

REGION ONE NURSE

FALL 2014

THE VOICE OF NURSES IN WESTERN MASSACHUSETTS

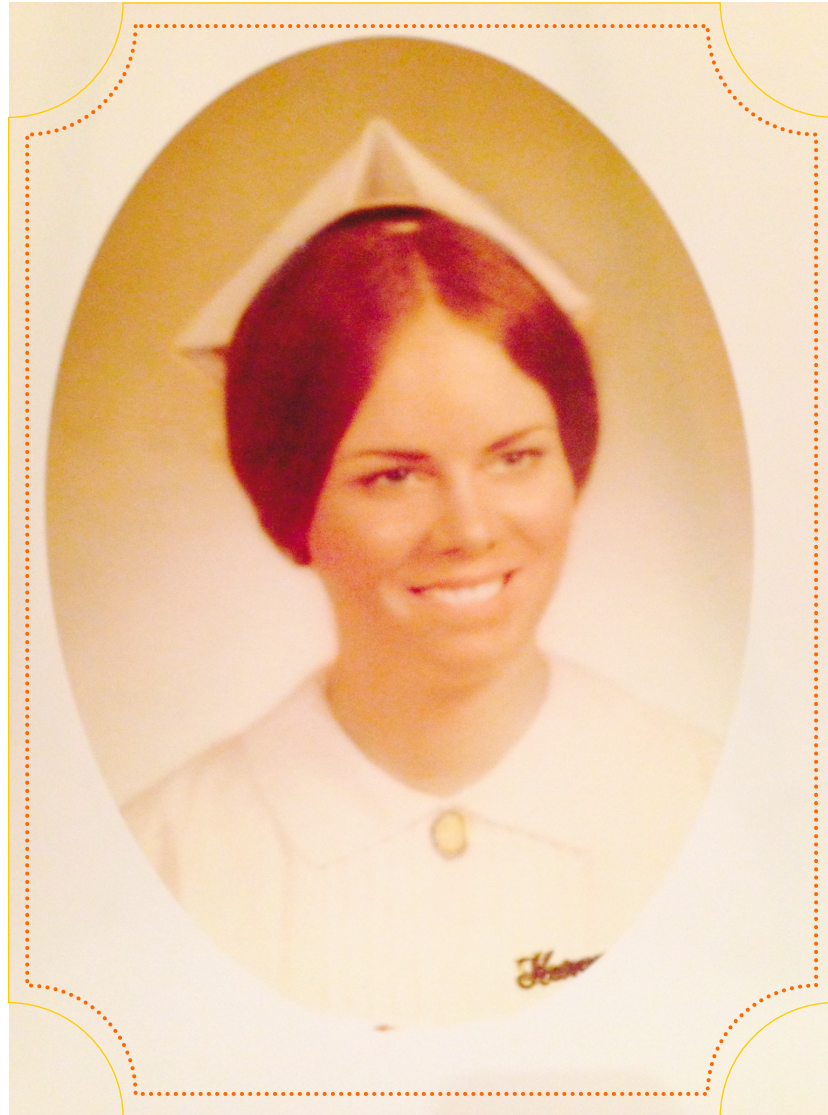
VOLUME 41, NUMBER 3

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Letter from the Chair

Patty Healey



Diane Michael, dear friend and colleague. 1974

"The times they are a changin" ...so stay informed and be an active participant in shaping the changes occurring all around you. We've been through a lot this past spring and summer in Region One. A community hospital closed abruptly in North Adams, leaving thousands without local access to healthcare, while another community hospital in Northampton is sharing resources with Partners giant, Mass General. Meanwhile, substance abuse related deaths are surging in Franklin county, while the Baystate medical center has not responded to community pleas to add services. Patients in Massachusetts have been able to choose lower cost health plans, though a shortage of local primary care physicians causes long wait times for basic care.

Nurses continue to deliver the best nursing care they can despite dramatic cuts in staffing across the state. And the MNA Board negotiated "a step in the door" staffing legislation with Senator Stan Rosenberg of Amherst.

We GRIEVE the tragic loss of a BELOVED leader, Diane Michael RN. The Providence Hospital nurses struggle to fill the leadership gap and carry on union business.

So much to think about, so much to be done! Come to Convention on October 2 and 3 and Rejuvenate, Celebrate, Learn, get CEUs, and schmooze!!! The Times they are a changing...be a part of the change!



