsequent election of District Officers.

Section 6 – Executive Board:

- a) The Executive Board shall consist of all the officers of the District and one member for every Chapter. Chapters of 250 members or a major fraction thereof shall elect an additional member to the Executive Board, and an additional member for each additional 250 members or major fraction thereof. The Retiree Chapter shall be considered a District Wide Chapter represented by three (3) Executive Board Members; one (1) elected by retirees from West Virginia; one (1) elected by retirees from Kentucky and one (1) elected by retirees from Ohio.
- b) The Executive Board shall meet quarterly, with a minimum of two quarterly meetings a year being held in a single, central location. Remaining quarterly meetings may be held in separate regional sessions in a manner to be determined by the Board. The President and Secretary-Treasurer will, to the extent practicable, rotate their attendance at the regional Executive Board meeting according to the published schedule of rotation. When the Executive Board is not in session and the President deems it necessary for the Executive Board to act promptly, the Secretary-Treasurer or his designee shall poll the Executive Board, and such action or vote may be taken by letter, telephone, email, facsimile or other appropriate means of communication. Such action shall be taken on vote of the majority of the Executive Board shall constitute official action.
- c) The Executive Board shall have the following rights and powers:
 1. To receive and act upon reports of officers and other District Representatives.
 2. To approve and authorize through the adoption of an annual budget the disbursement of such funds of the District as in its discretion may be required for organization and administration purposes in order to promote the aims and objectives of the District, and to receive from the President or Secretary-Treasurer at each regular meeting of the Executive Board an un-audited report of necessary adjustments within the budget; to approve adjustments to the District's salary schedule; and to approve the disbursement of such additional non-routine or extraordinary expenditures as may be required to promote the goals of the District.
 3. To invest and reinvest the funds of the District in such property, real or personal, tangible or intangible, as it shall consider prudent, necessary and desirable in the interest of the District and its members.
 4. To appoint Trustees or alternates of all trust funds established by the District or in which it has an interest that may be appropriate and required.
 5. To interpret the By-Laws. Such interpretations shall be final, binding and conclusive and shall remain in full force and effect, unless revised, modified or otherwise changed by Delegate Assemblies.
 6. To formulate plans, programs and policies.
 7. To fill any vacancies that occur pending elections.
 8. To formulate the "order of business" for the General Delegates' Assembly and the General Membership meetings.
 9. To delegate, consistent with these By-Laws, to any of its officers or agents any of the functions and powers herein set forth, except the power to appoint officers or to approve mergers and affiliations of other organizations in the District.

**ARTICLE V
GENERAL ASSEMBLY**

Section 1 – There shall be a General Delegates' Assembly for the District composed of the Delegates of the District and the Officers of the District.

Section 2 – The General Delegates' Assembly shall meet at least every two years.

Section 3 – The General Delegates' Assembly shall have the power, subject to the provisions of these By-Laws, to act upon any matter affecting the members of the District.

Section 4 – Decisions made by the General Delegates' Assembly shall be final and binding upon the membership of the District, except in matters affecting dues, initiation fees, assessments, collective bargaining contracts, election of Officers and any other matter otherwise specifically provided for by these By-Laws, its decision shall be considered as recommendation.

Section 5 – The General Delegates' Assembly shall have the power to appoint Committees; set up such Boards, and to enact such rules and regulations for the District as in its judgment will best effectuate its purposes.

Section 6 – The General Delegates' Assembly shall receive and act on all reports and decisions of Officers, Committees and Boards of the District.

Section 7 – A Delegate desiring to include a matter on the agenda of the General Delegates' Assembly shall forward such request in writing to the Executive Board at least fifteen (15) days prior to the Meeting. Should the Executive Board fail or decline to do so, the Delegate may nevertheless have the matter included on the agenda by obtaining the signatures of at least ten (10%) of the members in good standing of the General Delegates' Assembly, on a petition requesting such inclusion.

