

# CANADIAN UNION OF PUBLIC EMPLOYEES

## By-Laws

### YOU ARE THE UNION!

A few ***dos and don'ts*** to test the sincerity of WE who are the Union ~

- Do** study the Constitution
- Do** study the By-Laws
- Do** study the Agreement
- Do** attend as many meetings as possible
- Do** get to know your shop stewards (Members at Large)
- Do** learn the difference between a legitimate grievance and a complaint, whether such be frivolous or well-founded
- Do** memorize the Order of Business and follow it when attending meetings
- Do** think before you vote!
- Do** reach out to your union at any time
  
- Don't** say, "Why doesn't the Union ...?" instead of "Why don't WE...?"
- Don't** stay away from meetings and gripe about "unwise" decisions afterward
- Don't** believe the Union is not vitally important to US
- Don't** hesitate to bring to the attention of the meeting YOUR problems  
~ they are the Union's, too
- Don't** leave this booklet at home ~ carry it at all times

## **PREAMBLE**

Duties and responsibilities of elected officers and members of committees should be as widely dispersed as possible. It should not be left to the willing few to have to serve in multiple capacities. In other words, duties should be shared by the **many** rather than the **few**. While various committees have been designated as *Standing Committees*, this does not preclude the possibility of special committees being established from time to time as may be required and necessary. In order to improve and maintain the social and economic welfare of its members without regard to colour, race, or creed, to promote efficiency in public employment, and to give clear evidence of its recognition of the unity of organized labour, this Local has been formed and does now establish these By-Laws for its government.

The following By-Laws are adopted by the Local, pursuant to, and to supplement, Appendix B of the CUPE Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.

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## SECTION 1: NAME

The union shall be known as Canadian Union of Public Employees (CUPE) Local 947.

General Membership Meetings shall be held in the months of October, December, February, April and June at a time and place to be decided by the Executive, due notice of which shall be given. A quorum for the transaction of business at any regular or special meetings shall consist of 21 members including at least 4 members of the duly elected officers. Meetings shall not extend beyond 2.5 hours except by majority vote. Annual General Meeting and Election of Officers for the ensuing term shall be held immediately after the General Meeting in the month of June. The Executive Board shall have the authority to conduct the business of the local during the months in which there are no regular meetings or no quorum at General meetings.

## SECTION 2: MEETINGS

### 2.1 MEETINGS

Special Membership Meetings may be ordered by the Executive Board or requested in writing by no fewer than 31 members. The President shall call a special meeting when so ordered or requested and shall see that all members receive at least twenty-four (24) hours (not including holidays and weekend days) notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given

### 2.2 EXECUTIVE MEETINGS.

The Executive Board shall comprise of the elected officers, excepting Trustees. 50% of the Executive Board shall constitute a quorum for the purpose of executive meetings. The Executive Board shall meet a minimum of eight times during the school year.

## SECTION 3 OFFICERS

- The Table Officers of the Local shall consist of the President, First Vice-President, Second Vice President, Treasurer; Membership Secretary; Recording Secretary
- The Executive Board is comprised of the Table Officers and eight (8) Members-At-Large, one (1) Indigenous Member-at-Large, three (3) Trustees and the Past President.

**SECTION 4: TERM OF OFFICE – EXECUTIVE BOARD**

The term of office of any elected members will commence the 1<sup>st</sup> of the month following the elections.

<b>ODD/EVEN YEARS</b>	<b>OFFICE</b>	<b>TERM of OFFICE</b>
Even	President	two years
Odd	First Vice-President	two years
Odd	Second Vice-President	two years
Odd	Recording Secretary	two years
Even	Treasurer	two years
Even	Membership Secretary	two years
	Indigenous Member-At-Large (1)	one year
	Members-at-Large (8)	one year
	Past President	one year

**SECTION 5: ELIGIBILITY TO HOLD OFFICE**

**5.1 MEMBERS SHALL BE ELIGIBLE TO RUN FOR PRESIDENT PROVIDED:**

- they have been a member in good standing for at least two (2) years
- they have attended three (3) general membership meetings in the previous 12 months year preceding the Annual General Meeting

**5.2 MEMBERS SHALL BE ELIGIBLE TO HOLD OFFICE ON THE EXECUTIVE BOARD PROVIDED:**

- they have been an active member in good standing for 12 months prior to the Annual General Meeting

- they have attended three (3) general meetings in the year 12 months prior to the Annual General Meeting

## SECTION 6: NOMINATION, ELECTION AND INSTALLATION OF TABLE OFFICERS

### 6.1 ELECTIONS COMMITTEE

- At a membership meeting, at least one month prior to Election Day, the President will, subject to the approval of the members present, appoint an Elections Committee consisting of a Returning Officer and assistant(s). The committee will include members of the Local Union who are neither Officers nor candidates for office. The Elections Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential. The National Representative assigned to the Local Union shall serve as an advisor to the committee when requested by the Local Union.

