

**OREGON NURSES ASSOCIATION
PIONEER MEMORIAL HOSPITAL BARGAINING UNIT
BYLAWS
RATIFIED MAY 5, 2011**

Article 1- Name and Purpose

1.1 *Name-* The name of this bargaining unit shall be the Pioneer Memorial Hospital Bargaining Unit of the Oregon Nurses Association, hereinafter referred to as PMH-BU.

1.2 *Purpose-* The bargaining unit is formed for all legal purposes including:

- 1.2.1 To unite into one labor organization all workers eligible for membership, regardless of religion, race, creed, color, national origin, age, physical disability, sex or sexual preference;
- 1.2.2 To secure and maintain improved wages, hours, working conditions, benefits and other advantages through concerted, economic, political, and other lawful methods;
- 1.2.3 To work for adherence to the American Nurses Association's (ANA) Code for Nurses and the Oregon Nurses Association (ONA) Bylaws;
- 1.2.4 To establish and promote high standards of practice for healthcare workers;
- 1.2.5 To engage in organizing workers to provide the benefit of unionism to all workers;
- 1.2.6 To provide financial and moral assistance to other labor organizations or other bodies having purposes and objectives in whole or in part similar or related to those of the PMH-BU;
- 1.2.7 To protect and preserve the ONA and PMH-BU as an institution;
- 1.2.8 To carry out the objectives of the ONA;
- 1.2.9 To levy and receive dues, manage, invest, expend or otherwise use the funds and property of this organization to carry out the duties and to achieve the objectives set forth in these Bylaws and/or ONA Bylaws;
- 1.2.10 To provide representation in the ONA House of Delegates in conjunction with the local District(s) Bylaws; and
- 1.2.11 To promote relationships with nursing students.

1.3 *Relationship to ONA*

- 1.3.1 PMH-BU is one of ONA's bargaining units where ONA is the exclusive representative for purposes of collective bargaining.
- 1.3.2 PMH-BU shall enter into a written agreement with ONA for the collection and accounting of membership dues and for verification of the membership base.
- 1.3.3 PMH-BU shall enter into other written agreements as deemed necessary by ONA.
- 1.3.4 PMH-BU shall operate within the policies established by ONA's Board of Directors and the ONA Cabinet on Economic and General Welfare, hereinafter EGW.

Article 2- Membership

2.1 *Membership Eligibility-* Any individual covered under the collective bargaining agreement between the ONA and PMH-BU is eligible to join and maintain membership subject to the requirements imposed by these Bylaws and the ONA Bylaws.

2.2 *Good Standing-* To be a member in good standing, the individual must:

- 2.2.1 Be a member of the ONA;
- 2.2.2 Pay all dues and assessments in full as established by the ONA and PMH-BU;
- 2.2.3 Abide by ONA and PMH-BU bylaws;
- 2.2.4 Not interfere with the elected officers of the PMH-BU in the performance of their duties;
- 2.2.5 Refrain from engaging in dual unionism which is defined as assistance to one or more labor organizations that compete with the collective bargaining interests of ONA and affiliated State Nurses Associations (SNAs); and
- 2.2.6 Not cross a picket line at an ONA or affiliated SNA represented facility, unless required by the collective bargaining agreement or pursuant to ONA's emergency procedures.

2.3 *Membership Rights-* Members in good standing have the following rights and benefits which are not conferred upon non-members or members who are in bad standing except within the discretion of ONA or the Executive Committee:

- 2.3.1 All rights and benefits provided by ONA;
- 2.3.2 Attend and participate PMH-BU meetings;
- 2.3.3 Nominate or vote for elected officers or committee chairs within PMH-BU;
- 2.3.4 Vote on contract issues, proposals or ratification as proposed by the PMH-BU negotiating committee;
- 2.3.5 Vote on changes to PMH-BU Bylaws;
- 2.3.6 Participate in contract bargaining surveys;
- 2.3.7 Receive regular PMH-BU communications; and
- 2.3.8 Appointment and/or election to PMH-BU committees.

2.4 *Non-Members-* non-members include:

- 2.4.1 A nurse who makes no dues payments to ONA or is three months or more in arrears;
- 2.4.2 A nurse who pays the fair-share amount in lieu of ONA's dues; or
- 2.4.3 A nurse who is a bona-fide religious objector.

Article 3- Discipline

3.1 *Fair Treatment and Due Process-* Each member of PMH-BU who is alleged to be a member in bad standing shall have the right to fair treatment in the application of union rules and law in accordance with PMH-BU and ONA's Bylaws. In applying the rules and procedures relating to union discipline, the essential requirements of due process (notice, hearing, and judgment based upon the evidence) shall be observed, without, however, requiring the technical formality followed in courts of law.