ARTICLE VI **ORGANIZATIONAL STRUCTURE**

Section 1 – Chapters:

- a) The District shall be divided into Chapters. A Chapter will consist of the members of the District employed in one health care or public sector facility. More than one Chapter may be established at one health care or public sector facility at the direction of the District President when the members would be better served by having more than one Chapter.
- b) The membership of the Chapters shall have the right to elect such Chapter Officers as deemed necessary. The duties of Chapter Officers shall be established by the Chapter membership, but in accordance with the By-Laws of the District. Chapter Officers shall be members of the General Delegates' Assembly.
- c) The District may establish a Retiree Chapter which shall be open to all retirees who were active members of the District for at least one year. The Retiree Chapter may organize itself as permitted by subsection (b) of this section, and may establish subchapters based upon industry, geography, or other relevant factors. Retiree Chapter Officers and Delegates may participate in the District's General Delegates' Assembly, but shall not be eligible to vote or be candidates in general District elections, other than elections for the Retiree Chapter member(s) of the District Executive Board.

Section 2 – Delegates:

- a) Each of the Chapters shall be entitled to and shall elect Delegates to the District upon the guide of one (1) Delegate for each twenty-five (25) members or major fraction thereof. Wherever possible Delegates shall be elected on a departmental basis and where a department consists of less than thirteen (13) members it may be combined with another department for this purpose, or may elect its own Delegate. Delegates at each Chapter shall be elected within three months following the negotiation or renegotiation of the Chapter's collective bargaining agreement.

- b) Delegates shall supervise and be responsible for execution of District decisions and the enforcement of the applicable collective bargaining agreement on behalf of the members they represent.
- c) Delegates shall be members of the General Delegates' Assembly and are obligated to attend all regular and special meetings of the General Delegates' Assembly.
- d) Should a Delegate for any reason whatsoever cease to be a Delegate, the position shall be declared vacant and an officer or representatives of the District shall arrange for the election of a new Delegate. Such new Delegate shall be sworn in and shall assume his/her responsibilities immediately.
- e) A Delegate may be removed after a hearing from his/her position by a majority vote of the members comprising his/her group or department.
- f) Delegates shall take the following oath upon assuming their position:

Delegates' Pledge

"I (name) do hereby accept the position of Delegate of the District Delegates' Assembly. I pledge to faithfully carry out the obligations of my office and to secure for the members I represent every right and privilege of Union membership. I pledge to help build our Union and defend it from all its enemies. On this pledge, I stake my good name, my honor and my conscience.

ARTICLE VII GENERAL MEMBERSHIP

Section 1 – The term "General Membership" as used in these By-Laws shall mean the membership of the District. A decision of the General Membership shall require a majority vote of those present and voting in the respective Chapters. The General Membership of the District shall be the supreme authority of the District in the following respects:

- a) It shall have the power and authority to adopt and/or amend By-Laws, rules and regulations.
- b) It shall elect all General Officers of the District.
- c) It shall have the power and authority to set dues, initiation fees, and assessments for the members of the District.
- d) It shall receive and act upon reports from the President of the District.

Section 2 –

- a) The members of a Chapter shall meet on a Chapter basis for the purpose of transacting such business as they deem necessary or desirable. Decisions made by the Chapters shall not be inconsistent with the rules, regulations, decisions or policies of the District as a whole.
- b) The members of a Chapter shall receive and act upon reports on the activities of the District from an Officer or Representative of the District.
- c) They shall have the right to vote by secret ballot on strike calls, strike settlements and collective bargaining agreements directly affecting them.

Section 3 – Meetings of Members:

Members of the District shall meet on a General or Chapter membership basis at least once every two (2) months.

Section 4 – Eligibility for Membership:

- a) All persons working as employees in the trades, crafts, occupations industries or establishments within the jurisdiction of the District as defined in these By-Laws shall be eligible for membership in the District including persons employed by the District and other related organizations.

- b) An applicant for membership in the District shall file an application with the District. To become a member of the District entitled to the rights, privileges and benefits thereof, an applicant shall:
1. Pay an initiation fee of \$30.00 unless joining through new organization.
 2. Pay the first month's dues.
 3. Attend a Chapter meeting and be inducted into the Chapter membership
 4. Applicants for membership shall take the following oath at the time of their induction:
- "I solemnly pledge and promise to be a loyal member of SEIU/District 1199, The Health Care and Social Service Union. I will respect and abide by all of the provisions of our By-Laws, and will fully comply with all District decisions. I will protect and support my fellow members and defend our District's name, its honor and its integrity. I will always favor and encourage the purchase and use of the Union-made products. All this I solemnly promise."

