

**CONSTITUTION  
AND BYLAWS**

**The National Union of  
Healthcare Workers**

**Adopted By Vote of Members  
October 29, 2011**

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**Article 1**  
**NAME**

This is the Constitution and Bylaws of the National Union of Healthcare Workers.

**Article 2**  
**PURPOSE AND MISSION**

The purpose and mission of the National Union of Healthcare Workers is to unify healthcare workers and other workers who believe in the principles of democratic and progressive social movement unionism and who believe that workers should be empowered to make decisions about issues that affect them in their union, in the workplace and in society at large.

As a healthcare workers union, NUHW also believes that healthcare is a human right and the fight to win universal healthcare coverage that is appropriately funded is a central part of the union's mission.

**Article 3**  
**JURISDICTION**

This Union shall have jurisdiction over all healthcare workers who are eligible for membership, as well as other workers who believe it is in their best interest to join with the National Union of Healthcare Workers because they believe in the principles of democratic, progressive and member-led unionism.

**Article 4**  
**AFFILIATIONS**

This Union may be affiliated with the state federation of labor, AFL-CIO, CLC and the appropriate central labor councils as directed by the Executive Board.

**Article 5**  
**MEMBER RIGHTS**

In a democratic and progressive union, members have a right to actively participate in their union and make decisions about issues in the union that affect them. Accordingly, members of NUHW possess the following rights:

- The right to directly elect their officers, executive board members and stewards.
- The right to ratify their collective bargaining agreement.
- The right to elect their rank-and-file representatives to their bargaining team.
- The right to have meaningful input into issues that will be raised in contract negotiations.
- The right to vote on whether or not to strike.
- The right to full and open accounting of the union's finances.
- The right to disagree with the leadership of the union.
- The right to debate the direction of the union.
- The right to attend Executive Board meetings of the union.
- The right to vote on changes to the union's Constitution and Bylaws, including changes in the dues structure.
- The right to have issues resolved in a fair, unbiased and timely way.

**Article 6**  
**MEMBERSHIP**

1. There shall be no discrimination against any member, or any applicant for membership, by reason of race, creed, color, religion, gender, gender identity, sexual orientation, marital status, national origin, citizenship status, ancestry, age, disability or political persuasion.
2. Newly admitted members shall subscribe to the Membership Pledge set forth in this Constitution and Bylaws, which is reprinted below. This Membership Pledge shall not be construed to require any individual member to waive any of his/her legal rights.

### 3. Categories of Membership

#### A. Regular Members

A regular member is an individual employed in a bargaining unit for which the Union is the recognized bargaining agent for matters relating to wages, hours and other terms and conditions of employment; or is a Union officer or staff member.

#### B. Associate Members

- 1) An associate member must be an individual who is not part of a bargaining unit for which the Union is the recognized bargaining agent and is an individual or a member of a group that has been approved by the Executive Board as being eligible for associate membership.
- 2) The Executive Board may enact policies, procedures and regulations to implement the establishment of the associate member classification of membership, subject to the guidelines of this Union.
- 3) An associate member shall not be eligible to hold office or vote in officer elections.

#### C. Retired Members

Retired members shall be entitled to maintain membership in the Union and shall pay less than the full dues required for regular members of the Union, but shall not be eligible for nomination to any elected position other than as Retiree Vice President, nor to hold any other office.

## **Article 7 STEWARDS**

1. Stewards are the worksite leaders of the Union. A strong, democratic, and effective union is built on a solid foundation of stewards at each worksite. The responsibilities and roles of a steward are defined by this Constitution and Bylaws; union policies and procedures; as well as by the provisions of the collective bargaining agreements that are negotiated with the employers.
2. The diversity and complexity of the Union only allow for a general description of the steward's roles and responsibilities in this Constitution and Bylaws. The Executive Board shall set policies as necessary on all matters relating to stewards, except the basic policies that stewards be members in good standing, and that they be elected, by ballot or petition, in a work area (unit or department or cluster) defined by the appropriate worksite steward council.
3. A steward has no greater rights than any of the members in his/her area. However, the responsibilities of a steward do outweigh those of other members. Being a steward requires that personal opinions and preferences are subordinate to that which represents the highest good to the members.
4. Stewards shall serve without compensation. However, based on the financial ability of the Union, the Executive Board shall consider and establish guidelines and policies regarding reimbursement for lost time wages and "out of pocket" expenses.
5. The responsibilities of a steward shall include, but are not limited to:
  - A. Mobilizing members to action.
  - B. Supporting the Union's efforts to process grievances and resolve worksite issues;
  - C. Orienting new workers to the Union;
  - D. Maintaining the Union's internal organization at the worksite;

- E. Completing core steward training and any other required training;
  - F. Participating in the grievance appeal process, as appropriate;
  - G. Distributing and posting all appropriate information s/he receives from the Union and updating the union bulletin board;
  - H. Collecting dues or other monies if so authorized by the Union;
  - I. Representing her/his worksite in appropriate meetings of the Union and representing the interests of the members in their absence;
  - J. Attending facility, worksite, geographic, and other appropriate meetings;
  - K. Effectively leading members to defend and advance the interests of the membership;
  - L. Participating in, promoting, and recruiting for the Union's organizing and political programs;
  - M. Communicating with and leading members to implement the policies and programs of the Executive Board and the division steward council.
6. Stewards shall be re-elected or reconfirmed by a vote of the membership in their work area (unit, department or cluster, as defined by the worksite steward council) every three (3) years.
  7. In between the three (3) year election cycle, a steward may be elected by submitting a petition signed by a majority of the members in her/his constituent work area (unit, department or cluster, as defined by the worksite steward council).
  8. In the event of dissatisfaction with a steward, the member(s) must first present the issues of concern to the worksite steward council and allow the steward council to investigate, mediate, and resolve the issues or take satisfactory action to address the issues. After the steward council's dispute resolution process, a ballot election to recall a steward may be called by filing a petition signed by a majority of the members in the constituent's work area (unit, department or cluster, as defined by the worksite steward council).
  9. The Union shall not be legally liable in any court of law or other forum for the actions and/or inaction of its stewards.