### 6.2 NOMINATIONS

- Nominations for Table Officer positions shall be received no later than June 1 and submitted to the Election Committee.
- Nominations for Member-at-Large, Indigenous Member-at-Large and Trustees will be accepted from those in attendance at the meeting, or from those members who have allowed their name to be filed in writing prior to the meeting, witnessed by another member.
- A member may accept nomination for a position while holding office in any position. If successful in the election, nominations and an election for Member at Large or Trustee positions will take place at that time.
- Should a table officer be successfully elected into a new position the vacant position will be elected at the next General Meeting and nominations will be submitted to the Election Committee by the 1<sup>st</sup> of the month that the General Meeting is held.
- No member will be eligible for nomination if they are in arrears of dues and/or assessment.

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### 6.3 ELECTION OF TABLE OFFICERS

- The President, Treasurer, and Membership Secretary are elected on even-numbered years
- The First Vice-President, Recording Secretary, and Second Vice President, are elected on odd-numbered years.

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### 6.4 ELECTION OF MEMBERS-AT-LARGE AND INDIGENOUS MEMBER-AT-LARGE

- The positions will be elected at each AGM for a one-year term.

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### 6.5 ELECTION OF TRUSTEES

At the first Election of Officers in the Local, there shall be three (3) trustees elected so that:

- one will serve for a period of three (3) years
- one will serve for a period of two (2) years
- one will serve for a period of one (1) year
- each year thereafter, the Local, at their Annual General Meeting, elect one trustee for the three-year period, or, in the case of vacancies occurring, elect trustees to fill only the unexpired terms, in order to preserve overlapping terms of office.
- No member who has been a signing officer for the Local Union is eligible to run for Trustee until at least one full term of office has elapsed.

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### 6.6 INSTALLATION OF OFFICERS

All duly elected Officers shall be installed at the meeting at which elections are held and shall continue in office for the term as indicated in the bylaws (see. 6.2, 6.3 and 6.4) or until a successor has been elected and installed, provided, however, that no term of office shall be less than one year and no longer than three years.

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### 6.7 OATH OF OFFICE

The Oath of Office to be read by the newly-elected Officers is:

*“I, \_\_\_\_\_, promise to perform the duties of my office, as set out in the Constitution and laws of the Canadian Union of Public Employees, faithfully and to the best of my ability for my term of office. As an Officer of the Union, I will always promote*



*the harmony and dignity of its sessions by counsel and example. I also promise to turn over all property of the Union to my successor at the end of my term."*

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#### 6.8 BY-ELECTIONS

Should an office fall vacant for any reason, the resulting by-election should be conducted as closely as possible in conformity with this section. The term of office for any position filled through a by-election will be the term that the vacated position was initially elected to fulfill.

### SECTION 7: DUTIES OF OFFICERS

All Officers must give all properties, assets, funds and all records of the Local Union to their successors at the end of their term of office.

All signing Officers of Local 947 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.

It is the expectation that executive officers will attend every executive and general meeting. Should any Executive officer fail to answer the roll call for

- three (3) consecutive general meetings or
- **four (4)** executive board meetings

without having submitted good reasons for those failures, the office shall be declared vacant and shall be filled by an election at the following membership meeting.

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#### 7.1 THE PRESIDENT SHALL:

- enforce the CUPE Constitution and these By-Laws
- preside at all membership and Executive Board meetings and preserve order
- decide all points of order and procedure (subject always to appeal by the membership)
- have the same right to vote as other members. Have a vote on all matters (except appeals against his or her rulings). In case of a tie, vote on any matter, except elections,

**and** have the right to cast an additional vote to break the tie. The President may also refrain from casting a vote, in which case the motion is defeated.

