

**HENNEPIN COUNTY ASSOCIATION OF
PARAMEDICS AND EMERGENCY
MEDICAL TECHNICIANS**

CONSTITUTION AND BY-LAWS

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PREAMBLE

The purpose of H.C.A.P.E. (Hennepin County Association of Paramedics and EMTs) is: to provide a medium for expression and pursuit of the occupational and professional interests of its members, to protect the terms and conditions of employment of the employees it represents, and to influence standards of conduct and operations pertaining to the Emergency Medical Services and its personnel.

CONSTITUTION AND BY-LAWS HENNEPIN COUNTY ASSOCIATION OF PARAMEDICS AND EMERGENCY MEDICAL TECHNICIANS

ARTICLE I ORGANIZATION

Section 1. Name

This Organization shall be known as the “**HENNEPIN COUNTY ASSOCIATION OF PARAMEDICS AND EMERGENCY MEDICAL TECHNICIANS**”

ARTICLE II JURISDICTION

H.C.A.P.E. is recognized as the exclusive representative under Minnesota Statutes, Section 179A.40, by Hennepin County Medical Center and its representatives, for a unit of permanent full and part-time employees in the classes of Emergency Medical Technician / Emergency Medical Dispatcher, Paramedic and those newly created classifications as established within the context of the Memorandum Agreement between Hennepin County

ARTICLE III

MEMBERSHIP

Section 1. Active

Any permanent fulltime member of Hennepin Emergency Medical Services, appointed as an Emergency Medical Technician / Emergency Medical Dispatcher, Paramedic and those newly created classifications as established within the context of the Memorandum Agreement between Hennepin County Association of Paramedics and Emergency Medical Technicians (H.C.A.P.E.) and Hennepin Healthcare System (HHS) becomes a member of this Association. An employee may become a member of the Association by appealing to the Secretary. The Secretary will inform the prospective member of the rights and responsibilities of membership and review this Constitution and By-Laws with him/her. The prospective member shall authorize, in writing, the payroll deduction of union dues and shall forfeit the required initiation fee before (s) he gains membership in good standing. Upon request by the individual, the Association shall accept intermittent and part-time employees who meet the requirements of Article 2, Section 1 of the labor agreement.

Section 2. Membership Rights

Every member in good standing shall enjoy the following rights and privileges:

- A. A single vote in all matters of official referendum;
- B. Free voice in representing his/her interests at any official general assembly, with the right to make motions;
- C. The right to committee membership and participation as a standing member of the committee;
- D. The right to hold Association executive office;
- E. Free receipt of any and all Association publications except as stated in ARTICLE IX, Section 5;
- F. The un-obligated receipt of monetary or non-monetary incentives or gains offered by the Association, exclusive of that which is granted under the Memorandum Agreement;
- G. The above rights and privileges are not granted to non-members.

Section 3. Initiation Fee

All applications for membership in this association shall be made to the Secretary, and shall be accompanied with the specified initiation fee, as provided for ARTICLE IV, Sections 1 and 2.

Section 4. Honorary

Honorary memberships in this Association will be conferred upon any retiring member of the association and any person by a majority vote of the members present in a meeting of this association. They shall be privileged to attend the meetings of the organization, but shall have NO VOICE or VOTE in the business transacted in the meeting, nor shall they receive any benefits, listed as such, in of this Constitution and By-law of this Association.

Section 5. Withdrawal Cards

When any member in good standing becomes separated from Hennepin EMS (HEMS), such member upon their request, shall be issued a Withdrawal Card provided, however, who is elected or appointed as a representative of, or to, an affiliated State or National labor organization shall retain their Active Membership in this Association.

Section 6. Promotion Out of Labor Agreement

Any member of H.C.A.P.E. promoted to a position outside of the jurisdiction of the Constitution and By-Laws, shall cease to be an active member of this association, and all their seniority shall remain frozen for a period of one (1) year. After the period of one (1) year, their seniority status will go to that of a new hire.

ARTICLE IV

INITIATION FEES, DUES, AND ASSESSMENTS

Section 1. Waiver of Initiation Fee

Applications for membership to H.C.A.P.E., made before thirty days after medical probation, shall not be required to pay initiation fee. Applications received after thirty-one (31) days after medical probation may pay initiation fee of nine tenths of one percent (0.9%) of the monthly pay of a top member monthly salary.

Section 2. Amount of Monthly Dues

The regular monthly dues of members of H.C.A.P.E. shall be nine tenths of one percent (0.9%) of the monthly pay of a top member monthly salary.

Section 3. Special Assessments

Assessments may be levied only when deemed a necessary action by the Executive Board to carry on the work of this association and after approval by a majority vote of the members in a regular meeting and by a ballot.

Section 4. Changes in Dues, Initiation Fee and Assessments

Any changes in rates of initiation fees, dues or assessments require notice of such proposed increases to be given to the members in good standing at least thirty (30) days in advance of the date set for a vote. On the date set, a vote by majority ballot at the regular or special meeting shall vote the proposed increase on.

Section 5. Reinstatement of Member

Any member, who separates in good standing, will be reinstated by submitting a membership card to the Secretary for full membership.

<p>ARTICLE V</p> <p>MEETINGS</p>
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Section 1. When, Where and Time Held

The regular meeting of this Association shall be called for the second month of the quarter (February, May, August & November), first Tuesday for the months of February and August and the First Thursday for the months of May and November beginning at seven thirty (7:30) p.m., in a hall rented for that purpose, unless otherwise ordered by a recommendation of two thirds (2/3) of the members of the executive board. Notices announcing regular meetings shall be posted to all members at least ten (10) days prior to the meeting. The Executive Board may meet in the interim and conduct necessary business. The Executive Board may hold meetings via teleconference if in person meetings are not possible. Notice of special Executive Board meetings to the members of the Executive Board shall be the responsibility of the President of the Association.

Section 2. Special Meetings, How to Call for

Special meetings may be called, by order of the President, the Executive Board whenever in their judgment it is necessary, or when petitioned in writing by fifteen (15), or more members. Notices announcing the meetings and the reason for said meeting would be posted to all members at least ten (10) days prior to the meetings.