## **Article 8**

### **WORKSITE STEWARD COUNCILS**

1. The worksite steward council shall serve as the center of union activity, information and input at the workplace. The worksite steward council will take leadership in the recruitment of new stewards/ activists; distributing and posting union information materials; implementing internal and external mobilization programs; orienting new members; scheduling and conducting regular facility based membership meetings. The worksite steward council will also take leadership for coordinating the Union's program for bargaining, organizing, political, legislative, grievance, and arbitration activity at the facility level.
2. Each worksite shall establish a steward council consisting of all worksite stewards at a facility or other designated area.
3. The worksite steward council shall meet at least once a month.
4. The worksite steward council shall develop ground rules for conducting steward council meetings.
5. The worksite steward council shall maintain and distribute minutes of the steward council meetings.

6. Worksite steward councils are the vehicles for defending the rights of the members on a daily basis.
7. Worksite steward councils share the responsibility for organizing the worksite by sharing and distributing the responsibilities of the individual steward.
8. Worksite steward councils shall be a forum for discussing common problems and concerns, and establishing effective solutions.
9. Worksite steward councils shall help to develop an effective system of worksite communication, including distribution of written materials, updating bulletin boards, worksite meetings, and other activities.
10. Worksite steward councils shall facilitate discussion and dialogue on relevant issues, including union activities, training, education, and other concerns.
11. Worksite steward councils shall address appeals related to grievance handling.
12. Worksite steward councils shall participate in, promote, and recruit for the Union's organizing and political programs.
13. Worksite steward councils shall operate within guidelines approved by the Executive Board on such matters that include, but are not limited to, structure, officers, chief stewards, and other appropriate policy matters.

**Article 9**  
**DIVISIONS AND DIVISION STEWARD COUNCILS**

1. The Union's greatest asset is the strength, unity and solidarity of its entire membership. Within the Union there is also a necessity to establish policies and programs that deal with the needs and concerns of members within a particular industry.
2. The Executive Board shall authorize the formation of divisions and division steward councils to coordinate and carry out their activities within the overall operating structure of the Union.
3. The Executive Board shall recognize and authorize existing chapters, chapter steward councils, divisions and division steward councils and shall authorize, as needed, the formation of new chapters, chapter steward councils, divisions and division steward councils to coordinate and carry out their activities within the overall operating structure of the Union.
4. The Chapters shall continue to receive funds from their chapter member dues, at the discretion and subject to the review of the NUHW Executive Board; and the monies are to be used at the discretion of the Chapters with the approval of the director of the appropriate division.
5. The division steward council shall consist of representatives from the division, based on geographical, facility or contractual units as determined by the Executive Board, who are stewards elected by their constituency.  
Division steward council representatives shall:
  - A. Attend division steward council meetings;
  - B. Report back to their defined constituency on the activities and decisions of the division steward council;
  - C. Convey to the division steward council any issues that might impact the division as a whole.
6. The duties and responsibilities of a division and division steward council shall include, but are not limited to, the following:
  - A. Meeting at least every three months;

- B. Selecting a rank-and-file chair who will participate in the development of the division steward council agenda;
  - C. Maintaining and distributing minutes of the division steward council meetings;
  - D. Focusing resources, talents and energies of the Union on developing a strategic plan for each division to better serve the membership;
  - E. Providing a strong identity for members within their division as well as within the Union;
  - F. Providing a vehicle for increased membership participation in the decision-making process of the Union;
  - G. Developing training, educational, informational and communication programs;
  - H. Sharing and coordinating information on industry trends, common issues, problems and other concerns;
  - I. Coordinating and implementing union-wide plans, goals and objectives in conjunction with division activities;
  - J. Developing effective contract campaigns and new, innovative strategies for achieving collective bargaining agreements;
  - K. Developing additional councils and/or subcommittees, as necessary, based on needs within a particular classification, shift, geographic area, temporary situation, multi-employer or multi-facility contracts and other considerations;
  - L. Deciding appeals related to the processing of grievances as appropriate;
  - M. Participating in, promoting, and recruiting for the Union's organizing and political programs;
  - N. Developing the leadership of the worksite steward councils and standardizing policies where appropriate;
  - O. Developing and implementing a code of conduct for stewards;
  - P. Developing and implementing a process for steward and member dispute resolution.
7. Division steward councils shall operate within guidelines approved by the Executive Board and shall not engage in any action that interferes with another division or with the general policies, goals and programs of the Union as a whole.

## **Article 10**

### **EXECUTIVE BOARD AND OFFICERS**

#### 1. Executive Board

The Executive Board is the governing body of the Union elected every three (3) years. The Executive Board is authorized and empowered to take all lawful action consistent with the Constitution and Bylaws of the Union.

- A. The Executive Board shall consist of a full time President; a full time Secretary-Treasurer; rank-and-file Vice Presidents representing their bargaining unit; and one (1) Retiree Vice President. Each bargaining unit represented by the union shall be entitled to one (1) rank-and-file Vice President for every five hundred (500) members or fraction thereof. Each of the above shall be members in good standing at all times during their terms of office.
- B. Scheduling and frequency of Executive Board meetings will be determined by the Executive Board (but will be held at least every other month). Meetings shall be open to all members in good standing.

- C. Special meetings of the Executive Board may be scheduled by the President; or the Executive Board may call a special meeting based upon a request from one half of the Board members.
- D. The Executive Board shall approve an annual budget as recommended by the President, examine all financial statements, and approve the appropriation of funds necessary to carry out the business of the Union.
- E. All meetings of the Executive Board shall be conducted in accordance with the current edition of Robert's Rules of Order.
- F. Minutes of regular and special meetings shall be presented in writing to the Executive Board for adoption at its next regularly scheduled meeting.
- G. A majority of the filled seats of the Executive Board shall constitute a quorum for the transaction of union business at a meeting of the Board. Decisions of the Executive Board shall be decided by a majority vote of those present and voting, once a quorum has been established.
- H. The Executive Board shall have the authority to oversee and direct policy and the financial affairs of the Union.
- I. The Executive Board shall establish the compensation for the full-time officers. No officer of the Union will be paid more than the highest paid member represented in an NUHW bargaining unit.
- J. The Executive Board shall approve the compensation, terms and conditions of employment for the staff of the Union. No staff of the Union will be paid more than the highest paid member represented in an NUHW bargaining unit.
- K. The Executive Board shall approve contracts for services rendered to the Union. These contracts shall include, but are not limited to, legal services, member benefit programs, auditing services, and facility leases.
- L. Members shall have the right to address the Executive Board on issues or unresolved problems in accordance with reasonable procedural guidelines established by the Board.
- M. In the event that any member of the Executive Board fails to attend three (3) regular meetings of the Executive Board in a twelve (12) month period without a reason approved by the Executive Board, that member's seat shall be declared vacant.
- N. The term of officers and Executive Board members shall expire following the election and installation of all newly elected officers and Executive Board members, as herein provided.
- O. Executive Board members shall be deemed, by virtue of their election to Union positions, and by length of membership in the Union, including length of membership in good standing in any other labor organization, as defined by the National Labor Relations Act, representing healthcare workers, elected delegates to conventions, conferences, councils and bodies to which this Union is entitled to send delegates. If it shall appear that the number of elected union officers is less than the number of delegates to which the Union will be entitled, then arrangements shall be made for nomination and secret ballot election, if required, of an additional number of eligible members as convention delegates. Nominees for such position, if unopposed, shall be deemed elected without necessity for further procedures. If the total number of elected officers is greater than the number that the Union is permitted to send to the convention(s), the President and the Secretary-Treasurer shall attend as delegates. Additionally, other Vice Presidents will be selected in descending order of the number of votes each received in the last election. However, if the other elected members of the Executive Board run unopposed, they shall be listed in accordance with length of membership in the Union, including length of membership in good standing in any other labor organization, as defined by the National Labor Relations Act, representing healthcare workers. The Executive Board shall determine the number of delegates and alternates which shall represent the Union at the convention.