*Diane P. Michael, RN
1951-2014*



Diane Michael

I am pleased to recommend my colleague Diane Michael, RN for the Elaine Cooney Labor Relations Award. Diane received her nursing training at Boston Children's Hospital graduating in 1974. She began working in Pediatrics at the Providence Hospital in 1974 where the MNA was already representing nurses. She joined the MNA committee in 1976 and has been an active member continuously since then. In 1996, Providence Hospital closed as an acute care medical facility to reopen as Providence Behavioral Health Hospital where Diane moved to the Adult Psychiatric unit on the 11-7 shift. By this time, Diane had been an MNA co-chair. When her long time co-chair retired, Diane remained as the sole MNA Chair. Diane continues as the Local Chair and leader of a very active and dedicated committee and much more.

Diane's **strong commitment to the Labor Relations Program** has been exemplified by her participation within her local unit at Providence, and extending to her many roles on the regional, state and national arenas. As Chairperson at Providence, she is often the first face of the MNA to new members or to members who need to file a grievance where she remains with them every step of the way. Diane is a leader at the monthly committee and labor management meetings, the regular membership meetings, and the contractually negotiated monthly Safe Staffing and Violence Task Force meetings. She has a strong and distinctive voice on her floor and for the nurses in the bargaining unit as a whole. During contract negotiations, her passion to advance the status of members is motivated by her desire to achieve economic parity with the sister acute care hospital down the road. Diane lives by the mantra, "no takeaways" and knows that "an injury to one is an injury to all".

Diane's **support for the MNA Labor program** is unwavering. As an 11-7 nurse, she often has to juggle between all her MNA work and sleeping. Traveling to the MNA Canton office at least monthly, she has been an elected member on the MNA Board of Directors since 2004 and is currently the Chair of the Board of Directors Policy Committee. She is also active in the MNA-PAC and has participated in the legislative briefings that occur locally in Region 1. Diane is a fixture on the picket and /or strike lines and was a mover and shaker when it came time for MNA to disaffiliate from the ANA years ago, and in the current fight for the MNA Safe Staffing and MNA Transparency Ballot Initiatives. Nationally, Diane was an NNU Delegate from 2009-2012 where she attended events throughout the country including rallies, meetings and legislative and lobbying events.

As a strong positive, professional role model, Diane is direct and clear in her intentions and actions. She is strongly committed to recruiting the newer and younger nurses into being active in MNA activities. Within the last few years, she has been successful in bringing on at least three "junior" members to the local committee where she has mentored and encouraged them to lead. Diane inspires all nurses to join MNA events, attend meetings locally and statewide, and encourages attendance and participation at the MNA annual convention, labor summits, regional summits, CE programs and alike. Diane has been on the MNA Board for Region 1 for many years where she attends monthly evening meetings for the betterment of the nurses in the Western Mass region. She is a selfless, constant advocate for patient safety, workplace safety, and safe staffing for every area of the hospital. Diane is a colorful person, with a big heart and a great sense of humor. A strong voice for justice and fairness, her dedication reached beyond the nurses and she was instrumental in helping the mental health counselors at Providence organize and ultimately vote to be represented the UAW. Diane is sincere as she strives for unity and equality for every person.

Finally, Diane is a fearless leader, and her **leadership skills** are valuable in our facility where there is a constant turnover in hospital management resulting in a lack of institutional memory. The nurses are fortunate to have Diane's experience, dedication, and long standing strong continuity in her message and actions. The Nurses of Providence Behavioral Health are honored and proud to nominate one of our own for the distinguished Elaine Cooney Labor Relations Award.

Taken from the nomination form written by Marilyn Hernandez, RN, Providence Hospital



Convention 2014

When: October 2 & 3

Where: DCU Center; 50 Foster Street Worcester, MA

Accommodations: Hilton Garden Inn, across the street from the DCU Center- \$119 per night.

To Register online for the convention, go to: www.massnurses.org or send in a registration form to the Canton headquarters office: 340 Turnpike Street, Canton, MA 02021

Any Questions, call MNA's Division of Nursing at: 800-882-2056 x727

Reimbursement for Region One members in good standing: Regional Council One will reimburse Region One members for one night's stay at the hotel and the convention fee. Please contact Office Manager, Allyson Garcia, at: region1@mnarn.org or 413-584-4607.

Unit 7 members, You may request \$75 convention registration and \$75 hotel reimbursement from Unit 7. Please contact the Labor Division at MNA Headquarters (781-821-4625 x712) for the appropriate form. Each amount will be deducted from a request for full reimbursement from MNA Region One.

Awards Reception

When: Thursday, October 2, 2014

Time: 6-8p.m.