Section 5 – Rights and Privileges of Members:

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

- a) To vote on all contracts directly affecting the member as an employee, by secret ballot.
- b) To vote on all strike calls and strike settlements directly affecting the member as an employee, by secret ballot.
- c) To receive such strike benefits as the Union shall in its judgment fix and determine.
- d) To vote in all District elections in accordance with these By-Laws.
- e) To attend all regular and special meetings of his or her Chapter, and participate in discussion and vote on all questions.
- f) To be a candidate for elective office and/or position in accordance with the provisions of these By-Laws.
- g) To utilize all services provided by the District and to participate in all social, educational and cultural activities.

Section 6 – Duties of Members:

A member of the District shall have the duty and obligation to strengthen and defend the District and its membership to the best of his or her ability.

- a) A member shall attend all regular and special meetings of his or her Chapter whenever possible.
- b) A member shall observe orderly procedure and decorum at all meetings.
- c) A member shall comply with decisions of the District made pursuant to these By-Laws.
- d) A member shall abide by and carry out all of the terms of the Chapter Collective Bargaining contract.
- e) A member shall assist in organizing the unorganized, and participate in such activities as he/she may be called upon to perform by the District or Chapter to the best of his/her ability.

Section 7 – Dues and Good Standing

Every member shall share in the cost of the District as provided by these By-Laws:

- a) Dues shall become due and payable in advance of the first day of the current month.
- b) A member who authorizes the Employer to check-off dues and/or initiation fees pursuant to a collective bargaining agreement shall be considered to be in good standing unless there is an outstanding dues obligation under Section 9.
- c) Members of the District shall pay monthly dues based on the following schedule of weekly earnings:

SCHEDULE OF DUES

Weekly Earnings

Monthly Dues

Unemployed	\$1.50
Up to \$99.99	\$8.00
\$100.00 to \$149.99	\$10.00
\$150.00 to \$199.99	\$12.00
\$200.00 and over	1.75% of gross straight time earnings
Retiree Chapter Members	\$3.00

All dues, initiations fees and assessments, if any, will be paid to the District. Five percent of all dues collected shall be allocated by the District for a District 1199 Strike and Defense Fund, in order to sufficiently fund strike assistance, defense and other such contingencies as may be necessary to protect the membership. Such moneys shall not be set aside out of dues and other fees received from retired members.

Section 8 – Suspension:

Any member who shall fail to pay by the twentieth of the month in which the same is due or shall fail to pay any other financial obligation by the due date shall be deemed suspended and shall lose all rights, privileges and benefits of membership.

Section 9 – Termination:

A member who has been suspended for a period of two (2) months shall be sent a certified letter to the last known address notifying the member that unless he/she pays up the financial obligations to the District within ten (10) days from the date of mailing such letter, his/her membership in the District shall be terminated.

Section 10 – Reinstatement:

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

Section 11 – Reapplication:

- a) A member whose membership has been terminated may apply for readmission to membership in the District and if accepted, shall pay, all back dues and other monies from him/her to the District, plus a new initiation fee, if applicable.
- b) Any other person applying for membership in the District who ceased being a member without obtaining a withdrawal card shall pay the initiation fee plus any monies owed to the District at the time he/she ceased being a member.
- c) A request for the waiver of a new initiation fee may be referred for determination to the District. The decision of the District shall be final and binding.

ARTICLE VIII ELECTIONS

Section 1 – Election Board:

- a) During the month of April in an election year the Executive Board shall appoint members to an Election Board, one of whom shall be designated as the Chairperson and another the Secretary of the Board. The Board shall conduct and supervise the general elections of the District in accordance with the provisions made therefore by these By-Laws; in so doing, the Board may adopt such rules which are necessary to effectuate the administration of the elections.
- b) To be eligible for the Election Board the member must:
 1. Be a member of the District in good standing not less than six (6) months, and;
 2. Not a candidate for any office in the election.