3.2 Charge of Misconduct-

- 3.2.1 Filing a charge- A charge that a member is in bad standing shall be presented to the PMH-BU Executive Committee in writing and signed by the charging party(s) with a copy mailed to ONA's Cabinet on Economic and General Welfare. The Executive Committee will then provide the charges to the accused. Only individuals in the PMH-BU or ONA's EGW Cabinet may file a charge for a violation of these bylaws.
- 3.2.2 Content of a charge- The charge must set forth the provisions of the ONA Bylaws and/or PMH-BU Bylaws that were allegedly violated and the acts which allegedly constitute such violation in sufficient detail to inform the accused of the offense, including, where possible, dates and places. The charging party must include in the charge all alleged offenses of which he/she has knowledge, or in the exercise of due diligence should have had knowledge, as of the time of the filing of the charge.
- 3.2.3 Statute of limitations- Any charge based upon alleged misconduct which occurred more than three (3) years prior to the filing of such charge is barred and shall be rejected.

3.3 Trial Procedure-

- 3.3.1 Rights of the Accused- Charges against the accused must be supported by a preponderance of reliable evidence. The accused shall have the right to present her/his own evidence, rebut testimony against her/him, present witnesses favorable to her/him and cross-examine adverse witnesses. The accused may select only a member in good standing to represent her/him at a hearing.
- 3.3.2 Executive Committee- The PMH-BU Executive Committee shall be the trier of fact and will timely convene a hearing to assess the merit of the charges. Those members of the PMH-BU Executive Committee that have a conflict of interest must recuse themselves from the hearing. If the remaining Executive Committee members do not form a quorum then the EGW Cabinet shall be the first body to serve as the trier of fact.
- 3.3.3 Written Decision- A majority quorum vote of the PMH-BU Executive Committee is needed to find the charged party guilty. The PMH-BU Executive Committee shall issue a written decision that outlines the basis for its decision and provide the decision to the charging party, the accused and to the EGW Cabinet.
- 3.3.4 Quorum- A quorum shall be a majority of at least one-half of the Executive Committee.

3.4 *Appeal*- only the accused member has the right to appeal a decision by the PMH-BU Executive Committee unless the charge is against a member of the PMH-BU Executive Committee. When the charge is against a member of the PMH-BU Executive Committee, the charging party or the accused may appeal the decision.

- 3.4.1 Timelines - the appeal must be submitted to the EGW Cabinet within thirty (30) days after receiving the PMH-BU's written decision.
- 3.4.2 EGW Cabinet- the EGW Cabinet will hold a hearing during its regular meetings. The purpose of the hearing will be to review the evidence and

the PMH-BU Executive Committee's decision and to afford the accused the opportunity to present an argument as to why PMH-BU Executive Committee's decision was wrong. A vote as to the merit of the discipline imposed by the PMH-BU Executive Committee will be taken in accordance to the EGW Cabinet rules.

3.4.3 ONA Board of Directors- The decision of the EGW Cabinet will be final and binding except in circumstances where the alleged violation concerns:

- 3.4.3.1 a violation of the Code of Nurses as established by ANA; or
- 3.4.3.2 other actions which are detrimental to the purposes, and functions of the ANA.

When the alleged violation concerns one of the above, the accused shall have the right to appeal the EGW Cabinet's decision to ONA's Board of Directors in accordance with its policies and procedures. The Board of Directors' decision will be final.

3.5 *Penalties*- Depending on the severity of the discipline, a member found to be in bad standing may be:

- 3.5.1 Reprimanded;
- 3.5.2 Censured;
- 3.5.3 Fined;
- 3.5.4 Removed from office;
- 3.5.5 Suspended from membership;
- 3.5.6 Permanently expelled from membership; or
- 3.5.7 In the case of non-payment of dues, terminated from employment in accordance to the collective bargaining agreement.

Article 4- Dues

4.1 *ONA Membership Dues*- ONA membership dues will be established annually in accordance with ONA's constitution, bylaws, policies and procedures. An additional \$2 per month per member shall be paid into the ONA centralized accounting for PMH-BU. Such funds shall be expended as authorized by the officers or general membership on behalf of PMH-BU.