Section 3. Quorum

A quorum shall consist of five percent (5%) of the Association membership, provided that said members are in good standing on the books of the Treasurer.

Section 4. Who Can Attend

Every member in good standing shall have the right to attend any quarterly, special or committee meeting of H.C.A.P.E. and to participate in such meeting in accordance with

recognized rules as set forth in the Manual of Parliamentary Procedures adopted by this Union. Members shall conduct themselves in such a manner as not to interfere with the legal or contractual obligations of this union.

Section 5. Divulging Union Business

No member of this union, unless authorized by more than two (2) Executive Board members, shall divulge any business transacted in a meeting of this association.

Section 6. Robert's Rules

The rules contained in "Robert's Rules for meetings" shall govern the meetings of this union in all cases not in conflict the Constitution, the By-Law's of this union.

Section 7. Suspended Members Not Entitled to Vote

Members who fail to pay their dues and/or assessments within the periods prescribed, or as may be required by this Constitution and By-Laws, shall be automatically suspended and lose their good standing if payment is not made within sixty (60) days following such notification. Suspended members are NOT entitled to voice or vote in the union or in the affairs of the Association.

<p>ARTICLE VI</p> <p>OFFICERS AND ELECTIONS</p>

Section 1. Officers

The following elected officers of H.C.A.P.E. shall be active members of the classifications as established within the context of the Memorandum Agreement between Hennepin County Association of Paramedics and Emergency Medical Technicians (H.C.A.P.E.) and Hennepin Healthcare System (HHS). They shall be: a President, Vice-President, Secretary, Treasurer, Chief Steward Paramedic and Chief Steward EMT/ EMD.

Section 2. Terms of Office

The officers shall serve three (3) years or until their successors are elected and qualified for office. The six (6) elected officers will be elected for three (3) year terms. Each year the officers will be elected in-groups as follows: The President and the Chief Steward Paramedic in one year. The Vice-President and Treasurer in another year. The Secretary and Chief Steward EMT/EMD in another year. The general election for Officers shall normally be held in the month of May or within sixty (60) days following ratification of a new Labor Agreement by HHS and H.C.A.P.E.

Elections of the officers will be postponed until contract negotiations have been finalized and ratification of a new Labor Agreement by HHS and H.C.A.P.E.

Prior to applying for a HEMS management position, a union officer shall resign their position. A union officer may be removed from their position if actively seeking a management position. If a union officer resigns and is not selected for a management position that individual will have to seek re-election.

Section 3. Eligibility for Nomination – Meeting Attendance

A Member to be eligible for nomination and election, for any officer position of this association, shall be an active member of H.C.A.P.E. and a member in good standing.

Section 4. Distribution of Campaign Literature

Candidates for office in this association shall have the right to distribute campaign literature, by mail or otherwise, to all members in good standing, at the candidates own personal expense. There shall be no discrimination in favor of or against any candidate with regard to use of membership lists.

Section 5. Nomination to Office

Nominations for office will be open March 15. A notice will be posted for all members announcing which positions are open for nominations, and any member desiring to become a candidate shall submit their name in writing by a letter to the President indicating the position for which they wish be nominated and the nomination must be dated and signed by the nominee.

The letter designating nomination must be received prior to April 1st. The Secretary shall post a listing of all nominees for office on April 5th or sixty days (60) following ratification of a new Labor Agreement by HHS and H.C.A.P.E. Any nominee desiring to withdraw as a nominee must submit a statement in writing to the President announcing their withdrawal within 10 days following the notice of the nominees sent by the Secretary.

The nomination process shall be delayed until sixty days (60) days following the ratification of a new labor agreement by HHS and H.C.A.P.E .

Section 6. Election and Voting Procedures

The Treasure and Secretary shall have obtained a complete list of all active members. The election ballots shall be mailed to all eligible members at least fifteen (15) days, but not more than seventeen (17) days, before the Primary and General Elections. The double-envelope system shall be used: and/or external envelope identifying the eligible voter and an internal envelope only containing the executed ballot without any marking identifying the voter. All mailed or hand delivered return ballots received before the actual count shall be placed, unopened, in a secure ballot box at the union office. The Executive Board, by majority vote, may elect to perform voting electronically.

Thereafter, the names of the two nominees shall be placed on the ballot for the General Election to be held in the month of May of the election year, except that if any candidate in the Primary Election receives votes totaling more than 50% of the eligible voting members of H.C.A.P.E., that candidate shall be declared elected and no further election is necessary. In the event there are only two nominees for any of the above specified offices, the President shall certify their nomination as candidates and their names shall be placed upon the ballot for the General Election, and there will be no Primary Election held for any such office. To be counted in the General Election, the ballots must be received no later than May 25th.

Section 6-A. Election Dates

March 15th Nominations,

April 1st Nominations end

April 5th Nominations Posted

April 15th Primary Ballots mailed out

May 1st Ballots due back

May monthly meeting Primary Ballots Counted

Friday following the monthly meeting General Election ballots mailed

May 25th General Election ballots due

May 27th Ballots counted by Election Committee in a meeting called by the Chair

Section 7. Effective Date of New Officers

All elected officers of this association shall assume their respective offices on June 1 or 30 days following their election.

Section 8. Election Committee Appointed By President

The President shall appoint an Election Committee, which shall be responsible for the distribution and tabulating of the ballots. Each candidate for office shall be entitled to appoint one (1) observer who will be permitted to witness the manner of distribution and casting of ballots, and attend the meeting at which the votes are tabulated. The Election Committee will also be responsible tabulating special elections and contract votes.

Section 9. Ballots Preserved by the Secretary

The Secretary shall preserve the ballots and all other records of an Election for Officers for three (3) years.

Section 10. Vacancy and Filling of Offices

The office of any officer who shall absent himself from three (3) consecutive Executive Board and/or two quarterly meetings without a reasonable or lawful excuse shall be declared vacant, and it shall be the duty of the President to order an election to fill the vacancy. The President may appoint an officer during the interim. The appointment shall be ratified by a majority vote of the Executive Board. The vote results shall be made available to the membership. No officer of the union shall hold more than one position at one time. The president shall order a special election for the vacant board position within sixty days (60) of the position becoming vacant.