- P. In order to be eligible for nomination and election to an officer position or Executive Board position, a nominee must have been a member in good standing of the Union continuously for at least two (2) years prior to the date of the nomination being certified. For the Union's first election of officers, this requirement will include membership in good standing in any other labor organization, as defined by the National Labors Relations Act, representing healthcare workers. The President may waive this provision at her/his discretion based on good cause shown.
- Q. The two (2) year membership requirement may be waived by the Executive Board for those nominees from newly organized facilities and/or newly affiliated members who are running for Executive Board Vice President, but not for any other office.

## 2. Vice Presidents

- A. Vice Presidents shall be elected by regular members employed in bargaining unit constituencies, and shall be voting members of the Executive Board.
- B. Vice Presidents shall serve without compensation but may be reimbursed for any lost time wages and "out of pocket" expenses.
- C. In the event that a Vice President changes jobs but remains a continuous member in good standing and remains covered by a union contract, the Vice President shall continue as an Executive Board Vice President for the remainder of her/his term.
- D. In the event that a Vice President's bargaining unit facility is closed or sold, if s/he remains a continuous member in good standing, the Vice President shall continue as an Executive Board Vice President for four (4) months. If the Vice President has secured employment in an NUHW bargaining unit within the four (4) months, s/he will serve the remainder of her/his term. If the Executive Board Vice President has not secured a bargaining unit position within the four (4) month period s/he will be terminated from the position
- E. Responsibilities of the Vice President shall include:
  - 1) Representing the interests of all members within her/his constituency;
  - 2) Being a steward;
  - 3) Leading division meetings, including helping to structure, plan, publicize, recruit for and chair the meetings;
  - 4) Understanding the issues affecting the membership by talking to stewards, members, and union staff; attending steward council meetings; conducting facility visits; being accessible to members; and attending membership meetings;
  - 5) Being visible by attending actions for the Union and other unions; representing the Union at central labor council, public board and community meetings;
  - 6) Identifying, promoting, recruiting, training, and mentoring stewards and members;
  - 7) Participating in and recruiting members to participate in the Union's organizing campaigns;
  - 8) Leading and participating in the Union's COPE committees; working with central labor councils to recruit members for political activities; participating in regulatory activities and commissions; and lobbying.
- F. Vice Presidents shall automatically become members of their division steward councils.

G. In the event of a vacancy in the office of a Vice President, the Executive Board shall appoint a steward from the constituency in which the vacancy occurred to fill the unexpired term. All stewards from the constituency where the vacancy occurred shall be notified of the vacancy and the procedures adopted by the Executive Board for filling the position.

3. President

- A. The President shall be a regular member elected at large by the regular members and retired members to serve as the Union's Chief Executive Officer on a full-time basis. It shall be the President's duty to administer the affairs of the Union and to implement the policies of the Union on a day-to-day basis. The President's duties shall include but are not limited to:
- 1) Complying with the mandates of all membership votes and/or decisions of the Executive Board;
  - 2) Presiding at all meetings of the Executive Board and at membership meetings, conferences, conventions and other Union functions, as necessary;
  - 3) Hiring, firing, assigning and directing the Union's staff in accordance with any applicable bargaining agreement, rules, laws and regulations, and pursuant to any staff related policies adopted by the Executive Board;
  - 4) Assigning and directing the Union's staff within an operating budget approved by the Executive Board;
  - 5) Calling special meetings of the Executive Board, membership or specific committees and other bodies of the Union, as necessary;
  - 6) Jointly with the Secretary-Treasurer, signing all checks, vouchers, financial contracts and agreements subject to the policies of the Executive Board and the Constitution and Bylaws;
  - 7) Signing all collective bargaining agreements as the Union's official representative after ratification by the membership and signing by the appropriate negotiating committees and/or staff;
  - 8) Representing the Union in the community, in the media and at meetings, conferences or conventions of organizations with which the Union is affiliated; and generally acting as the chief spokesperson for the Union;
  - 9) Voting on any matter before the Executive Board where his/her vote shall be the deciding vote;
  - 10) Fulfilling such other duties as his/her office requires and as are consistent with the Constitution and Bylaws;
  - 11) Presenting an annual budget to the Executive Board for review, discussion and final adoption;
  - 12) As the Chief Executive Officer, serving as the Union's first delegate to conventions and conferences in which the Union is eligible for participation;
  - 13) Serving as an ex-officio member of all committees of the Union.
  - 14) Subject to the approval of the Executive Board, establishing committees and appointing representatives to committees, standing or ad hoc, that may be necessary to further the interests of the membership or to improve the functioning of the Union.
- B. The President shall have the authority to interpret the Constitution and Bylaws, subject to the approval of the Executive Board.

- C. In the event of a vacancy in the office of the President, an election to fill the unexpired portion of the term of office shall be held within ninety (90) days. The Secretary-Treasurer shall assume the duties of the President until the newly elected President is seated.