4.2 *PMH-BU Dues Assessment & Special Assessment*- the PMH-BU may elect to increase the monthly dues by an amount which will be apportioned to the local treasury from the ONA. The PMH-BU may also levy special assessments for such things such as pre-strike preparation or post-strike recuperation. The following procedures will be followed:

- 4.2.1 The PMH-BU Executive Committee must receive the EGW Cabinet's approval for the amount, duration and purpose of any dues and special assessments prior to bringing the issue to a bargaining unit vote.
- 4.2.2 The PMH-BU Executive Committee will provide reasonable notice to the membership of the proposed dues or special assessment, including the amount, duration, purpose of the assessment and the date, place and

manner in which the membership will vote on whether or not to agree to the assessment.

4.2.3 Only members in good standing may vote on the proposed assessment and a cumulative majority vote by secret ballot of the members in good standing shall decide the issue.

4.2.4 The vote can be done by mail, e-mail, absentee ballot or at a membership meeting so long as safeguards for preserving the secrecy of the balloting are ensured.

4.3 *Method of Payment*- members may elect to pay dues and assessment by direct billing, payroll deduction or electronic deposit.

4.4 *Failure to Pay*- any member who is three months in arrears in the payment of dues, fines, assessments, or other charges, shall upon written notice stand suspended and shall not be entitled to any rights or privileges of membership in PMH-BU. Any member who has been automatically suspended for failure to pay dues and other charges shall be under a continuing obligation to pay dues during the period of her/his suspension. Upon payment of the delinquent monies, the member shall be restored to good standing status. The ONA shall have the power to waive, on a non-discriminatory basis, the payment of delinquent monies.

Article 5- Nominations and Elections of Officers, Delegates and Negotiating Committee Representatives

5.1 *Nominations*-

5.1.1 At least thirty (30) days prior to an election, members in good standing will submit in writing names of candidates for elective officers and delegates to the Secretary/Treasurer of the Executive Committee.

5.1.2 The Secretary/Treasurer of the Executive Committee or Membership Chair will verify that all nominees are in good standing.

5.1.3 The Secretary/Treasurer of the Executive Committee will confirm that the nominees have consented to serve.

5.1.4 The Secretary/Treasurer of the Executive Committee will construct a ballot reflecting the nominees who are in good standing and otherwise meet all established qualifications.

5.1.5 Members are eligible to serve in only one Executive Committee office.

5.1.6 The Secretary/Treasurer of the Executive Committee will post in conspicuous locations and mail and/or e-mail a list of all candidates to the membership at least fourteen (14) calendar days in advance of the elections.

5.1.7 At the discretion of the Executive Committee, where only one qualified candidate is nominated for a position, an election will not occur for that position, and the single qualified candidate will be awarded the position.

5.2 *Elections*-

5.2.1 Elections for the Executive Committee will be held in September in the year preceding expiration of the contract. The first elections will be held in September 2011 and thereafter in September of the year prior to contract

expiration. All other elections will be held as directed by the Executive Committee or ONA.

- 5.2.2 Voting shall be by secret ballots of the members in good standing as verified by the Secretary/Treasurer of the Executive Committee and the Elections Committee.
- 5.2.3 A cumulative majority vote by secret ballot of the members in good standing shall decide the issue. Only those members present may vote and there shall be no proxy voting.
- 5.2.4 Nothing contained herein shall preclude the PMH-BU Executive Committee in the exercise of its discretion, from directing that the election be conducted by mail ballot, e-mail or absentee after appropriate notice and with safeguards for preserving the secrecy of the balloting.
- 5.2.5 In case of a dispute on voting eligibility, such individuals will be allowed to vote, but their ballots will be set aside and uncounted until membership eligibility can be determined. Under no circumstances will the outcome of the election be delayed for longer than seven (7) days.
- 5.2.6 A tie in an election of a member of the Executive Committee will be decided by lot.

5.3 *Special Elections*- If both the Chairperson and Vice-Chair positions are vacated, then a special election will be held to elect individuals who will finish out the terms. Nominations will be taken pursuant to Article 5.1 and elections will be held pursuant to Articles 5.2.

Article 6- Committees

6.1 *Introduction*- The Executive Committee is the only committee required for the PMH-BU.