Section 11. Definition of Executive Board

The elected officers of this union are: President, Vice-President, Treasurer, Secretary, Chief Steward-Paramedic, and Chief Steward-EMT/EMD and shall constitute the Executive Board.

Section 12. Recall (removal) Provisions of Elected Officers

In order to have the recall, a petition must be signed by more than half or (50% plus) of the members of the association. The petition must specify which elected officers of the association are to be recalled. Upon receipt of a valid petition (validity of the officer charged with incompetence, gross negligence, or corruption in the performance of his/her duties be determined within three (3) days of receiving the petition), the Executive Board will then term the office of the elected officer of the association so designated in the petition, 30 days from the day the petition was validated.

Nominations will be announced and open for ten (10) days following the day the petition was validated. A primary election will be held (if necessary) immediately following the nominations and balloting for the entire special election (primary included) to be completed in the 20 day period following the nominations.

Any member, not including any elected officers of the union being recalled, may be nominated for the special election. The newly elected officers of the association from this special election will serve the remainder of the original term of office of the elected officer of the association being recalled.

Section 13. Minn. Stat. §317A.447, §317A.450 and §317A.011

Ballots and voting may be in accordance with the procedures set forth in Minnesota Statutes, §317A.447, §317A.450 and §317A.011. See attached Minnesota Statutes.

ARTICLE VII

DUTIES OF OFFICERS

Section 1. Duties of the President

It shall be the duties of the President to:

- A. It shall be the duty of the President to preside at all regular and special membership meetings of the association and sign all papers requiring his signature. The President shall discharge on behalf of this association such duties imposed upon him by applicable law including the execution and filing of any reports to the Federal or State Authorities; and he shall cause to be maintained by the association, such records as the law requires to be kept in support of the report filed by it.
- B. The President is charged to act as official spokesperson for the Association.
- C. The President is charged to act as co-chairperson of the Negotiation Committee, and will be the official co-spokesperson for the Association during all negotiations with the employer.
- D. The President is responsible for oversight of all of the matters and concerns of the Association.
- E. The President is obligated to completely and impartially report to the membership all facts and information pertaining to Association business, except as provided in Article IX, Section 6).
- F. The President may call a committee meeting of any standing or assigned committee.
- G. The President may be present as a participating member of any official assembly of the Association.
- H. The President, along with the Vice President, is an officer of account for the stewards, with the power to direct the activities of the stewards and to assemble the stewards in a group meeting.
- I. The President may serve as a grievance representative.
- J. The President may be a signatory or co-signatory on checks written with Association monies. Before assuming such responsibility, (s) he shall obtain an insurance bond for an amount determined by the Treasurer. The cost of such bond shall be borne by the Association.
- K. The President shall appoint all committees and shall be a member of said committees, and shall perform such other duties pertaining to his office.
- L. In the event of a vacancy of a member of the Executive Board by reason of death, removal and/or resignation, it shall be the duty of the President to appoint an officer during the interim with the consent of the Executive Board. The president shall appoint the interim member of the Executive Board within thirty (30) days of the position becoming vacant.
- M. The President shall be the official spokesperson for any media releases pertaining to the Association.

- N. The President shall be allowed to use a credit card in the Association's name to make purchases and reservations for all business conducted by this union. The President shall obtain receipts for all bills and forward them to the Treasurer.

Section 2. Duties of the Vice-President

It shall be the duties of the Vice-President to:

- A. The Vice-President, in order named, shall perform the duties of the President in his absence and shall become President upon the death, removal (withstanding the provisions of Article IX, Section 6), and/or resignation of the President. They shall render all such assistance to the President as may be required of them to conduct the meetings of this association.
- B. The Vice-President is charged to assist the President in the administration of his/her duties and responsibilities.
- C. The Vice-President is charged to act as co-chairperson of the Negotiation Committee, and will be the official co-spokesperson for the Association during all negotiations with the employer.
- D. The Vice-President, along with the President, is an officer of account for the stewards, with the power to direct the activities of the stewards and to assemble the stewards in a group meeting.
- E. The Vice-President may serve as a grievance representative.
- F. The Vice-President may be present as a participating member of any official assembly of the Association.
- G. The Vice-President may be a signatory or co-signatory on checks written with Association monies. Before assuming such responsibility, (s) he shall obtain an insurance bond for an amount determined by the Treasurer. The cost of such bond shall be borne by the Association.
- H. The Vice-President shall be allowed to use a credit card in the Association's name to make purchases and reservations for all business conducted by this Union. The Vice-President shall obtain receipts for all bills and forward them to the Treasurer.

Section 3. Duties of the Secretary

It shall be the duties of the Secretary to:

- A. It shall be the duty of the Secretary to attend all meetings of the association, the Executive Board, and trustees meetings.
- B. The Secretary shall keep true, correct and comprehensive minutes of all regular and executive board meetings of this association and have copies available to each quarterly meeting of this association for approval by the membership.
- C. The Secretary shall keep the minutes of all regular meetings, executive board meetings, and amendments to the constitution and by-laws in books provided for that purpose. Such books shall be kept up to date and available to any member at the union office at all times. The minutes of all regular and Executive Board meetings of this association are to be kept on site at the union offices and are to be available for inspection by any association member in good standing.

- D. The Secretary shall keep a current roster listing the names, addresses, and email addresses of all association members together with the date when each full voting became or ceased to be such.
- E. The Secretary shall have a notice of the current number of members, along with the number constituting a quorum of members, shall be posted quarterly by the Secretary on the union boards.
- F. The Secretary shall act as the custodian of the seal, records of the Association, sign its official papers, give notices as may be required, and perform other appropriate duties as may be required of him/her by the Executive Board.
- G. The Secretary shall conduct all necessary correspondence, send out notices of all meetings to include unfinished business and elections, and perform other such duties that the Secretary may designate.
- H. Discharge on behalf of this association, all duties imposed on the Secretary by law, including filing of all reports required and maintain all records the law may require to be kept in support of reports filed by this association.
- I. The Secretary shall maintain the Association office in a business-ready state.
- J. The Secretary may serve as a grievance representative.
- K. The Secretary may be a signatory or co-signatory on checks written with Association monies. Before assuming such responsibility, (s) he shall obtain an insurance bond for an amount determined by the Treasurer. The cost of such bond shall be borne by the Association.
- L. The Secretary shall be allowed to use a credit card in the Association's name to make purchases and reservations for all business conducted by this union. The Secretary shall obtain receipts for all bills and forward them to the Treasurer.