- ensure that all executive officers perform their assigned duties
- fill committee vacancies, where elections are not provided for
- introduce new members and conduct them through the initiation ceremony
- Sign/authorize all expense vouchers to ensure that the Local's funds are used only as authorized or directed by the Constitution, By-Laws, or vote of the membership

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7.2 THE FIRST VICE-PRESIDENT SHALL:

- in the absence of the President, preside and perform all duties pertaining to the office of president, and render such assistance as may be required
- in the case of a vacancy in the office of president, to act as President until the Local elects a president to fill the vacancy

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7.3 THE RECORDING SECRETARY SHALL, UNDER THE DIRECTION OF THE PRESIDENT:

- keep full, accurate, and impartial account of the proceedings of all general, special and executive board meetings. These records must also include a copy of the full financial report (Executive Board Meetings) and the written financial report (general membership meetings) presented by the Secretary-Treasurer. The record will also include Trustees' reports and ensure a copy is on file in the office
- record all amendments in the By-Laws
- fulfill other secretarial duties as directed by the Executive Board
- have all records ready on reasonable notice for auditors and trustees
- on termination of office, surrender all books, seals, and other properties of the Local to the successor
- preside over general membership and Executive Board meetings as necessary
- sign correspondence only with the knowledge of the President and/or the Executive Board

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7.4 THE TREASURER SHALL:

- receive authorization for payroll deductions for each new member of the Local
- Sign/authorize all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union.
- Make a written financial report to each general membership meeting, detailing all income and expenditures for the period.
- Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once per calendar year and within a reasonable time, respond in writing to any recommendations or concerns raised by the Trustees.
- in conjunction with the President will prepare an annual budget for the local to be presented for adoption at the October General Meeting
- will maintain a petty cash not to exceed \$100 for incidental costs

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7.5 THE SECOND VICE-PRESIDENT SHALL:

- keep a record of all grievances and provide a grievance report at Executive Board Meetings, General Meetings and a copy to the National Representative.
- have the authority to appoint shop stewards
- Shop Stewards shall be assigned to grievance meetings and will report back to the Second Vice-President for further direction.

If agreement is not reached within the time limits specified in the Collective Agreement for appropriate action, the Second Vice President may, when necessary, to further the prosecution of a complaint, and after consultation with the President and/or First Vice-President, write or cause to be written, emergent letters to any person or persons; such letters may be signed by the Second Vice President or by the President.

The contents of such letters shall be reported at the next following meetings of the Executive Board of the Union.

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7.6 THE MEMBERSHIP SECRETARY SHALL:

- keep an accurate record of staff changes, as reported by the employer
- peruse postings to comply with the Collective Agreement
- maintain the record of attendance
- act as Sergeant-at-Arms as required

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7.7 THE MEMBERS-AT-LARGE SHALL:

- serve as Shop Stewards where necessary
- serve on committees as assigned
- other duties as assigned

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7.8 THE INDIGENOUS MEMBERS-AT-LARGE SHALL:

- serve as Shop Steward where necessary
- serve as an advocate for indigenous members when necessary
- serve on committees as assigned
- other duties as assigned

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7.9 THE TRUSTEES SHALL:

- act as an auditing committee on behalf of the members and audit the books and accounts of the Treasurer, the Recording Secretary, and the Committees at least once every calendar year.
- make a written report of their findings to the first general meeting following the completion of each audit.
- submit in writing to the President and Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the local funds, records, and accounts are being maintained by the Treasurer in an organized, correct and proper manner

- inspect at least once a year, any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local, and report their findings to the membership
- use the audit forms supplied by CUPE National Office and send a copy of each annual audit to the National Secretary-Treasurer, in accordance with the provisions of the CUPE Constitution

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#### 7.10 PAST PRESIDENT SHALL:

- be an advisor to the Executive of the Local
- interpret the Collective Agreement, research and provide needed information as required
- be a non-voting member of the Local for a period of one (1) year
- should the Past President be unable to fulfill these duties the Executive may vote to terminate the agreement

## SECTION 8: FEES, DUES, ASSESSMENTS

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### 8.1 MONTHLY DUES

The monthly dues shall be 1.85 % of regular wages and shall not be less than \$4.75.

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### 8.2 AMENDING MONTHLY DUES

The regular monthly dues may be amended at a regular or special membership meeting or by referendum vote. The vote must be by secret ballot. Notice of at least seven days at a previous general meeting or 60 days in writing must be given.