- c) The Election Board shall hear and determine all objections to candidates and to the conduct of the elections.
- d) The Election Board shall certify in writing the candidates who will run in the election.
- e) The Election Board shall meet promptly after the holding of the election and announce the result of the election.
- f) The Election Board shall preserve the ballots and all other records pertaining to the election for a period of not less than one (1) year.
- g) Any and all appeals from decisions of the Election Board regarding the conduct of the election shall be deemed waived unless made in writing and filed with the President of the District within fifteen (15) days after the announcement of the Election Board of the results of the election. All such appeals timely made shall be considered and decided by the Executive Board and its decision shall be final and binding.

Section 2 – Nominations:

- a) Not later than the first Wednesday in May in an election year the Election Board shall make available to the membership nominating petitions for Officers of the District and the Executive Board.
- b) A nominating petition shall require not less than two percent (2%) of the signatures of the members of the Union in good standing eligible to vote in the election.
- c) All nominating petitions for Officers and Executive Board shall be filed with the Election Board not later than the first Wednesday in June in the election year.
- d) To be eligible to run as an Officer or Executive Board member, one must be in good standing and have been a member of the District for at least one (1) year unless having joined through new organization less than one (1) year previously.

Section 3 – Elections:

- a) General elections of Officers and Executive Board shall be held every three (3) years.
- b) The election of Officers and Executive Board Members shall be held during July in an election year, at a place and/or places and during the day or days or hours designated by the Election Board.
- c) The membership shall be informed of the dates, places and candidates for the election of Officers and the Executive Board at least fifteen (15) days prior to the election.
- d) Voting shall be by secret ballot.
- e) All Officers shall be elected District wide.
- f) Executive Board Members shall be elected by the membership of the Chapter they will represent.
- g) To be elected to the position of President, Vice President or Secretary-Treasurer, a candidate must receive a majority of the votes cast for that office. If no candidate for the particular office receives a majority of the total votes cast, a run-off election shall be held within forty-five (45) days thereafter to fill the office or vacancy. In such run-off election the two (2) candidates who received the highest total number of votes shall be placed on the run-off ballot. In this run-off election the candidate or candidates receiving the majority of the votes shall be declared elected. The term of an incumbent Officer or Executive Board Member whose office is involved in a run-off election shall be deemed extended until the election of a successor to the office.
- h) Executive Board Members shall be elected by plurality.
- i) Every candidate shall have the right to observe at the polls and at the tabulation of the ballots.

Section 4 – Installation:

- a) The newly elected Officers and Executive Board Members shall be installed during September of the election year and shall immediately thereafter assume their office or position.

- b) Retiring incumbents shall turn over all Union records and property of whatever nature, pertaining to their office or position to their successors immediately after the installation meeting.

Section 5 – Delegates to SEIU International Convention

- a) Delegates and Alternate Delegates to regular and special conventions of the Service Employees International Union shall be elected by vote of the membership at large pursuant to procedures determined by the Executive Board.
- b) Delegates and Alternate Delegates shall be elected by a plurality of those voting.
- c) Any member in good standing may be a candidate for Delegate or Alternate Delegate upon submission, pursuant to procedures determined by the Executive Board, of a nominating petition signed by at least 25 members in good standing.
- d) All Delegates and Alternate Delegates shall be elected District Wide.
- e) The membership shall be informed of the dates and location of the election by notice mailed at least fifteen (15) days prior to the election.
- f) Voting shall be by secret ballot.

ARTICLE IX HEARINGS PROCEDURE

Section 1 – The Executive Board shall adopt rules and procedures in accordance with the International Union Constitution for hearing any charges brought against Officers, Representatives or members.

ARTICLE X AMENDMENTS

Section 1 – Amendments to the By-Laws may be initiated by:

- a) A majority vote of the Delegates' Assembly;
- b) A majority vote of the Executive Board; or
- c) A petition signed by ten percent (10%) of the members of the District who are in good standing.

Section 2 – The Executive Board shall submit the proposed amendment(s) to the District membership within one hundred, eighty (180) days from the date of initiation of the amendment(s) or receipt of a valid petition.

Section 3 – A copy of the proposed amendment(s) shall be mailed to the members of the District at least fifteen (15) days before the meeting at which such amendment(s) are to be submitted to a vote. A copy of any proposed amendment(s) appearing in the National Union publication and mailed at least fifteen (15) days before such meeting shall be deemed good and sufficient notice for this purpose.

Section 4 – The amendment(s) shall become effective upon its adoption unless otherwise provided for.

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