Where: The Hilton Garden Inn, 2nd floor

All are invited to this year's Awards Reception. A change from years past, this year the Awards Reception will be ceremony only (no dinner) and will be free of charge. You will not want to miss it— as we have FOUR Region One members being honored this year. Please join us in supporting our fellow Region One members!

Gail Bean, Western Mass Hospital: Retired MNA Member Award

Linda Judd, Baystate Franklin Medical Center: Elaine Cooney Labor Relations Award

Diane Michael (posthumously), Providence Hospital: Elaine Cooney Labor Relations Award

Donna Stern, Baystate Franklin Medical Center: Elaine Cooney Labor Relations Award

Business Meeting

Date and Time: Thursday, October 2 at 2 p.m.

★ Please join us at this year's Business meeting where all members will be voting on changes to the By-Laws. For information on the By-Laws that will be voted on please see pages 9-12.



State Representative, Aaron Vega of Holyoke MA, speaks in support of the Patient Safety Act outside the state house on May 21, 2014.



Nurses gather on the common outside the State House on May 21, 2014.

REGIONAL COUNCIL ONE*OFFICERS*

Chair, Patty Healey, Brigham & Woman's Hospital

Vice Chair, Gail Bean, West. Mass. Hospital

Secretary, Irene Patch, UNIT 7- Holyoke Soldier's Home

Treasurer (temp), Chris Folsom, UNIT 7-DMR Community Services West

BARGAINING UNIT SEATS

Chris Clark, Baystate VNA

Alexander Neary, Berkshire Medical Center

Gerri Jakacky, Berkshire Medical Center

Sally Surgen, Cooley Dickinson Hospital

Marie Etkin, Cooley Dickinson Hospital

Linda Judd, Baystate Franklin Medical Center

Donna Stern, Baystate Franklin Medical Center

Stephen Mikelis, Mercy Hospital

Paul Dubin, Noble Hospital

Pam Fournier, Noble Hospital

Leslie Campbell, VNA & Hospice at Cooley Dickinson Hospital

Sheryl Moriarty, VNA & Hospice at Cooley Dickinson Hospital

Laurie Scriptor, West Springfield School Nurses

Elizabeth Bonafilia, West Springfield School Nurses

Avon Maxwell, Vibra Springfield

UNIT 7

Christine Folsom, UNIT 7- DMR Community Services West

Carol Konrad, UNIT 7-Holyoke Soldiers Home

Mary Turner, UNIT 7-Pittsfield Public Health

Sherry Ferrier, UNIT 7-Western Mass. Hospital DPH

Save The Dates

⇒ **October 24, 2014**: Come support our fellow Region One member and Regional Council One Chair, Patty Healey, as she receives an award for the Northampton Democrat of the Year. Don't forget to wear your MNA blues!

Time: 5:30 p.m.

Place: Conference Center on Smith College Campus, Northampton
Cost: \$25 per person, advanced registration only. Make check payable to the Northampton Democratic City Committee and send to Marjorie Hess, 70 Masonic St #1, Northampton MA 01060 by October 10, 2014.

⇒ **November 17, 2014**: Next Regional Council One meeting at 5:30 p.m. at the Region One office. Dinner is always provided, please RSVP if possible!

If you are interested in attending a Regional Council One meeting or have any questions please do not hesitate to contact Office Manager, Allyson Garcia, at 413-584-4607 or region1@mnarn.org

Silent Auction at Convention

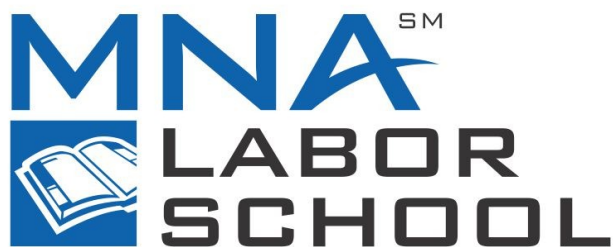
Every year at the MNA convention we hold a silent auction. All the proceeds go to the Massachusetts Nurses Foundation. The MNF is a non-profit organization, established in 1981, whose mission is to support scholarship & research in nursing and health care professions. The primary goal of the MNF is to advance the profession of nursing and health care by supporting the education of nurses.

If you would like to donate something to the silent auction please contact Office Manager, Allyson Garcia, to arrange a time to drop your item(s) off at the Region One office by September 30.

Silent Auction opens on October 2 at 7:30 a.m. and closes on October 3 at 7:30 a.m.



Hundreds of MNA members gathered to rally in front of the State House on Lobby Day, May 21, 2014.



↑ Get an “MNA Labor School” Jacket when you complete any 2 Labor School Tracks.