Section 4. Duties of the Treasurer

It shall be the duties of the Treasurer to:

- A. It shall be the duty of the Treasurer to attend all meetings of the association, the Executive Board, and trustees meetings; receive all money due the organization and give receipt for same.
- B. The Treasurer shall keep a cashbook in which he will enter the name of each person, amounts received, and stating the purpose for which payment was made.
- C. The Treasurer may be a signatory or co-signatory on checks written with Association's monies. Before assuming such responsibilities, (s) he shall obtain an insurance bond for an amount to be determined by the President. The cost of such bond shall be borne by the Association.
- D. The Treasurer shall pay all bills of this association and make an itemized monthly statement of receipts and disbursements.
- E. The Treasurer shall be allowed to use a credit card in the Association's name to make purchases and reservations for all business conducted by this union.
- F. The Treasurer shall obtain receipts for all bills.
- G. Before entering upon his/her duties, (s) he shall obtain an insurance bond for an amount to be determined by the President. The cost of such bond shall be borne by the Association. At any time, the other Executive Board officers, by consensus, may require the Treasurer to file an additional bond.

- H. All money belonging to the Association shall be deposited by the Treasurer to the credit of the Association in such accounts, banks, trust companies or other depositories and vehicles as the Treasurer, in consensus with the other Executive Board officers, shall designate.
- I. The Treasurer shall keep proper books of account; cause an annual review of the Association books to be made at the completion of each fiscal year; and shall be the chief officer responsible for preparation of an annual budget and a statement of income and expenditures to be presented to the membership at a general membership meeting.
- J. The Treasurer may serve as a grievance representative.

Section 5. Duties of Chief-Stewards Paramedic and EMT/EMD

It shall be the duties of the Chief Stewards:

- A. Assist the President and Vice President on matters of the Association as directed by them.
- B. Chief-Stewards shall, upon the request of an Association member, accompany the member during a dialogue with management involving a dispute or matter, which may involve discipline. The stewards' role in such exchanges is limited to ensuring the member's right to express his concerns in a constructive atmosphere with management and to note and record the events of the exchange and forward this report to the Secretary.
- C. Chief-Stewards shall attend all union meetings of this Association unless with an excused absence agreed upon by the President.
- D. Chief-Stewards may serve as grievance representatives.
- E. Chief-Stewards shall gather and report any information pertinent to Association business promptly to the Executive Board.
- F. Chief-Stewards shall assist in disseminating information of Association concern to his/her immediate co-workers.
- G. Chief-Stewards may be called upon by another officer or committee chair to poll employees on his/her shift for information or opinion.
- H. Chief-Stewards are the established representatives of work shift oriented issues.
- I. Chief-Stewards shall be allowed to use a credit card in the Association's name to make purchases and reservations for all business conducted by this union. The Chief-Stewards shall obtain receipts for all bills and forward them to the Treasurer.
- J. Chief Stewards shall be well advised in Union rights, **Weingarten Rights**
EMPLOYEE'S RIGHT TO UNION REPRESENTATION.

Section 6. Executive Board Quorum

A quorum shall consist of three (3) Members of the Executive Board.

Section 7. Newsletter Editor

The position of Editor for the purpose of publishing this Unions Newsletter shall be appointed by the President and confirmed by majority vote of the Executive Board. Editorial policy shall be established with the consent of the Executive Board. Operating expenses shall be submitted as a committee expense on a monthly basis. The Editor shall forward the final draft of the newsletter to the President for review prior to release of the Newsletter. The Newsletter may be distributed electronically via email or website.

Section 8 Membership Support (Sunshine Committee)

The President shall appoint a member of the Association in good standing to carry out the function of Membership Support.

It shall be the duties of Membership Support:

- A. The Membership Support appointee(s) shall be allowed to use a credit card in the Association's name to make purchases and reservations for all business conducted by this union.
- B. The Membership Support appointee(s) shall obtain receipts for all bills and forward them to the Treasurer.
- C. The Membership Support appointee(s) shall make official donations to an association member who is hospitalized, or who has had a birth, or who has had a death of a family member (as to the labor agreement), or who has had a military hardship, and to the family of an association member's family of a Line of Duty Death (LODD). All LODD donations within the Association or other agencies and/or member hardships shall be reviewed by the Executive Board.

ARTICLE VIII

STEWARDS

Section 1. Appointments

A steward shall be appointed yearly by the Executive Board to provide for at least one steward or alternate on duty at all times. As a rule, each work shift (days/nights) shall have one steward and one alternate. Stewards and alternates must be members in good standing. The steward and alternate shall be appointed by the Executive Board to represent the employees of any members of the unit within the context of the Labor Agreement. Stewards and alternates may be re-appointed at the discretion of the Executive Board.

Section 2. Duties / Roles

- A. Stewards shall, upon the request of an Association member, accompany the member during a dialogue with management involving a dispute or matter, which may involve discipline. The stewards' role in such exchanges is limited to ensuring the member's right to express his concerns in a constructive atmosphere with management and to note and record the events of the exchange and forward this report to the Secretary.
- B. Stewards shall attend all union meetings of this Association unless with an excused absence agreed upon by the President.
- C. Stewards may serve as grievance representatives, at the discretion of the Executive Board.
- D. Stewards shall gather and report any information pertinent to Association business promptly to the Executive Board.
- E. Stewards shall assist in disseminating information of Association concern to his/her immediate co-workers.
- F. Stewards may be called upon by an officer or committee chair to poll employees on his/her shift for information or opinion.
- G. Stewards are the established representatives of work shift oriented issues.
- H. Stewards will be well advised in Union rights, *Weingarten Rights*
EMPLOYEE'S RIGHT TO UNION REPRESENTATION

Section 3 Accountability

Each steward is accountable in all of his/her duties and responsibilities to the President, Vice-President and Chief-Stewards.