An election to fill the unexpired term of office shall not be held if a regular general election is scheduled to take place within eighteen (18) months of the vacancy. In this case, the Secretary-Treasurer will assume the duties of the President until the newly elected President is seated.

#### 4. Secretary-Treasurer

The Secretary-Treasurer shall be a regular member elected at large by the regular members and retired members to serve the Union on a full-time basis.

The Secretary-Treasurer is responsible for all financial records and transactions, membership information and record keeping. The Secretary-Treasurer is a voting member of the Executive Board. The duties of the position include but are not limited to:

- A. Complying with the mandates of all membership votes and/or decisions of the Executive Board;
- B. Working with professional staff to aid and assist in maintaining accurate records of all the financial affairs, membership and information of the Union;
- C. Keeping an accurate accounting of all receipts and disbursement of all monies, savings, securities and/or property owned by the Union, and depositing all monies in a bank approved by the Executive Board;
- D. The Secretary-Treasurer shall prepare and submit to the Executive Board an annual financial report, certified by a Certified Public Accountant, which shall be published to the membership;
- E. Jointly with the President, signing all checks, vouchers, financial contracts and agreements subject to the policies of the Executive Board and the Constitution and Bylaws;
- F. Keeping a record of all members admitted by initiation or otherwise, as well as the current status of members; keeping a record of all fines or assessments by the Union; keeping a correct account of each member's standing; signing and issuing cards of membership; noting and listing the names of members deceased;
- G. Reporting monthly to the Executive Board on income and expenses for the previous month;
- H. Providing membership accessibility to financial records and Executive Board minutes. The Executive Board shall adopt reasonable rules and procedures for this process that shall not abridge the rights of the membership nor unduly burden the Secretary-Treasurer and his/her assigned staff;
- I. Being covered by the appropriate bond and providing for the bonding of the President and any other individuals proposed by the Secretary-Treasurer and approved by the Executive Board. The cost of any bonds shall be born by the Union;
- J. Assisting with the preparation, presentation and adoption of an annual budget by the Executive Board;
- K. Assuring that accurate minutes of each Executive Board meeting are kept and presented at the next Board meeting for formal adoption;
- L. The Secretary-Treasurer shall have the authority to extend the usual period on dues or waive such, subject to the approval of the Executive Board or at the direction of the Executive Board.

- M. In the event of a vacancy in the office of Secretary-Treasurer, the President, subject to the approval of the Executive Board, shall appoint a replacement to fill the unexpired portion of the term of office.
- N. In the event of a vacancy in the office of the President an election to fill the unexpired portion of the President's term of office shall be held within ninety (90) days. The Secretary-Treasurer shall assume the duties of the President until the newly elected President is seated.

An election to fill the unexpired term of office shall not be held if a regular general election is scheduled to take place within eighteen (18) months of the vacancy. In this case the Secretary-Treasurer will assume the duties of the President until the newly elected President is seated.

5. Retiree Vice President

- A. In order to ensure input and representation regarding overall policy matters, the retired members shall elect one (1) Vice President;
- B. The Retiree Vice President shall be a retired member;
- C. The retiree Vice President is responsible for representing the interests of all retired members;
- D. The retiree Vice President shall serve without compensation but may be reimbursed for any "out of pocket" expenses;
- E. In the event of a vacancy in the office of Retiree Vice President, the President, subject to the approval of the Executive Board, shall appoint a retired member to fill the unexpired portion of the term. All retired members shall be notified of the vacancy and the procedures adopted by the Executive Board for filling the position.

6. Officer Liability

The opinion of any attorney, accountant or other professional consultant or expert hired or retained shall constitute full and complete authority and protection in respect of any action taken, suffered or omitted by officers of this Union in good faith and in accordance with such opinion. Neither the President, the Secretary-Treasurer, nor any other officer of this Union shall be liable to any person or organization for any act which is not willful misconduct or in bad faith, done by the officer in effectuation of the purposes and objects of this Constitution and Bylaws and in the interests of the members of this Union.

7. Authorized Representatives of the Union

The President and the Secretary-Treasurer shall be the only persons authorized to act for or on behalf of the Union. And the actions, declarations or conduct of any other person except those officers herein named, whether performed or made with respect to the Union or not, are not, and shall not be considered to be the acts of any officer or agent of the Union and shall not constitute any authorized acts for or on behalf of the Union, nor shall they cause or form the basis for liability of any nature whatsoever on the part of the Union.

**Article 11**  
**COMMITTEES AND CENTRAL LABOR COUNCIL DELEGATES**

- 1. Committees are vitally necessary in order to develop the policies, positions and programs of the Union. Committees are intended to maximize membership participation and input in the decision-making process.
  - A. Committees that have an ongoing or permanent necessity to develop positions, policies and programs that guide, advise and provide direction to the Executive Board shall be known as standing committees.
  - B. Committees that deal with a specific subject, project, issue and/or problem and are temporary in duration, based on the needs of the particular situation, shall be known as special committees.

- C. Each type of committee may also need to establish subcommittees based on regional or geographic issues, classification needs and other factors that affect participation, decision-making and the operations of the committee.
- D. The Executive Board of the Union shall establish policies and procedures for committee operations that enhance membership participation and involvement in the day to day activities of the Union. Factors such as committee size, chairpersons, shift representation and frequency of meeting shall all be considered in establishing the operating guidelines.
- E. The President, subject to the approval of the Executive Board, shall appoint a chair as well as an appropriate number of members for each committee. The President shall appoint a staff person to work with the committee.
- F. All committees shall keep minutes of their meetings and shall send the minutes to the President for distribution at the next Executive Board meeting.

## 2. Standing Committees

The standing committees of the Union are:

### A. Retiree Members Committee(s)

The committee(s) shall endeavor to recruit an active committee of retiree members to assist in developing programs for retiree members to find ways to integrate retirees into the organizing, legislative, and political programs of the Union. Typical responsibilities include but are not limited to:

- 1) Providing a vehicle for the continuing involvement of retired members in the activities of the Union;
- 2) Recommending, monitoring and organizing for legislation that will improve areas of concern such as: pensions, housing, healthcare, taxes, consumer concerns, and other issues;
- 3) Informing retired members of benefits and services that are available to them through the Union, community groups, government, and other appropriate agencies;
- 4) Developing social and cultural programs that enhance the quality of life of retired members.