REGISTER NOW! Free to all Members!

Role of the Floor Representative, Grievances & Arbitration.

Week 1 – Thursday, September 25, 2014

Role of the Floor Rep., Identifying Grievances vs. Complaints, Grievance Procedure and Time Lines

Week 2 – Thursday, October 9, 2014

Investigation and the Right to Information, Discipline and Just Cause, Past Practice

Week 3 – Thursday, October 23, 2014

Writing Grievances, Preparing the Case, Weingarten Rights, Organizing around Grievances

Week 4 – Thursday, November 6, 2014

Presenting & Settling Grievances, Arbitration, Unfair Labor Practices

All classes are offered in two time slots: 9:30 a.m. to 12:00 noon and 6 p.m. to 8:30 p.m. A light meal will be provided. All classes are held at the Region 2 Office, 365 Shrewsbury St., Worcester, MA. 01604.

Please register by calling Carey Zimmerman, Region 2 Office Manager at 508-756-5800 or region2@mnarn.org

See You There!

Massachusetts
Nurses
Association



National
Nurses
United



Continuing Education Programs

DID YOU KNOW? Continuing Education Classes can be found on the MNA Website for All Regions?

To view the Continuing Education Courses offered and/or print out the entire brochure from your computer, follow these simple steps:

- ⇒ go to: <http://www.massnurses.org/>
- ⇒ Then click on the “Nursing Resources” link on the top menu of the website
- ⇒ Then click on the “Continuing Education” link on the left of your screen
- ⇒ Then click on the link: [“View the Course Calendar Online”](#)
- ⇒ There you will find a list by month of all the Continuing Education classes available to you.
- ⇒ From that screen you can also click on the link: [“Or download the entire Continuing Education calendar brochure here”](#)

That brochure includes the registration form, which you may print out and send in to the Regional Office that is offering the course you are signing up for. **Programs are posted to the website months before their date.**

Any Questions? Call Allyson Garcia, Office Manager for Region One, at 413-584-4607 or email at: region1@mnarn.org

Continuing Education Fall/Winter 2014

Implementing Evidenced-Based Practices in Preventing and Treating Skin Breakdown

Date: October 29, 2014

Time: 5-5:30 p.m., Registration/Dinner
5:30– 7:45 p.m., Program

Location: Log Cabin, 500 Easthampton Rd., Holyoke; 413-535-5077, www.logcabin-delaney.com

Fee (by check only): Member/Associate Member, free*; Non-members, \$95

*Requires \$25 placeholder fee which will be returned upon attendance

Description of class: A comprehensive overview of the physiological components of skin breakdown and evidence-based practices for prevention. A review of the latest nursing interventions and treatment modalities that are evidence-based will be presented.

Neurological Disorders of the Brain: What Nurses Need to Know

Date: November 19, 2014

Time: 5-5:30 p.m., Registration/Dinner
5:30– 7:45 p.m., Program

Location: Hotel Northampton, 36 King St, Northampton; 413-584-3100, www.hotelnorthampton.com

Fee (by check only): Member/Associate Member, free*; Non-members, \$95

*Requires \$25 placeholder fee which will be returned upon attendance

Description of class: This program will provide nurses with knowledge of neuroscience nursing. This includes neuro-assessment and interpretation, care of the patient with stroke, TBI, seizure, brain tumors, and post endovascular interventions, as well as a discussion of commonly performed neuro-imaging techniques.

A.M. Common Disorders of the Spine P.M. Pain Management

Date: December 3, 2014

Time: A.M. 9-9:30 a.m., Registration/
Breakfast. 9:30-11:45 a.m., Program
11:45-12:45 p.m., Lunch
P.M. 12:45-1 p.m., Registration
1-3:15 p.m., Program

Location: Log Cabin, 500 Easthampton Rd., Holyoke; 413-535-5077, www.logcabin-delaney.com

Fee (by check only): Member/Associate Member, free*; Non-members, \$195

*Requires \$50 placeholder fee which will be returned upon attendance

Description: A.M. There are many spinal disorders that result in back pain. This program will discuss the common pathologies that result in spinal disorder.

P.M. Pain management is a frequent complaint confronting the nurse in the care of patients. The speaker will discuss types of pain, the existing and new modalities and nursing interventions for managing pain.