<p>ARTICLE IX</p> <p>NEGOTIATIONS</p>

Section 1. Negotiation Sessions

Only members of the negotiating team may attend a negotiation session, unless a member is invited by the President or Vice-President to provide testimony or information.

Section 2. Spokesperson

The President and Vice-President shall preside as co-chairs and spokespersons and appoint a recorder for the sessions.

Section 3. Definition of Negotiation Team

The Executive Board of this Association shall be the Negotiation Team for the contract talks

Section 4. Negotiation Sub-Committee

The Executive Board will review the interest list compiled from Union Members. The committee will be an informed, fact and information finding committee. The committee will be comprised of 7 members (6 Paramedic and 1 Dispatch) of the union along with the Negotiation Team.

Section 5. Negotiation Records

A complete and accurate record of minutes and correspondence pertaining to the negotiations shall be kept on file. These records shall be the exclusive property of the Negotiation Committee during negotiations.

Section 6. Negotiation Information “privileged”

Members of the negotiating team are obligated to discuss nothing pertaining to the contract negotiations outside of Negotiation Committee meetings, designating such information as “privileged.”

Section 7 Compensation

- A. Contract mediation sessions that are scheduled by the Bureau of Mediation Services of the State of Minnesota, interest arbitration hearings, grievance arbitration hearings, testimony provided under subpoena or at the request of the Association attorney, or any other meeting scheduled by the Bureau of Mediation Services that directly relates to Association business shall be considered compensable to Association officers and members involved in such proceedings.
- B. Executive Board members, Stewards or any designated member shall be compensated at their base salary rate for the length of time they are required at such meetings, hearings, or court appearances.
- C. Negotiation sessions held prior to Mediation shall be compensated only to the extent that, when a negotiating team member uses his/her vacation leave, deferred holiday leave, or other non-compensated leave to attend the meeting, (s)he will be reimbursed for the amount of time lost at his/her base pay rate.
- D. Reasonable expenses for meals incurred as a result of mandatory attendance at meetings specified in Section 7 A, above, including negotiation sessions, will be reimbursed by the Association.

ARTICLE X

MISCONDUCT, TRIALS, AND APPEALS

Section 1. How to Serve Charges

A member's good standing status may be revoked for just cause subject to examination by his/her peers at a general membership meeting at which appropriate sanction or discipline shall be defined. A simple majority vote of the Association membership shall be required to impose sanction or discipline on the member in dispute. The member not of good standing may appeal for reinstatement of his/her good standing status at any subsequent general membership meeting, subject to reexamination by his/her peers. A simple majority vote of the Association membership shall be required for reinstatement of the member's good standing status.

Section 2. Appeal of Charges

Appeals may be made in accordance to the appeal; such appeal must be filed with the President of the Association within thirty (30) days of the action to be appealed.

Section 3. Recall Trial of Elected Officers

A special meeting will be held in accordance to Article VI, Section 13. The meeting location and time will be posted by the union Secretary; this meeting will be presided by the Union's Stewarts.

ARTICLE XI

FINANCIAL REVIEW

Section 1. Definition of Fiscal Year

The Fiscal Year for this local shall begin January 1st of each year.

Section 2. Dates for Financial Review

The books and accounts of this association shall be reviewed semi-annually (May & November), and such review will be with two members of the union appointed by the President and the Treasurer. The review will be done with an Association officer present and will be held at the Association office. The review will be finalized with the Executive Board. The review will be made available to the membership upon request.

Section 3 Outside Review of the Association Financial Records

The Association’s yearly financial records shall be reviewed along with proper financial records filed with National, State and County Departments as described by law. The Outside review will be done by a firm, group or licensed tax preparer as determined by the Executive Board.

ARTICLE XII COMMITTEES

Section 1. Committees

Any member in good standing may be appointed to a committee. The function, structure, rules and limits of each committee shall be defined and approved by the Executive Board, drafted in “Letter of Committee”, and filed with the Secretary. All committees shall be examined and reorganized as the first order of business pursued by newly elected officers of the Association. Committees shall consist of seven (7) members. Both Paramedics and EMT/EMDs shall be appointed to a committee.

Section 2. Standing Committees

- A. Negotiation Committee
- B. Health, Safety, and Wellness Committee
- C. Membership Support Committee
- D. Department Policy Committee
- E. Negotiations Sub-Committee
- F. By-Laws Committee
- G. Political Fund Committee
- H. Scheduling Committee

Section 3. Committee Chairmanship

The chairperson shall serve for the term specified in the “Letter of Committee”. The chairperson will schedule committee meetings; will provide an outline and/or minutes of official committee meetings to the President or Vice President and is accountable to the President and Vice President.

Section 4. Committee Reports

- A. Other temporarily established committees shall be termed assigned committees. “Committee Rule”: Each committee shall pursue its business according to its “Letter of Committee” exempt from external input, except as expressly solicited by a committee member or by the chairperson at an official committee assembly.
- B. Official committee assemblies shall be posted by the committee chair.
- C. Any member may attend any official committee assembly, except that the Negotiation Committee meetings shall be closed to the general membership.
- D. Each committee chairperson shall provide a report of current committee activity at general membership meetings.

ARTICLE XIII

RECEIPTS AND DISBURSEMENTS

Section 1. Receipt of Money to General Fund

All money received by this association from dues, assessments, fines, and or any other source, shall be placed in the Association’s accounts unless otherwise specified.

Section 2. Expenditures Approved by Members

The funds of this association shall be used for defraying the necessary expenses of this organization. No money shall be paid for any purpose without a majority vote of the members present in a quarterly meeting, except for those expenses as directed by this “constitution and by-laws.

Section 3. Expenditures Approved for Executive Board Members

With the exception of legal fees, arbitration fees, surety bonds, and other reasonable and customary business expenditures, the Executive Board shall be authorized to make no purchases in excess of \$5,000.00 without authorization by the Association membership

Section 4. President’s Salary

The President shall receive for their services the sum of fourteen percent (14%) of top monthly salary per month.

Section 5. Vice-President's Salary

The Vice-President shall receive for their services the sum of fourteen percent (14%) of top monthly salary per month.