### B. Social and Economic Justice Committee(s)

The committee(s) shall assist in developing programs and taking positions on a variety of social and economic justice issues and report to the Board. Typical responsibilities include but are not limited to:

- 1) Promoting equality of economic, social and political opportunities within the Union, with employers, and in the community;
- 2) Organizing activities that will advance the interests of the membership of this Union and of workers everywhere in the improvement of general economic, social and political conditions;
- 3) Working with other unions and community organizations whose goals and purposes are similar to and consistent with those of the Union.

### C. Committee(s) on Political Education (COPE)

The committee(s) shall assist the Executive Board in developing and carrying out a sound political and legislative program. Typical responsibilities include but are not limited to:

- 1) Interviewing candidates for political office;

- 2) Reviewing requests for campaign contributions for endorsed candidates;
- 3) Developing fundraising and other support activities or events;
- 4) Voter registration programs and “Get Out The Vote” activities;
- 5) Reviewing and monitoring legislation of interest to the Union’s members and making recommendations to the Executive Board on the Union’s position.

D. Organizing Committee(s)

It is intended that this committee(s) be a volunteer committee that is actively involved in carrying out the organizing program of the Union and in recruiting larger numbers of members to organize the healthcare industry.

E. Budget Committee

The committee shall assist the Secretary -Treasurer and the Executive Board in carrying out their duties with respect to the finances of the Union, including but not limited to:

- 1) Recommending to the Executive Board of the Union engaging the services of a Certified Public Accountant;
- 2) With the Secretary-Treasurer, submitting to the Executive Board an audited annual financial report, prepared by a Certified Public Accountant, which shall be published to the membership;
- 3) With the Secretary-Treasurer, reviewing all necessary financial reports and records to project an annual budget based on the projected goals of the Executive Board and the Union. The projected budget will be subject to review and approval by the Executive Board;
- 4) Conducting a mid-year review of the finances and budget and proposing changes as may be appropriate, subject to Executive Board review and approval;
- 5) Reviewing and submitting recommendations for staff and officer compensation for review and approval by the Executive Board.

F. Central Labor Council Delegates

The Union may participate in the appropriate central labor councils and, if so, shall strive to maintain an active complement of delegates who shall represent the positions and policies of the Union. The President shall receive all recommendations for delegate appointments and shall present those to the Executive Board for final approval.

**Article 12**  
**MEMBERSHIP MEETINGS/ BIENNIAL**  
**LEADERSHIP CONFERENCE**

Other articles in this Constitution and Bylaws describe the various meetings for membership input and decision-making. In addition there are three other significant types of meetings:

1. Worksite Membership Meetings

- A. Worksite membership meetings shall take place at least once every two months.
- B. The Executive Board shall adopt a schedule of worksite membership meetings, as proposed by the worksite steward council, on a yearly basis and shall publish the schedule to the members.

- C. Each meeting shall be well publicized in advance in order to maximize membership attendance at the meetings. The worksite membership meetings will be open to all members and will be held at times and places convenient to the membership.
  - D. The worksite membership meetings shall be chaired by the representative chairperson for the facility and conducted by worksite leaders from the worksite steward council.
  - E. The Union's elected officers or Executive Board members may attend any worksite meetings and be allowed time on the agenda, if requested.
  - F. The agenda of the worksite membership meeting shall include specific discussion about the specific plans and programs of the Union and concerns of members of the bargaining unit. The worksite membership meetings shall include a dialogue with the members of the bargaining unit on how to increase their power, consistent with the mission and purpose of the Union. A written summary of the recommendations on how to increase the power of the workers in the bargaining unit, how to implement the Union's program more effectively and problems that need to be addressed shall be submitted to the worksite steward council for review and recommendation.
  - G. Two or more work sites or bargaining units may be combined in the same meeting for geographic or organizational purposes.
2. Special Meetings
- A. Members in the Union can call a special meeting by submitting a petition signed by ten percent (10%) of the members in good standing. The President shall convene the special meeting within ten (10) days of the receipt of the petition.
  - B. Meetings shall be scheduled at times and places that are convenient to the membership.
3. Biennial Leadership Conference
- A. A leadership conference shall be held at least every two (2) years to discuss issues, policies, and programs of concern to the membership.
  - B. The conference shall review the work of the Union from the preceding conference and adopt goals for the next two (2) years.
  - C. The conference shall include items that relate to all members as well as those that relate to divisions, classifications, or industries within the Union.

### **Article 13**

#### **COLLECTIVE BARGAINING**

1. The right of employees to engage in collective bargaining is a matter of national policy contained in the National Labor Relations Act. Section 7 of the Act states: "Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargaining collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection."
2. Collective bargaining is an important activity of the Union. Our purpose is to negotiate a binding contract that secures and improves the wages, hours, benefits, and working conditions of members covered by that agreement.
3. A collective bargaining agreement also creates a framework of rules that is binding on the employer, and has a grievance procedure for dispute resolution if a problem arises as to the meaning of the contract or its application.

4. Collective bargaining is intended to involve members directly and actively in determining their wages, hours and working conditions.
5. We achieve success in collective bargaining through organization, united action, legislative and political activity, and the use of creative strategies and tactics.
6. Bargaining committees shall be elected by the members in the bargaining unit. The size and method of selecting a negotiating committee will vary based on various representational factors.
7. Members are stronger when they speak in a united way with employers. Bargaining units that share a common employer are encouraged to participate in coordinated bargaining to maximize members' strength with a given employer. In the event the union represents multiple bargaining units with a common employer, the Executive Board may approve the establishment of a coordinated bargaining council for that common employer. The rules and procedures for decision-making in said coordinated bargaining council will be set forth in writing and must be approved by the Executive Board. Upon Executive Board approval of the rules and procedures of a coordinated bargaining council for a common employer, bargaining units may elect, through a democratic membership vote, to participate in the coordinated bargaining council for that common employer. No bargaining unit may be required to participate in a coordinated bargaining council for a common employer; however, once a bargaining unit has voted to participate in a coordinated bargaining council for a common employer, that bargaining unit must remain in and subject to the rules and procedures of the coordinated bargaining council for a common employer.
8. The results of any collective bargaining shall be subject to ratification by the members affected, with sufficient notice given to the membership and in accordance with other policies and procedures as determined by the negotiating committee and/or the Executive Board of the Union. If a contract is to be ratified at a meeting, that meeting shall be scheduled as much in advance as possible. Affected members shall be given at least twenty-four (24) hours notice of such meeting.
9. The Executive Board shall establish policies regarding the reimbursement of lost time wages and "out of pocket" expenses by members of a negotiating committee.