241 King Street, Suite 226
Northampton, MA 01060

Phone: 413-584-4607

Fax: 413-584-8171

E-mail: Regin1@mnarn.org

WE'RE ON THE WEB

WWW.MASSNURSES.ORG

WWW.MASSNURSES.ORG/REGION1

Regional Council One is a unit of the MNA/NNU. The Regional Council supports the MNA bargaining units, the Massachusetts Nurses Foundation and the MNA PAC in promoting the primary functions of education, political organizing, democratic member involvement and support for collective bargaining. The Regional Council also promotes education for professional activities, regional coalitions of MNA bargaining units and general members interested in advocacy. The Regional Council is accountable to the regional membership and the MNA Board of Directors and acts in accordance with general MNA policies and bylaws.

The Regional Council meets every fourth Monday of the month in the Region One office. Region One has several committees that we invite members to join: Education, Finance, Health and Safety, History, Legislative, Newsletter, and Scholarship Committees. Let your voice be heard, join us!

Call the Region One office for more information: 413-584-4607.

REGION ONE NURSE is published three times a year by Regional Council One. It is a publication made available to MNA Region One members to inform and meet member needs by providing information on nursing, health care, and labor issues. We invite our members to submit items to the newsletter, especially through the editorial voice. A strong democratic union requires an informed membership. All submissions are subject to editing and none will be returned. For more information contact the Region One office at 413-584-4607 or email: region1@mnarn.org



Hundreds of MNA members gathered to rally in front of the State House on Lobby Day, May 21, 2014.

Proposed MNA Bylaw Amendments

The MNA Bylaws Committee proposes the following bylaw amendments for discussion at MNA's Convention on October 2, 2014. Members should review these prior to the discussion and vote scheduled to take place during the Annual Business Meeting at Convention on October 2, 2014 at the DCU Center, Worcester, Massachusetts.

Please Note:

- Language in red type, struck through, is language to be stricken from the original bylaw language.
- Language in red type and underlined is language to be substituted for or added to the original bylaw language.
- Language in black type is original bylaw language which will remain unchanged.

I. Article XI The Labor Relations Program – Amendments Proposed by the MNA Board of Directors

ARTICLE XI

~~The Labor Relations Program~~Collective Bargaining Units

Section 1: The Massachusetts Nurses Association ~~shall sponsor a Labor Relations Program (hereinafter "the Program") is the collective bargaining agent~~ for the purpose, through the process of collective bargaining and other related activities, of advancing the professional, economic, and general welfare of registered nurses and other health care employees contained in collective bargaining units represented by the Massachusetts Nurses Association under federal and state law.

Section 2: ~~Program members~~Collective Bargaining Members are defined as:

- a. Registered Nurses who are members in good standing of MNA, who are covered by a collective bargaining unit represented by the MNA under federal or state law, and who, in the private employment sector, are non-supervisory, non-managerial, and/or non-confidential employees within the meaning of the Labor Management Relations Act (hereinafter "LMRA"), and/or who, in the public employment sector, are public employees eligible for collective bargaining under other federal or state laws.
- b. Non-R-N-'s who are covered by collective bargaining units represented by MNA and are members in good standing, and who, in the private employment sector, are non-supervisory, non-managerial, and/or non-confidential employees within the meaning of the LMRA, and/or who, in the public employment sector, are public employees eligible for collective bargaining under other federal or state laws. Non-RN members in good standing are those who pay Non-RN dues to MNA. Such dues are to be established in the same manner as MNA dues.

Section 3: Only Program bargaining unit members, in good standing, may hold office and/or serve on the negotiating team in collective bargaining units represented by MNA. Other rights of ~~program bargaining unit~~ members shall include:

- a. the right to run for office at the ~~professional unit/state chapter level~~State, Intermediary and National levels as applicable;
- b. the right to nominate and vote for officers at the ~~professional unit/state chapter level~~State, Intermediary and National levels as applicable;
- c. the right to attend and vote at business meetings and conventions;
- d. the right to participate in the Regional Council, consistent with these bylaws.

Section 4: ~~The Program~~Collective bargaining shall be administered between MNA Conventions by the Board of Directors.

Section 5: ~~The Program~~Collective bargaining shall be funded from dues and fees paid to MNA. The Board of Directors may generate additional revenue ~~for operation of the Program~~ by assessment of Program collective bargaining members beyond MNA dues and fees in a manner provided by law. Bargaining units may assess their own dues, in a manner consistent with these bylaws, for purposes not related to collective bargaining.