6.2 *Executive Committee*-

- 6.2.1 *Duties*- the Executive Committee shall be composed of elected or appointed ONA members in good standing and act as a steering committee to conduct the day-to-day business of the PMH-BU with respect to the objectives outlined in the PMH-BU and ONA's Bylaws and in cooperation with ONA and ONA staff.
- 6.2.2 The PMH-BU Executive Committee shall consist of a Chairperson, a Vice-Chair, a Secretary/Treasurer, , and one Member-at-Large. The minimum number of officers shall be three.
- 6.2.3 *Failure to Have a Minimum*- If the PMH-BU is unable to maintain the minimum number of members of the Executive Committee, it will be placed in trusteeship and the existing members of the Executive Committee, if any, will be required to work with ONA staff to ensure compliance with these Bylaws.
- 6.2.4 *Term*- The term of office of all Officers shall commence on the fifteenth (15th) of October following the election and shall last until October 14th in the year prior to the expiration of the contract. Eligibility to serve as such shall be as prescribed in these Bylaws. No member may hold more than one elected Executive Committee office.
- 6.2.5 *Responsibilities*-

6.2.5.1 CHAIRPERSON-

- 6.2.5.1.1 Conduct and supervise the affairs of PMH-BU in accordance with these Bylaws;
- 6.2.5.1.2 Serve as an ex-officio member of all PMH-BU committees;
- 6.2.5.1.3 Appoint special committees and their members with the approval of the Executive Committee;
- 6.2.5.1.4 Fill vacancies that occur on committees with the approval of the executive committee until the next regular election;
- 6.2.5.1.5 In conjunction with the Treasurer, disburse or order the disbursement of all monies necessary to pay the bills, obligations and indebtedness of PMH-BU, which have been properly incurred as provided herein;
- 6.2.5.1.6 Enforce these Bylaws and ensure that all officers perform their respective duties.

6.2.5.2 VICE-CHAIR-

- 6.2.5.2.1 Assist the Chairperson in the discharge of all duties;
- 6.2.5.2.2 Perform such other duties and render such assistance as may be directed by the Chairperson;
- 6.2.5.2.3 In case of the Chairperson's absence, the Vice-Chair shall perform the duties of the Chairperson; and
- 6.2.5.2.4 Should the Chairperson's position be vacated, the Vice-Chair shall serve as the Chairperson until the next election.

6.2.5.3 SECRETARY/TREASURER-

- 6.2.5.3.1 Send out meeting notices as directed;
- 6.2.5.3.2 On at least an annual basis, update all members' contact information, including correct mailing addresses, home and work telephone numbers and e-mail addresses. Provide this information to ONA;
- 6.2.5.3.3 Collect names of nominees for elected positions and construct a ballot for all the names submitted;
- 6.2.5.3.4 Confirm that the nominees are willing to serve and ensure the nominee is in good standing;
- 6.2.5.3.5 Verify that amendments to bylaws are properly submitted;
- 6.2.5.3.6 Record, maintain and archive minutes for all Executive Committee meetings;
- 6.2.5.3.7 Sit on the Elections Committee; and
- 6.2.5.3.8 Conduct correspondence as directed by the Executive Committee.
- 6.2.5.3.9 Has financial responsibility over the financial affairs of the PMH-BU;

6.2.5.3.10 Prepare such forms, reports and requests for reimbursement as required by ONA's centralized accounting system.

6.3 *Negotiating Committee-*

6.3.1 Composition- The members of the PMH-BU Executive Committee shall constitute the negotiating committee. A maximum of two other members in good standing may serve on the negotiating team so long as they are nominated and voted for pursuant to the procedures laid out in Article 5 above.

6.3.2 Duties-

6.3.2.1 Development and distribution of negotiations survey(s);

6.3.2.2 Research of negotiations related issues, with the goal of having at least one meeting with the bargaining unit to review outstanding contract issues. This meeting must take place prior to the Committee beginning to meet with the employer;

6.3.2.3 Formulation of contract proposals;

6.3.2.4 Assist in the negotiations of a successor collective bargaining agreement;

6.3.2.5 Make recommendations to the bargaining unit whether to ratify a contract; and

6.3.2.6 Sign the ratified contract.

6.3.3 Election Year- if an election of officers is held while the collective bargaining agreement is being negotiated, the members of the old Executive Committee will continue to serve as the Negotiating Committee until after the ratification of the successor agreement.

6.4 *Elections Committee-*

6.4.1 Composition- The Elections Committee will be composed of the Secretary/Treasurer of the Executive Committee and three (3) members in good standing who are not holding office appointed by the Executive Committee.

6.4.2 Duties-

6.4.2.1 Review all nominations to ensure the nominees are eligible and willing to serve;

6.4.2.2 Oversee the election of officers to ensure only members in good standing vote in an election; and

6.4.2.3 Count all ballots and report findings to Executive Committee and ONA.

6.5 Unit Reps

6.5.1 Each hospital unit may nominate and elect unit representatives by a secret ballot and elect unit representatives by a secret ballot vote within the unit held at the same time as the general election (5.2). Term of office shall be two years. Vacancies shall be filled by Executive Committee appointment.

