

Official Call to Meeting

2020 Business Meeting of the New York State Nurses Association

Tracey Kavanagh, RN, NYSNA Secretary

Tuesday, Oct. 20, 2020

This meeting will be held virtually and is open to all NYSNA members in good standing. To register, go to www.nysna.org/2020convention

PROPOSED AMENDMENT TO NYSNA BYLAWS

AMENDING NYSNA BYLAWS ARTICLE
X, SECTION 4 TO IMPOSE A WAITING
PERIOD OF 24 MONTHS BEFORE FORMER
SUPERVISORS OR MANAGERS CAN RUN
FOR THE NYSNA BOARD OF DIRECTORS

Submitted by Michelle Jones, Delegate,
Flushing Hospital

Text of the Proposal:

Article X. Nominations

Section 4.

The Nominating Committee shall prepare a ballot that lists the eligible candidates for each office to be filled. A member may nominate another member or submit a self-declaration as a candidate in writing to the Executive Director of NYSNA, provided that the member is not currently; (a) serving on the Nominating Committee, or (b) a member of the NYSNA Staff; or (c) a supervisor or manager within the meaning of the National Labor Relations Act, **within the twenty-four (24) months preceding the nomination.**

LEGAL DEFINITION OF SUPERVISOR

In 2012 we changed our bylaws to create a stronger union. Managers and supervisors who are not allowed to be in unions cannot serve on the NYSNA Board of Directors. This legal standard, “a supervisor or manager within the meaning of the National Labor Relations Act” **does not apply to the many public sector nurses with “supervisor” in their job title.** Only “hire and fire” supervisors, like Associate Directors of Nursing or Nursing Directors, are prohibited from serving as NYSNA officers.

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MAKER'S RATIONALE

Given the current economic situation with managers being furloughed, and thus able to take bargaining unit jobs, and given that managers have played a decisively anti-union role in recent and current organizing drives, it is important to ensure that individuals who recently served in supervisory or managerial positions not be allowed to serve in policy-making, leadership roles in NYSNA.

While the NLRB is clear that no current supervisor or manager, as defined under the Act, may hold an officer position in a labor union, a specific Department of Labor regulation recognizes that unions may legitimately require candidates for office to have been employed in the craft, as a bargaining unit member, for a period of twenty-four (24) months. The rationale behind this Department of Labor regulation is the recognition that unions have a right to ensure that those holding union office be closely connected to the bargaining unit members they, as leaders, will represent.

If former managers or CNOs wish to run for office in NYSNA, they should serve in a bargaining unit position for enough time to prove themselves pro-union, or at least experience such a position for a minimum amount of time in order to fully understand and be able to respond to the needs of bargaining unit members.

The Delegated Convention requires a twelve (12)-month waiting period for members who wish to run as delegates. There are reports that managers who have entered the bargaining unit, even after a year, continue to have influence and promote anti-union sentiments. Because, unlike delegates, NYSNA officers are fiduciaries of the union, it is appropriate to increase the time a prospective Board of Directors candidate must work in the bargaining unit to twenty-four (24) months. Members of the Board, as leaders of the union, should be held to the highest standards, including working side by side with our members who elected them for at least a two-year period.