~~Section 6: The Program shall operate through professional units and a state chapter as set forth below. Such professional units and state chapter shall also exist for the purpose of maintaining and improving the professional, economic, and general welfare of persons represented by the Massachusetts Nurses Association in collective bargaining under the provisions of state or federal laws.~~

~~a. Professional Units-Private Sector~~
Section 6: Bargaining units

a. ~~The~~ mechanism for representation by the MNA at the employer level, pursuant to the LMRA and M.G.L. 150E, shall be the professional bargaining unit. Each professional bargaining unit formed or existing under this subsection may contain only ~~private sector Program~~ members employed in job classifications contained within bargaining units represented for purposes of collective bargaining by the Massachusetts Nurses Association or employed in job classifications within bargaining units that the Massachusetts Nurses Association is seeking to represent for the purposes of collective bargaining.

b. ~~The~~ professional bargaining units established and existing pursuant to this subsection shall conform to the following requirements:

- (1) Each professional unit shall establish its own bylaws adopt and adhere to its guidelines of operations which shall not be inconsistent with provisions of this Article. Such guidelines shall include whether absentee balloting is allowable for any or all voting and shall include the positions and terms for bargaining unit leaders.
- (2) Each professional unit shall provide for conduct an election from its membership ~~of a unit Chairperson or similar officer and other such officers as may be deemed necessary for bargaining unit leaders, overseen by the MNA membership division. Newly elected leaders~~

- ~~shall participate in leadership education provided that the term of office of such Chairperson or officer shall not exceed three years by the MNA.~~
- (3) Each professional unit shall select a collective bargaining committee from its membership whose functions, in conjunction with the assistance of Program MNA Staff, will include: the gathering of contract proposals, the negotiation of collective bargaining agreements ~~on behalf of the Massachusetts Nurses Association and the professional unit with the employer of the unit members, and, the~~ administration of collective bargaining agreements after ratification of such agreements by the unit membership and maintaining ongoing mechanisms for communication with the membership including not less than one open meeting annually.

~~b. Professional Units Public Sector~~

~~The mechanism for representation by the MNA at the employer level, pursuant to G.L. Chapter 150E or other State or Federal collective bargaining laws covering public employees, shall be the professional unit. Each professional unit formed or existing under this subsection may contain only public sector Program members employed in job classifications contained within bargaining units represented for purposes of collective bargaining by the Massachusetts Nurses Association or employed in job classifications within bargaining units that the Massachusetts Nurses Association is seeking to represent for the purposes of collective bargaining.~~

~~The professional unit established and existing pursuant to this subsection shall conform to the following requirements:~~

- ~~(1) Each professional unit shall establish its own bylaws which shall not be inconsistent with the provision of this Article.~~
- ~~(2) Each professional unit shall provide for the election from its membership of a Chapter Chairperson or similar officer and other such officers as may be deemed necessary provided that the term of office of such Chairperson or officers shall not exceed three years.~~
- ~~(3) Each professional unit shall select a collective bargaining committee from its membership whose functions, with the assistance of Program Staff, shall include the gathering of contract proposals, the negotiation of collective bargaining agreements on behalf of the Massachusetts Nurses Association and the professional unit with the employer of the unit members, and the administration of such collective bargaining agreements after ratification of such agreements by the unit membership in accordance with the law.~~

~~e. State Chapter~~

~~The mechanism for representation by the MNA at the employer level for public employees within the bargaining unit designated by the State Labor Relations Commission, pursuant to Massachusetts General Laws Chapter 150E, as Unit 7, shall be the~~

~~State Chapter. The State Chapter existing under this subsection shall conform to the following requirements:~~

- ~~(1) The State Chapter shall establish its own bylaws which shall not be inconsistent with the provisions of this Article.~~
- ~~(2) The State Chapter shall provide for election from its membership of a Chapter Chairperson or similar officer and other officers as may be deemed necessary provided that the term of office of such Chairperson or officer shall not exceed three years.~~
- ~~(3) The State Chapter shall select a collective bargaining committee whose functions, with the assistance of Program Staff, will include the gathering of contract proposals, the negotiation of collective bargaining agreement on behalf of the Massachusetts Nurses Association and the State Chapter with the Commonwealth of Massachusetts and the administration of collective bargaining agreements after ratification of such agreements by the unit membership in accordance with laws.~~

~~d. Section 7: Ratification and Adoption of Collective Bargaining Agreements~~

- ~~(1) Upon ratification by a bargaining unit, the collective bargaining agreements must be signed by the MNA Executive Director or his/her designee.~~
- ~~(2) All collective bargaining agreements negotiated pursuant to these bylaws by professional units and/or the State Chapter on behalf of the Massachusetts Nurses Association that have been ratified by each professional unit and/or State Chapter in accordance with its bylaws, will be bargaining unit are adopted by the Massachusetts Nurses Association in the manner set forth in Section 2 herein without revision, provided that the provisions of such agreements are in conformity with all applicable provision of law and this Article of the Massachusetts Nurses Association Bylaws.~~
- ~~(2) Upon ratification and approval by a professional unit and/or State Chapter, the collective bargaining agreements shall be signed by the chairperson of such unit or State Chapter and the MNA Executive Director or his/her designee, and shall thereupon be considered as adopted by the Massachusetts Nurses Association.~~

Proviso:

Wherever the words "Labor Program Members" or "labor program members" (capitalized or not capitalized) appear it shall now say "Collective Bargaining Unit Members".