#### **Article 14**

### **FUNDS OF THE UNION**

1. The funds of the Union shall be derived from dues, fines, assessments, and by any other legal means that have been approved by the Executive Board or a general or special membership meeting. Funds paid to the Union in accordance with this section shall be deposited or disbursed in accordance with instructions from the Executive Board or a general membership meeting.
2. The dues of the Union shall be one and one-half percent (1.5%) of a member's regular earnings, up to a maximum of forty (40) hours per week at the straight time rate. Dues will be capped at ninety-four dollars (\$94.00) per month in 2011; and the cap on this monthly dues rate will increase by four dollars (\$4.00) per year thereafter.

Any member who works in a bargaining unit where the dues rate under SEIU was based on a flat rate rather than a percentage based system shall immediately have their dues reduced by twenty-five percent (25%) when their bargaining unit becomes covered by an NUHW collective bargaining agreement. Dues will be capped at ninety dollars (\$94.00) per month in 2011; and the cap on this monthly dues rate will increase by four dollars (\$4.00) per year thereafter.

The Union will encourage members on a flat rate system to implement a percentage dues system, subject to approval through a democratic vote of the affected bargaining unit.

3. The Union shall have a Strike Fund to be used for any and all strikes, strike-related activities, lockouts, and to protect the integrity and welfare of the Union as determined by the Executive Board.

4. The Strike Fund shall be funded by one dollar (\$1.00) per month per member set aside from members' dues, and may be funded by such other amounts as the Executive Board may from time to time determine.
5. The Executive Board shall have the authority to maintain current alternative dues rates.
6. Notwithstanding the above, no regular member shall pay less than the minimum dues rate of twenty-five dollars (\$25.00) per month.
7. In no case will a member be required to pay dues deducted by more than one NUHW employer. In such an event that a member is employed at more than one facility represented by NUHW, the member will pay the higher of the monthly dues owed.
8. All dues and other financial obligations are due and payable on or before the last day of the current month. In order for a member to be in good standing, her/his dues (including all other financial obligations) must be paid on or before the last day of each month. All dues or other financial obligations not paid on or before the last day of the month in which the same are due shall become delinquent. A member who is delinquent in the payment of her/his dues or other financial obligations shall be suspended from membership, and shall not be entitled to any benefits and/or privileges heretofore or hereinafter referred to in this Constitution and Bylaws. Such a member shall not be considered a member in good standing whenever such status is required to confer upon said member a benefit and/or privileges under this Constitution and Bylaws. Reinstatement to good standing shall be accomplished by paying all delinquent amounts due and owing.

However, when a member is laid off from employment, or is absent from work due to employer lockout or a union-authorized strike for more than twenty (20) days in any calendar month, such member will be credited for membership dues for the period of unemployment but not to exceed six months in any calendar year, except in the case of a member who is on active recall status, who will be credited for the period of time she/he is on active recall and not employed.

9. Any provision of this Constitution and Bylaws which conflicts with any provision of this Article 14 shall be invalid and ineffective insofar as it so conflicts, and this said Article 14 shall be effective despite the fact that any other provision of this Constitution and Bylaws may conflict with it.
10. Retired members who are seventy-five (75) years of age or older and who have been paying dues continuously to the Union, either as regular members or as retired members, for at least ten years immediately prior to their seventy-fifth birthday, shall be considered members for life, and shall have no continuing dues obligations to the Union.

## **Article 15 STRIKES**

1. A strike is the most powerful weapon workers possess. Therefore decisions to strike should be made by those who are directly affected by a decision to exercise this powerful weapon.
2. The members of the affected bargaining unit must vote in order to authorize a strike. A majority of those voting is required to authorize a strike.
3. The Executive Board shall establish policies regarding strike authorization procedures for bargaining units represented by the Union.

## **Article 16 DUE PROCESS AND HEARING PROCEDURES**

1. Charges, Trials, and Appeals

All charges, trials, penalties, and appeals shall be conducted as set forth below.

## 2. Agreement to Exhaust All Remedies

Subject to the provisions of applicable statutes and laws, every member, Executive Board member, or officer of this Union against whom charges have been preferred and disciplinary action taken, or who has a grievance, claim, or dispute against the Union or any officer thereof, agrees as a condition of membership or affiliation, to exhaust all remedies provided in the Constitution and Bylaws of the Union, and further agrees not to file or prosecute any action in any court, tribunal or other agency until those remedies have been exhausted.

## 3. Enforcement of Member Rights and Responsibilities

The Union Member Rights and Responsibilities shall be enforced exclusively through the procedures provided in this article, and any decision rendered pursuant to these procedures, including any appeals, shall be final and binding on all parties and not subject to judicial review.

## 4. Trials and Appeals

In order to ensure members' protection from the filing of frivolous charges, the following procedures shall apply.

### A. The Union, its officers or members may be charged with:

- 1) Violation of any specific provision of this Constitution;
- 2) Violation of an oath of office;
- 3) If an officer, gross inefficiency which might hinder and impair the interests of the Union;
- 4) Financial malpractice;
- 5) Engaging in corrupt or unethical practices or racketeering;
- 6) Advocating or engaging in dual unionism or secession;
- 7) Violation of democratically or lawfully established rules, regulations, policies or practices of the Union;
- 8) The wrongful taking or retaining of any money, books, papers or any other property belonging to the Union; or the wrongful destruction, mutilation or erasure of any books, records, bills, receipts, vouchers, or any other property of the Union;
- 9) Working as a strike breaker or violating wage or work standards established by the Union; and
- 10) The bringing of false charges against a member or officer without good faith or with malicious intent.

### B. Charges must be specific and in writing.

Charges against any member or officer of the Union shall be filed in duplicate with the Secretary-Treasurer of the Union, who shall serve a copy thereof on the accused either personally or by registered or certified mail, directed to the last known address of the accused, at least ten (10) days before the hearing upon the charges. The charges must specify the events or acts which the charging party believes constitute a basis for charges and must state which sub-section(s) of Section 4A of this Article the charging party believes has been violated. If the charges are not specific, the trial body may dismiss the charges either before or at the hearing, but the charging party shall have the right to re-file more detailed charges which comply with this section. No charges may be filed more than six (6) months after the charging party learned, or could have reasonably learned, of the act or acts which are the basis for the charges.