Section 6. Secretary's Salary

The Secretary shall receive for their services the sum of ten percent (10%) of top monthly salary per month.

Section 7. Treasurer's Salary

The Treasurer shall receive for their services the sum of eight percent (8%) of top monthly salary per month.

Section 8. Chief-Stewards Paramedic & EMT/EMD

The Chief Stewards shall receive for their services the sum of six percent (6%) of top monthly salary per month.

Section 9. Steward Compensation

The Stewards shall receive for their services the sum of one percent (1%) of the top monthly salary per month.

Section 10. Minimum Reserve

The association will maintain a minimum reserve of fifty (50,000) thousand dollars. If this reserve is not met the Treasurer will proportionately reduce the salary costs.

Section 11. Salary and Compensation Schedule

The association shall pay out the monthly salaries, of officers and stewards, annually in one payment. The payments shall be made in December.

Section 12. Classes, Seminars or Conferences

At the discretion of the Executive Board, the Association will reimburse up to one hundred percent (100%) of enrollment fees and tuition for classes, seminars or conferences that enhance the advocacy skills and labor knowledge of the attending member, and which benefit the Association at large.

Section 13. Public hearing, Public meeting, PERA Attendance

The attendance by members of the Executive Board or their designees at committee meetings or hearings held by the Minnesota Senate, House of Representatives, the Hennepin County Board of Commissioners, the Board of Trustees of the Public Employees Retirement

Association (PERA) or any other governmental agency that concerns legislation, rules or policy that directly affects the classes covered by the Labor Agreement, or attendance at a drug testing procedure when requested by a unit member, will be compensated at the rate of \$25.00/hour.

Section 14. Approval to hire a Lobbyist

The Association gives the Executive Board the approval to hire a lobbyist, to maintain the professional and future wellbeing of EMS in the state of Minnesota and to the members of the Association

**ARTICLE XIV
GRIEVANCES**

The officers and stewards of the Association assume responsibility for processing grievances submitted to the Association. The ultimate resolution of a grievance shall be the responsibility of the President or another designated member of the Executive Board.

Section 1. Grievance Representative

One officer or steward shall be designated as the “grievance representative” for each grievance presented.

The grievance representative shall conduct a timely investigation of a grievance. Facts and information discovered in the investigation shall be presented to the Executive Board.

Section 2. Grievance Merits

In all cases, the Executive Board will determine the merits of a grievance and will determine whether the Association will support the grievance or not. In making this decision, the Executive Board of the Association is legally bound to act in a manner which is not arbitrary, discriminatory, or in bad faith. The Executive Board is permitted a wide range of reasonableness in making this decision. All findings and conclusions of the Executive Board with regard to grievances shall be privileged information.

At any point in the processing of a grievance, the Executive Board may make a determination, in the exercise of its discretion, whether to continue the Association’s support of the grievance and advance the grievance to the next step in the grievance procedure, including mediation or arbitration. The member involved shall be allowed to present evidence supporting their case. The final decision is made by the Executive Board. The Executive Board shall provide, in writing, an explanation of reasons why the grievance will not be advanced.

Section 3. Grievances Process and procedure

Grievances submitted to the Association in a timely and proper manner will, if supported by the Association, be processed in accordance with the grievance procedure contained in the Labor Agreement between Hennepin Healthcare System and H.C.A.P.E.

Members who the grievance has been filed on behalf of shall be invited to all grievance meetings related to the grievance.

Section 4. Legal Counsel

The Executive Board shall determine when legal counsel shall be consulted, and whether legal counsel will be retained for arbitration. If the Executive Board authorizes retaining legal counsel for the grievance arbitration, the Association will be responsible for the pre-hearing investigation, and for all legal costs, including attorney’s fees, as well as its one-half share of the arbitrators fees and expenses.

<p>ARTICLE XV</p> <p>LEGAL COUNSEL (Legal Representative)</p>

- A. Simple majority of the Association membership shall determine the form of legal counsel to represent the Association.
- B. HCAPE shall retain legal counsel for the sole purpose of providing legal advice, argument and representation in matters of contract with the employer, grievances supported by the Executive Board, all matters pertinent to the scope of bargaining, and in defense and maintenance of HCAPE’s organizational integrity, except as otherwise authorized by the membership through referendum.
- C. The cost of legal counsel shall be borne by the Association. The method of payment for services will be negotiated between the Executive Board and counsel, but shall not exceed 70% of Association income generated by the collection of dues and fair share fees.
- D. The Association officers are the only members authorized to hold counsel with the legal representative on matters of Association business. A member who wishes private consultation with the legal counsel shall be held accountable for fees assessed by the legal representative’s office, except where such consultation is authorized in advance by the Executive Board.

ARTICLE XVI

ALTERATION AND AMENDMENTS

Section 1. Alterations and Amendments are made

The following procedure shall be used when altering or amending this “constitution and by-laws”:

- A. The By-Laws Committee shall be appointed and will review the By-Laws once every Three (3) years or following contract ratification, or when a proposal is presented by the membership to the Secretary.
- B. The proposed alteration or amendment must be presented in writing to the Secretary at the next meeting of the association.
- C. Upon receiving a written proposal the Secretary shall refer the proposal to the by-law committee. The initiator of the proposal shall be invited to the committee meeting and the committee recommendation of the proposal shall be read at the next regular meeting following the meeting that the proposal was presented to the Secretary.
- D. Following the reading of the proposal at the regular meeting the Secretary shall send the proposal to the membership at least three (3) weeks prior to the next quarterly meeting where that proposal shall be voted on.
- E. The proposed alterations and/or amendments shall be voted on by a ballot by the membership, and simple majority (50%) of the votes cast on the proposals shall be required for passage. Following the passage, the alterations and/or amendments shall be submitted to the Executive Board for majority approval. Following approval, the alterations and/or amendments will be added to the official by-laws by the Secretary.

Any amendments passed by the members that are vetoed by the Executive Board shall require a written explanation to the membership. Any vetoed amendments may be re-submitted for a second vote. If passed with seventy-five (75%) percent member approval the amendment does not require approval from the Executive Board.