Wherever the words "Labor Program" (capitalized) appear it shall now say "Article XI Collective Bargaining Units".

Wherever the words "labor program" (not capitalized) appear it shall now say "Collective Bargaining Units".

Impact Statement:

Current language reflects Labor as a subgroup under ANA affiliation structures. Since disaffiliation and unification of the MNA, the language as currently written no longer reflects the members or their organization. The proposed language, which replaces language that is outdated, will accurately reflect the organization's structure as it exists today and the manner in which the bargaining units effectively work.

If adopted, will read:

ARTICLE XI

Collective Bargaining Units

Section 1: The Massachusetts Nurses Association is the collective bargaining agent for the purpose, through the process of collective bargaining and other related activities, of advancing the professional, economic, and general welfare of registered nurses and other health care employees contained in collective bargaining units represented by the Massachusetts Nurses Association under federal and state law.

Section 2: Collective Bargaining Members are defined as:

- a. Registered Nurses who are members in good standing of MNA, who are covered by a collective bargaining unit represented by the MNA under federal or state law, and who, in the private employment sector, are non-supervisory, non-managerial, and/or non-confidential employees within the meaning of the Labor Management Relations Act (hereinafter "LMRA"), and/or who, in the public employment sector, are public employees eligible for collective bargaining under other federal or state laws.
- b. Non-RN's who are covered by collective bargaining units represented by MNA and are members in good standing, and who, in the private employment sector, are non-supervisory, non-managerial, and/or non-confidential employees within the meaning of the LMRA, and/or who, in the public employment sector, are public employees eligible for collective bargaining under other federal or state laws. Non-RN members in good standing are those who pay Non-RN dues to MNA. Such dues are to be established in the same manner as MNA dues.

Section 3: Only bargaining unit members, in good standing, may hold office and/or serve on the negotiating team in collective bargaining units represented by MNA. Other rights of bargaining unit members shall include:

- a. the right to run for office at the State, Intermediary and National levels as applicable;
- b. the right to nominate and vote for officers at State, Intermediary and National levels as applicable;
- c. the right to attend and vote at business meetings and conventions;
- d. the right to participate in the Regional Council, consistent with these bylaws.

Section 4: Collective bargaining shall be administered between MNA Conventions by the Board of Directors.

Section 5: Collective bargaining shall be funded from dues and fees paid to MNA. The Board of Directors may generate additional revenue by assessment of collective bargaining members beyond MNA dues and fees in a manner provided by law. Bargaining units may assess their own dues, in a manner consistent with these bylaws, for purposes not related to collective bargaining.

Section 6: Bargaining units

- a. The mechanism for representation by the MNA at the employer level, pursuant to the LMRA and M.G.L. 150E, shall be the bargaining unit. Each bargaining unit formed or existing under this subsection may contain only members employed in job classifications contained within bargaining units represented for purposes of collective bargaining by the Massachusetts Nurses Association or employed in job classifications within bargaining units that the Massachusetts Nurses Association is seeking to represent for the purposes of collective bargaining.

- b. The bargaining units established and existing pursuant to this subsection shall conform to the following requirements:
 - (1) Each shall adopt and adhere to its guidelines of operations which shall not be inconsistent with provisions of this Article. Such guidelines shall include whether absentee balloting is allowable for any or all voting and shall include the positions and terms for bargaining unit leaders.
 - (2) Each shall conduct an election from its membership for bargaining unit leaders, overseen by the MNA membership division. Newly elected leaders shall participate in leadership education provided by the MNA.
 - (3) Each shall select a collective bargaining committee from its membership whose functions, in conjunction with the MNA Staff, will include: the gathering of contract proposals, the negotiation of collective bargaining agreements, the administration of collective bargaining agreements after ratification of such agreements by the unit membership and maintaining ongoing mechanisms for communication with the membership including not less than one open meeting annually.