Article 7- Contract Ratification and Other Votes

- 7.1 *Notification-* at least five (5) days prior to contract ratification or other vote, the Secretary/Treasurer shall post in conspicuous places, mail and/or e-mail to the membership a summary of the issue to be voted on. For contract ratification votes, the Secretary/Treasurer will post a summary of the tentative agreement and the date, time and place of the vote. Upon request, the Secretary/Treasurer shall make available a copy of the tentative agreement.
- 7.2 *Secret Ballot-* Voting shall be by secret ballot of the members in good standing as verified by the Secretary/Treasurer of the Executive Committee and/or Membership Chairperson.
- 7.3 *Majority Vote-* A cumulative majority vote by secret ballot of the members in good standing shall decide the issue. Only those members present may vote and there shall be no proxy voting.
- 7.4 *Vote By Mail, E-mail or Absentee-* Nothing contained herein shall preclude the PMH-BU Executive Committee in the exercise of its discretion, from directing that the election be conducted by mail ballot, e-mail or absentee after appropriate notice and with safeguards for preserving the secrecy of the balloting.
- 7.5 *Dispute-* In case of a dispute on voting eligibility, such individuals will be allowed to vote, but their ballots will be set aside and uncounted until membership eligibility can be determined. Under no circumstances will the outcome of the ratification vote be delayed for longer than seven (7) days.
- 7.6 *Strike Vote-* in cases where the bargaining unit is voting on whether to strike and in other situations identified by the Executive Committee, the entire bargaining unit will have the right to vote on the issue of whether to strike, including non-members.

Article 8- Bylaws

- 8.1 *Timing-* These Bylaws may be amended each year in September.
- 8.2 *Member Initiated Amendments-* members can propose amendments to these Bylaws by submitting a petition with the signatures of at least seven (7) members in good standing to the Secretary/Treasurer of the Executive Committee. The petition shall include the proposed amendment to the Bylaws and a concise statement as to the reason for the proposed change.
- 8.3 *Executive Committee Initiated Amendments-* the Executive Committee can submit a proposed amendment to these Bylaws that includes a concise statement as to the reason for the proposed change.
- 8.4 *Impact on Current Officers-* Under no circumstances may these Bylaws be amended during a term of office to modify the powers and duties of the incumbent officers. Such amendments may be made effective only as of the beginning of the next term of office.
- 8.5 *Notification-* at least fourteen (14) days prior to a vote on an amendment to these Bylaws, the Secretary/Treasurer shall post in conspicuous places and mail to the membership the proposed change.
- 8.6 *Vote-* A majority vote of the members in good standing present at the meeting shall be required for passage of the proposed amendment.
- 8.7 *Subject to Approval-* Amendments to these Bylaws are subject to the approval of ONA's EGW Cabinet and shall not be effective until such approval has been given.
- 8.8 *Vote By Mail, E-mail or Absentee-* Nothing contained in these Bylaws shall preclude the Executive Committee in the exercise of its discretion, from directing that a

membership vote be conducted by mail referendum, e-mail or absentee after the Executive Committees gives appropriate notice and with safeguards to ensure the integrity of the balloting.

- 8.9 ONA Cabinet on Economic and General Welfare Initiated Amendments – until these standard bylaws are adopted by majority vote of the local bargaining unit members in good standing, the Cabinet on Economic and General Welfare may amend these bylaws upon notification of at least fourteen (14) days to the Executive Committee, without being subject to approval of a membership vote. The notice shall include a request to post the proposed changes for the membership in conspicuous worksite locations.

Article 9- Savings Clause

- 9.1 The provisions of these Bylaws relating to the payment of dues, assessments, fines or penalties, etc., shall not be construed as incorporating into any union-security contract those requirements for good standing membership which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However, all such financial obligations imposed by or under ONA and these Bylaws (and in conformity therewith) shall be legal obligations of the members upon whom imposed and enforceable in a court of law.
- 9.2 If any provision of these Bylaws shall be declared invalid or inoperative by any competent authority of the executive, judicial, or administrative branch of federal or state government, the Executive Committee or ONA shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision.
- 9.3 If any section or subsection of these Bylaws should be held invalid by operation or law or by any tribunal of competent jurisdiction, the remainder of these Bylaws or the application of such section or subsection to persons or circumstances other than those to which it has been held invalid, shall not be affected thereby.