The Executive Board of the Union shall appoint the trial body. The accused may appear in person and with witnesses to answer the charges against him or her and shall be afforded a full and fair hearing. The accused may select a member of the Union or an attorney to represent the accused in the presentation of a defense.

If the charges, or any portion thereof, are sustained, then the trial body shall render judgment and impose appropriate disciplinary action. If the charges are not sustained, the same shall be dismissed and the accused restored to full rights of membership or office in the Union.

The decision of the trial body shall be reported to the next regular membership meeting of the Union.

If the President of the Union believes that the charges filed against an officer of the Union involve a situation which may seriously jeopardize the interests of the Union, the President of the Union may suspend such officer from the Union until a decision has been reached.

In all trials provided herein, if the member filing charges is a member of the trial body, she or he may appear and be heard in support of the charges, but shall be ineligible to participate in the consideration of or decision of such charges. If the accused is unable or unwilling to be present at any hearing provided herein, a defense may be presented in writing. In default of appearance or defense, the trial body shall proceed with the trial regardless of the absence of the accused.

The trial body, after requisite due process has been afforded, may impose such penalty as it deems appropriate as the case requires.

## 5. Appeals

### A. What May Be Appealed

Any subordinate body or member thereof shall have the right under this Article to appeal any action, decision, or penalty by any of the following, unless otherwise provided: the Union or any of its committees, officers, committeepersons or stewards.

A failure or refusal to act by any of the foregoing, where it allegedly results in an injury, may also be appealed.

### B. Levels of Appeal

This section specifies the levels of appeal for various types of cases. An appeal may be submitted as follows:

- 1) Step One: To the trial body immediately responsible for the official, officer, action or decision under challenge; this appeal must be presented in writing within fifteen (15) days of the trial body's initial decision; and
- 2) Step Two: To the Executive Board of the Union; this appeal must be presented in writing to the Executive Board within fifteen (15) days of the decision issued by the trial body in the initial appeal.

## **Article 17 AMENDMENTS**

A vote of the majority of members of the Union who cast valid ballots shall be necessary to adopt any amendment(s) to this Constitution and Bylaws.

Any amendment(s) to the Constitution and Bylaws shall be submitted in writing to the Executive Board for consideration and recommendation.

Should two-thirds (2/3) of the Executive Board fail to support taking a member's proposed amendment(s) to a vote of the membership, no vote will be scheduled on the proposed amendment(s) unless a petition supporting the proposed amendment(s) is signed by at least twenty-five percent (25%) of the members in good standing of the Union and is submitted to the Executive Board.

The Executive Board may propose an amendment or amendments to this Constitution and Bylaws at any time provided two-thirds (2/3) of the Board supports the amendment.

Whenever the Executive Board reports upon any amendment or amendments to the Constitution proposed by members or initiated by the Executive Board, the Union shall send a written notice to all members and a vote shall take place

within one hundred eighty (180) days from the date of said report. When a notice is sent, any forms of media communication can and may be used.

## **Article 18 PROCEDURE AND DEBATE**

Meetings of this Union shall be governed by the current edition of Robert's Rules of Order. Every member shall follow and be subject to such rules governing debate at all meetings of this Union.

## **Article 19 PROPERTY RIGHTS OF MEMBERS**

The title to all property, funds, and other assets of this Union except for real property, which may be held by a corporation created pursuant to Internal Revenue Code Section 501(c)(2), shall at all times be vested in the Executive Board for the joint use of the membership of this Union. No member shall have any severable proprietary right, title or interest therein.

Membership in this organization shall not vest any member with any right, title or interest in or to the property of this Union, including the funds of this Union.

## **Article 20 NOMINATIONS AND ELECTIONS**

The General Election for all members of the Executive Board shall take place every three (3) years. Such elections shall occur consistent with federal and other applicable laws.

### 1. Election Committee

- A. An election committee shall be established no later than four (4) months prior to a general election. The committee shall consist of no less than five (5) members, appointed by the Executive Board. In addition, the President shall name a chairperson of the committee. The duties of the election committee shall be to:
  - 1) Conduct the election;
  - 2) Establish safeguards to ensure a fair and democratic election;
  - 3) Validate the qualifications of the nominees for candidacy;
  - 4) Validate the eligibility to vote;
  - 5) Tabulate the results and certify the election;
  - 6) Determine the method of voting.
- B. No member of the incumbent Executive Board shall be eligible to be a member of the election committee.
- C. Members of the election committee shall not be nominated for any office.
- D. A member not satisfied with a ruling of the election committee may petition an impartial third-party hired by the Union within fifteen (15) days after the act complained of, to review the action of the election committee pursuant to the provisions of the Union's Constitution and Bylaws.
- E. Lost time wages and other appropriate "out of pocket" expenses shall be paid for by the Union for members of the election committee.

### 2. Nominations

- A. Nominations for all members of the Executive Board shall take place during January of the appropriate election year.

- B. A member is eligible for nomination if she/he has been a member in good standing of the Union continuously for at least two (2) years prior to the date of the nomination being certified. For the Union's first election of officers, this requirement will include membership in good standing in any other labor organization, as defined by the National Labor Relations Act, representing healthcare workers. The President may waive this provision at her/his discretion based on good cause shown.
- C. The election committee shall prepare an official nominating petition for use in each general election.
- D. The official nominating petition(s) must be signed by the nominee in order for the nomination to be considered valid.
- E. The official nominating petition(s) for Vice Presidents shall be signed by at least twenty-five (25) members in good standing or twenty-five percent (25%) of members in good standing, whichever is less, in the appropriate constituency of the vice presidential candidate. The official nominating petition(s) for President and Secretary-Treasurer shall be signed by at least fifty (50) members in good standing.
- F. All nominees shall be promptly certified for candidacy or notified in writing of the reasons for his/her disqualification. Any question regarding the eligibility of a nominated candidate shall be decided by the election committee. Appeals shall be made in writing and postmarked by registered mail-return receipt requested to the chairperson of the election committee no later than three mail delivery days after receiving notice. All nominees not complying with this notice requirement shall be considered to have withdrawn.