Section 7: Ratification and Adoption of Collective Bargaining Agreements

- (1) Upon ratification by a bargaining unit, the collective bargaining agreements must be signed by the MNA Executive Director or his/her designee.
- (2) All collective bargaining agreements negotiated pursuant to these bylaws that have been ratified by each bargaining unit are adopted by the Massachusetts Nurses Association without revision, provided that the provisions of such agreements are in conformity with all applicable provision of law and this Article of the Massachusetts Nurses Association Bylaws.

Proviso:

Wherever the words "Labor Program Members" or "labor program members" (capitalized or not capitalized) appear it shall now say "Collective Bargaining Unit members".

Wherever the words "Labor Program" (capitalized) appear it shall now say "Article XI Collective Bargaining Units".

Wherever the words "labor program" (not capitalized) appear it shall now say "Collective Bargaining Units".

II. New Article XII Indemnification – Amendments Proposed by the MNA Board of Directors

ARTICLE XII Indemnification

The Association shall to the extent legally permissible and consistent with the Association's tax exempt status and with the Employee Retirement Income Security Act of 1974, as amended, indemnify each of its present and former Directors, Officers, Senior Executives (as defined below), and any person who serves or has served, at the Association's request as Director, Trustee, Officer or member of another organization or in a capacity with respect to any employee benefit plan (and the heirs, executors and administrators of the forgoing) (collectively referred to as the "Indemnified Person") against all expenses and liabilities which the Indemnified Person has reasonably incurred in connection with or arising out of any action or threatened action, suit or proceeding, whether civil, criminal, administrative or investigatory, in which the Indemnified Person may be involved, directly or indirectly, by reason of serving or having served in a capacity identified above. Such expenses and liabilities shall include, but not be limited to, judgments, fines, penalties, court costs and attorney's fees and the cost of reasonable settlements. However, no such indemnification shall be made in relation to matters as to which such Indemnified Person shall be finally adjudged in any such action, suit or proceeding not to have acted in good faith in the reasonable belief that his or her action was in the best interests of the Association or, in the case of a person who serves or has served in a capacity with respect to an employee benefit plan, in the best interest of the participants or beneficiaries of such plan. "Senior Executives" shall mean the persons holding the positions approved by the Board of Directors from time to time as Senior Executive positions for indemnification purposes.

In the event that a settlement or compromise of such action, suit or proceeding is effected, indemnification may be had, but only if such settlement or compromise and such indemnification are approved by a majority vote consisting of disinterested Directors.

Proviso: If this is adopted, Section 7: a., b. – Indemnification in Article V – Board of Directors shall be

stricken and Section 8 – Quorum will be renumbered as Section 7.

Current Articles XII-XIX will be renumbered as Articles XIII-XX.

Impact Statement:

In order to properly indemnify those working on behalf of the MNA, the language must be adopted by the membership and fully incorporated into the organization's bylaws. The proposed language will properly indemnify those working on behalf of the MNA.

If adopted will read:

ARTICLE XII

Indemnification

The Association shall to the extent legally permissible and consistent with the Association's tax exempt status and with the Employee Retirement Income Security Act of 1974, as amended, indemnify each of its present and former Directors, Officers, Senior Executives (as defined below), and any person who serves or has served, at the Association's request as Director, Trustee, Officer or member of another organization or in a capacity with respect to any employee benefit plan (and the heirs, executors and administrators of the forgoing) (collectively referred to as the "Indemnified Person") against all expenses and liabilities which the Indemnified Person has reasonably incurred in connection with or arising out of any action or threatened action, suit or proceeding, whether civil, criminal, administrative or investigatory, in which the Indemnified Person may be involved, directly or indirectly, by reason of serving or having served in a capacity identified above. Such expenses and liabilities shall include, but not be limited to, judgments, fines, penalties, court costs and attorney's fees and the cost of reasonable settlements. However, no such indemnification shall be made in relation to matters as to which such Indemnified Person shall be finally adjudged in any such action, suit or proceeding not to have acted in good faith in the reasonable belief that his or her action was in the best interests of the Association or, in the case of a person who serves or has served in a capacity with respect to an employee benefit plan, in the best interest of the participants or beneficiaries of such plan. "Senior Executives" shall mean the persons holding the positions approved by the Board of Directors from time to time as Senior Executive positions for indemnification purposes.

In the event that a settlement or compromise of such action, suit or proceeding is effected, indemnification may be had, but only if such settlement or compromise and such indemnification are approved by a majority vote consisting of disinterested Directors.

Proviso: If this is adopted, Section 7: a., b. – Indemnification in Article V – Board of Directors shall be stricken and Section 8 – Quorum will be renumbered as Section 7.