- F. If any member raises a point of clarification regarding the interpretation of these by-laws, the resolution of that point of clarification shall first be presented to the by-law committee for interpretation. The by-law committee interpretation shall be submitted to the general membership for a decision at the next meeting. If a further dispute continues concerning the clarification, then legal advice shall be sought in writing and presented to the membership. As a final arbitrator, the Associations Legal Counsel shall be consulted for recommendation.

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317A.011 - DEFINITIONS.

Subdivision 1. **Scope.**

For purposes of this chapter, the terms in this section have the meanings given them, unless the language or context clearly shows that a different meaning is intended.

Subd. 2. **Address.**

"Address" means mailing address, including a zip code, except that in the case of a registered office, address means the mailing address and the actual office location, which may not be a post office box.

Subd. 3. **Articles.**

"Articles" means, in the case of a corporation incorporated under or governed by this chapter, articles of incorporation, articles of amendment, a resolution of election to become governed by this chapter, a statement of change of registered office, registered agent, or name of registered agent, articles of merger, articles of consolidation, articles of abandonment, and articles of dissolution. In the case of a foreign corporation, the term includes documents serving a similar function required to be filed with the secretary of state or other officer of the corporation's state of incorporation.

Subd. 3a. **Authenticated.**

"Authenticated" means, with respect to an electronic communication, that the communication is delivered to the principal place of business of the corporation, or to an officer or agent of the corporation authorized by the corporation to receive the communication, and that the communication sets forth information from which the corporation can reasonably conclude that the communication was sent by the purported sender.

Subd. 3b. **Ballot.**

"Ballot" means a written ballot or a ballot transmitted by electronic communication.

Subd. 4. **Board of directors.**

"Board of directors" or "board" means the group of persons vested with the general management of the internal affairs of a corporation, regardless of how they are identified.

Subd. 5.Bylaws.

"Bylaws" means the code adopted for the regulation or management of the internal affairs of a corporation, regardless of how designated.

Subd. 6.Corporation.

"Corporation" means a corporation that is governed by this chapter. A corporation may not:

(1) be formed for a purpose involving pecuniary gain to its members, other than to members that are nonprofit organizations or subdivisions, units, or agencies of the United States or a state or local government; and

(2) pay dividends or other pecuniary remuneration, directly or indirectly, to its members, other than to members that are nonprofit organizations or subdivisions, units, or agencies of the United States or a state or local government.

Subd. 7.Director.

"Director" means a member of the board.

Subd. 7a. Electronic communication.

"Electronic communication" means any form of communication, not directly involving the physical transmission of paper, that creates a record that may be retained, retrieved, and reviewed by a recipient of the communication, and that may be directly reproduced in paper form by the recipient through an automated process.

Subd. 8.Filed with the secretary of state.

"Filed with the secretary of state" means that a document meeting the requirements of this chapter, signed, and accompanied by a filing fee of \$35, has been delivered to the secretary of state of this state. The secretary of state shall endorse on the original the word "Filed" and the month, day, and year of filing, record the document in the Office of the Secretary of State, and return a document to the person who delivered it for filing.

Subd. 9.Foreign corporation.

"Foreign corporation" means a corporation that is formed under laws other than the laws of this state.

Subd. 10.Good faith.

"Good faith" means honesty in fact in the conduct of an act or transaction.

Subd. 11.Legal representative.

"Legal representative" means a person empowered to act for another person, including, but not limited to, an agent, officer, partner, or associate of an organization; a trustee of a trust; a personal representative; a trustee in bankruptcy; or a receiver, guardian, custodian, or conservator.

Subd. 12.Member.

"Member" means a person with membership rights in a corporation under its articles or bylaws, regardless of how the person is identified.

Subd. 13.Members with voting rights.

"Members with voting rights" means members or a class of members that has voting rights with respect to the purpose or matter involved.

Subd. 14.Notice.

(a) "Notice" is given by a member of a corporation to the corporation or an officer of the corporation when in writing and mailed or delivered to the corporation or the officer at the registered office of the corporation.

(b) Notice is given by the corporation to a director, officer, member, or other person:

(1) when mailed to the person at an address designated by the person, at the last known address of the person or, in the case of a director, officer, or member, at the address of the person in the corporate records;

(2) when communicated to the person orally;

(3) when handed to the person;

(4) when left at the office of the person with a clerk or other person in charge of the office, or if there is no one in charge, when left in a conspicuous place in the office;

(5) if the person's office is closed or the person to be notified has no office, when left at the dwelling or usual place of abode of the person with a person of suitable age and discretion residing in the house;

(6) when provided to the person by means of electronic communication as provided under section [317A.231](#) or [317A.450](#); or

(7) when the method is fair and reasonable when all the circumstances are considered.

(c) Notice by mail is given when deposited in the United States mail with sufficient postage. Notice is considered received when it is given.

Subd. 15.Officer.

"Officer" means the president, the treasurer, however designated, a person elected, appointed, or otherwise designated as an officer pursuant to section [317A.311](#), and a person deemed elected an officer under section [317A.321](#).

Subd. 16.Organization.

"Organization" means a domestic or foreign business or nonprofit corporation, limited liability company, whether domestic or foreign, partnership, limited partnership, joint venture, association, trust, estate, enterprise, or other legal or commercial entity.

Subd. 17.Registered office.

"Registered office" means the place in this state designated in the articles of a corporation as the registered office of the corporation.

Subd. 18.Related organization.

"Related organization" means an organization that controls, is controlled by, or is under common control with, another corporation. Control exists if an organization:

- (1) owns, directly or indirectly, at least 50 percent of the stock ownership or membership interests of another organization;
- (2) has the right, directly or indirectly, to elect, appoint, or remove 50 percent or more of the members with voting rights of the governing body of another organization; or
- (3) has the power, directly or indirectly, to direct or cause the direction of the management and policies of another organization, whether through the ownership of voting interests, by contract, or otherwise.

Subd. 18a.Remote communication.

"Remote communication" means communication via electronic communication, conference telephone, video conference, the Internet, or such other means by which persons not physically present in the same location may communicate with each other on a substantially simultaneous basis.

Subd. 19.Signed.