### 3. Election Procedures

- A. The election committee shall provide adequate safeguards to ensure a fair and democratic election, including written procedures and setting forth dates, times, and places for the conduct of the election.
- B. Any candidate shall have the right to have an observer present at the counting of the ballots, and any member desiring to observe the counting of the ballots shall be permitted.
- C. For the offices of President and Secretary-Treasurer the candidate receiving the highest number of at-large membership votes shall be declared elected. For the Executive Board Vice President positions the candidate from each constituency as defined by the Executive Board receiving the highest number of votes from the specific constituency as defined by the Executive Board from which they have been nominated shall be declared elected.
- D. If only one candidate is nominated for a particular office s/he shall be elected without further procedures.
- E. Every bona fide candidate for office shall have the right, once within the thirty (30) days prior to an election in which s/he is a candidate, to inspect a list containing the names and last known addresses of all members of the particular constituency of the office being sought.
- F. The general election shall be held during the first quarter of the appropriate year.
- G. All members shall be notified of the election procedures at least thirty (30) days prior to conducting the election.
- H. Each candidate shall be encouraged to prepare a statement of qualifications and a platform which shall not be longer than two hundred (200) words. These statements shall be included in a "voter pamphlet" along with the appropriate ballots for each constituency.
- I. No candidate (including a prospective candidate) for any office in this Union or affiliate body or supporter of a candidate may solicit or accept financial support or any other direct or indirect support of any kind from any non-member of the National Union of Healthcare Workers.
- J. No write-in or proxy voting shall be allowed.

- K. The Union shall refrain from discrimination in favor of or against any candidate.
- L. The Union will comply with all reasonable requests of any candidate to distribute by mail or otherwise, at the candidate's expense, campaign literature in aid of that person's candidacy. In addition, any such assistance given to any candidate shall also be made available to all other candidates, at their own expense.
- M. When an election committee has certified the results of an election, the committee shall turn over ballots and other records to the Secretary-Treasurer who shall preserve for one year the ballots and all other records pertaining to the election.
- N. Installation of officers and Executive Board Vice Presidents shall take place at the next scheduled Executive Board meeting following the election.

## **Article 21 RECALL**

1. Executive Board members, including officers, may be recalled by a vote of the constituency that elected him/her to his/her office.
2. A vote to recall shall be held within sixty (60) days of receipt of a petition signed by at least thirty-five percent (35%) of the membership of the constituency that elected him/her to her/his office.
3. All signatures shall be dated and shall be no more than ninety (90) days old at the time of submission in order to be considered a valid signature.
4. A special election committee shall be designated by the Executive Board to conduct the recall election pursuant to provisions decided upon by the Executive Board.
5. If an Executive Board member or officer is recalled, his/her office shall be declared vacant and filled in accordance with the provisions contained within this Constitution and Bylaws.
6. Recall elections shall not be scheduled if a petition is received within one hundred eighty (180) days of a general election.
7. If a recall is not approved by a majority of those voting in the recall election, no new petition shall be considered valid if received prior to one year from the date that the recall election results were certified.
8. The recall process shall not be used merely to overturn the results of a bona fide election to office.

## **Article 22 OBLIGATION TO ABIDE**

Any entity described in this Constitution and Bylaws which shall willfully neglect to abide by the provisions of this Constitution and Bylaws shall be subject to suspension or recall or removal and/or any other sanctions as may be determined by the Executive Board.

## **Article 23 NON-LIABILITY OF UNION**

Except as is otherwise specifically provided in this Constitution, no officer, representative, or member of this Union shall be authorized to make contracts or incur liabilities for or in the name of the Union unless authorized in writing by the President and the Secretary-Treasurer, their designee(s), or by action of the Executive Board.

## **Article 24 RIGHTS BY LAW**

Subject to applicable laws, no member or employee of the Union shall bring any action against the Union or its officers with respect to any matter arising out of the affairs of the Union, unless he/she has exhausted all procedures available

under this Constitution and Bylaws, and any policies and procedures adopted hereunder. Any member filing suit in violation of this provision may, in addition to other penalties, be ordered to reimburse the Union and/or officers sued for the costs and attorneys' fees expended, or a portion thereof.

The Union is authorized upon affirmative vote by the Executive Board to pay all expenses for investigation, employment of counsel, and other necessary expenditures in any cause, matter, case or cases in which an officer, representative, employee, or agent or one alleged to have acted on behalf of the Union is charged with any violation of law or is sued in any civil actions with respect to any matter arising out of his/her official duties on behalf of the Union, except if such individual is charged with a breach of trust to the Union, in which event he or she may be indemnified only if the action is terminated favorably for him or her.

Neither the Union nor its officers shall be responsible or liable for the wrongful or unlawful acts of the Union or any other officers or agents thereof, except where the Union or its officers have actually participated in or actually and knowingly authorized such acts, or have ratified such acts after actual knowledge thereof.

Only the President and Secretary-Treasurer are authorized to be agents for service of process upon the Union. Other officers, representatives, employees, and/or agents are not authorized to be agents for service of process under any circumstances whatsoever.

## **Article 25 INSTALLATION PLEDGE**

Each member elected to serve the members of this Union in the capacity of an officer, Executive Board member, or steward shall, upon election, be sworn in to his or her position through the administering of the following pledge:

*"As an elected representative of the National Union of Healthcare Workers, I pledge my word and honor to uphold the principles of democratic, progressive, social movement unionism. I further pledge that I will faithfully honor the NUHW Constitution and Bylaws.*

*In accepting this office, I pledge, to the best of my ability, to provide strong, effective and fair representation by doing my part to build a powerful, member-led organization that is strong and democratic at the worksite, organizes the unorganized, and holds employers and elected officials accountable to the interests of healthcare workers and the patients for whom we care.*

*I will not knowingly wrong a member or see a member wronged if it is in my power to prevent it. I also pledge that I will work to the best of my ability to provide effective and responsible leadership to the members I am privileged to represent."*

## **Article 26 MEMBERSHIP PLEDGE**

Whenever possible, members are encouraged to be sworn in as members of the Union in order that members gain an understanding of the obligations of membership and the support that members give to each other as sisters and brothers in this Union. The pledge is as follows:

*"I, \_\_\_\_\_, pledge to faithfully observe the Constitution and Bylaws of the National Union of Healthcare Workers. I agree to defend the principles of democratic, progressive, social movement unionism and to do my part in building power for our healthcare workers union, both to serve as advocates for healthcare workers and the patients for whom we care. I will not knowingly wrong a member or see a member wronged if it is in my power to prevent it."*