(a) "Signed" means that the signature of a person is written on a document, as provided in section [645.44, subdivision 14](#). A document required by this chapter to be filed with the secretary of state must be signed by a person authorized to do so by this chapter, the articles or bylaws, or a resolution approved by the directors, as required by section [317A.237](#), or the members with voting rights, if any, if required by section [317A.443](#).

(b) A signature on a document may be a facsimile affixed, engraved, printed, placed, stamped with indelible ink, transmitted by facsimile or electronically, or in any other manner reproduced on the document.

Subd. 20. Written action.

"Written action" means a record signed by all persons required to take the action or consented to by authenticated electronic communication by all persons required to take the action. The term also means the counterparts of a record signed or consented to by authenticated electronic communication by any of the persons taking the action. A counterpart is the action of the persons signing or consenting to it, and all counterparts are one written action by all persons signing or consenting to them.

HIST: 1989 c 304 s 2; 1989 c 335 art 1 s 203; 1990 c 488 s 1; 1992 c 503 s 2; 1992 c 517 art 1 s 19; 1997 c 10 art 4 s 3,4; 2002 c 311 art 3 s 1-3; 2004 c 199 art 14 s 30,31 2010 c 250 art 1 s 11; 2017 c 17 s 1,2,19

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317A.447 ACTION BY BALLOT.

(a) Except as provided in paragraph (e) and unless prohibited or limited by the articles or bylaws, an action that may be taken at a regular or special meeting of members may be taken without a meeting if the corporation mails or otherwise delivers a ballot to every member entitled to vote on the matter. A corporation may deliver a ballot by electronic communication only if the corporation complies with section [317A.450, subdivision 5](#), as if the ballot were a notice. Consent by a member to receive notice by electronic communication in a certain manner constitutes consent to receive a ballot by electronic communication in the same manner.

(b) A ballot must:

- (1) set forth each proposed action; and
- (2) provide an opportunity to vote for or against each proposed action.

(c) Approval by ballot under this section is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action, and the number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot.

(d) Solicitations for votes by written ballot must:

- (1) indicate the number of responses needed to meet the quorum requirements;
- (2) state the percentage of approvals necessary to approve each matter other than election of directors; and

(3) specify the time by which a ballot must be received by the corporation in order to be counted.

(e) Except as otherwise provided in the articles or bylaws, a ballot may not be revoked.

(f) A ballot delivered to the corporation by electronic communication is valid only if authenticated as provided in section [317A.011, subdivision 3a](#).

HIST: 1989 c 304 s 73; 1992 c 503 s 11; 2004 c 199 art 14 s 35

[89 c 304 s 73](#); [1992 c 503 s 11](#); [2004 c 199 art 14 s 35](#)

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317A.450 REMOTE COMMUNICATIONS FOR MEMBER MEETINGS.

Subdivision 1. Construction and application.

This section shall be construed and applied to:

- (1) facilitate remote communication consistent with other applicable law; and
- (2) be consistent with reasonable practices concerning remote communication and with the continued expansion of those practices.

Subd. 2. Member meetings held solely by means of remote communication.

To the extent authorized in the articles or bylaws and determined by the board, an annual or special meeting of members may be held solely by one or more means of remote communication, if notice of the meeting is given to every member entitled to vote, and if the number of members with voting rights participating in the meeting is sufficient to constitute a quorum at a meeting. Participation by a member by that means constitutes presence at the meeting in person or by proxy if all the other requirements of section [317A.453](#) are met.

Subd. 3. Participation in meetings by remote communication.

To the extent authorized in the articles or bylaws and determined by the board, a member not physically present in person or by proxy at an annual or special meeting of members may, by means of remote communication, participate in a meeting of members held at a designated place. Participation by a member by that means constitutes presence at the meeting in person or by proxy if all the other requirements of section [317A.453](#) are met.

Subd. 4. Meetings held by remote communication; participation.

In any meeting of members held solely by means of remote communication under subdivision 2 or in any meeting of members held at a designated place in which one or more members participate by means of remote communication under subdivision 3:

(1) the corporation shall implement reasonable measures to verify that each person deemed present and entitled to vote at the meeting by means of remote communication is a member; and

(2) the corporation shall implement reasonable measures to provide each member participating by means of remote communication with a reasonable opportunity to participate in the meeting, including an opportunity to:

(i) read or hear the proceedings of the meeting substantially concurrently with those proceedings;

(ii) if allowed by the procedures governing the meeting, have the member's remarks heard or read by other participants in the meeting substantially concurrently with the making of those remarks; and

(iii) if otherwise entitled, vote on matters submitted to the members.

Subd. 5. Notice to members.

(a) Any notice to members given by the corporation under any provision of this chapter, the articles, or the bylaws by a form of electronic communication consented to by the member to whom the notice is given is effective when given. The notice is deemed given:

(1) if by facsimile communication, when directed to a telephone number at which the member has consented to receive notice;

(2) if by electronic mail, when directed to an electronic mail address at which the member has consented to receive notice;

(3) if by a posting on an electronic network on which the member has consented to receive notice, together with separate notice to the member of the specific posting, upon the later of:

(i) the posting; and

(ii) the giving of the separate notice; and

(4) if by any other form of electronic communication by which the member has consented to receive notice, when directed to the member.

An affidavit of the secretary, other authorized officer, or authorized agent of the corporation, that the notice has been given by a form of electronic communication is, in the absence of fraud, prima facie evidence of the facts stated in the affidavit.

(b) Consent by a member to notice given by electronic communication may be given in writing or by authenticated electronic communication. The corporation is entitled to rely on any consent so given until revoked by the member, provided that no revocation affects the validity of any notice given before receipt by the corporation of revocation of the consent.

Subd. 6.Waiver.

Waiver of notice by a member of a meeting by means of authenticated electronic communication may be given in the manner provided in section [317A.435, subdivision 3](#). Participation in a meeting by means of remote communication described in subdivisions 2 and 3 is a waiver of notice of that meeting, except where the member objects at the beginning of the meeting to the transaction of business because the meeting is not lawfully called or convened, or objects before a vote on an item of business because the item may not lawfully be considered at the meeting and does not participate in the consideration of the item at that meeting.

HIST: 2002 c 311 art 3 s 11 [2017 c 17 s 19](#)

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FINAL