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### 8.3 ASSESSMENTS

Assessments may be levied in accordance with the CUPE Constitution. Assessments do not mean or include regular monthly dues and are applied for a specific purpose or specific length of time. Membership approval is required and the assessment will only be applied after the National President approves the assessment.

## SECTION 9: STAFF

To assist in administering the Local and to assist the Officers of the Local in carrying out their duties, the Executive, on behalf of the Local, may hire a part time Business Agent(s) and/or part time Executive Officer(s).

- the Executive shall prepare a contract and budget estimation for all staff hired by the Local
- the Executive shall post a Notice of Motion for the next general meeting, seeking approval of the contract and budget
- all contracts must be subject to renewal on at least an annual basis
- the President of the Local, or designate, shall be the direct supervisor of all staff hired by the Local
- in the event the staff fail to adequately perform their duties, the Executive of the Local will be responsible for progressive discipline up to and including termination
- a Business Agent who is not an Elected Executive Officer, or a member in good standing of the Local, shall have voice, but no vote at all meetings.

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### 9.1 FUNDING

Each member of the Local shall, by way of payroll deduction, have \$1 per pay, during the period September 1 through June 30<sup>th</sup>, deducted for the purpose of meeting the expenses of hired staff or president.

## SECTION 10: COMMITTEES

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### 10.1 EXECUTIVE BOARD COMMITTEE SHALL ENSURE THAT:

- all charges against members or officers of the Local be made in writing and be submitted to the executive committee
- any trials held under the provisions of these By-Laws be carried out in accordance with the provision of the CUPE Constitution

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10.2 GRIEVANCE COMMITTEE SHALL:

- be comprised of the President (or delegate), First Vice-President, Second Vice-President and any other duly appointed executive member
- rule on all grievances and process same in accordance with the current Collective Agreement

Any member who is not satisfied with the decision of the grievance committee may appeal to the Executive Board for further consideration.

No member shall withdraw a written grievance while it is being processed without permission or recommendations of the grievance committee.

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10.3 LABOUR MANAGEMENT COMMITTEE SHALL:

- consist of the President, Second Vice-President and two other members from other areas within the school system
- report on their meetings to the general membership

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10.4 NEGOTIATING COMMITTEE SHALL

- be a special ad hoc committee, consisting of six (6) executive members; three (3) appointed to include President, First Vice-President, Second Vice-President and three elected by the Executive.
- bargain in good faith, acting upon directives by the Local's membership
- tender progress reports at the Local's regular meetings and call for special meetings, should the need arise
- at the conclusion of negotiations, the committee shall present its report to a Special Membership Meeting and call for a ratification vote
- automatically disband on signing the new agreement

The CUPE representative assigned to the Local shall be a non-voting member of the committee.

All members of the Negotiating Committee who are required to negotiate during lay-off periods, shall receive their regular, daily rate of pay.

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10.5 BY-LAW COMMITTEE

- will consist of three (3) to five (5) members

- review the By-Laws and Constitution and make recommendations on changes where advisable.

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10.6 HEARTS AND FLOWERS COMMITTEE

- is to be informed by the membership of any lengthy illness, bereavement, births, weddings, retirements, long service, or any other occasion that should be recognized in a suitable manner

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10.7 COMMITTEES, DELEGATES AND THEIR DUTIES

- as delegated by the Executive Board

**SECTION 11: EXECUTIVE OUT-OF-POCKET EXPENSES**

Reimbursement for monthly executive out-of-pocket expenses shall be as follows and comply with Treasurer’s recommendations:

President	\$180	Membership Secretary	\$150
First Vice-President	\$170	Second Vice-President	\$170
Recording Secretary	\$130	Members-At-Large (Sept. to June)	\$70
Treasurer	\$150	Indigenous Member-At-Large	\$70
Past President	\$180		

\*Past President to receive out-of-pocket expenses for a maximum of one year.

**SECTION 12: VOTING OF FUNDS**

- An annual budget will be presented at the October General Meeting for acceptance by the General Membership.
- Any expenses and/or bills outside of the annual budget will be presented for a vote at the next general membership meeting. The Executive Board shall have the authority to



conduct the business of the local during the months in which there are no meetings or no quorum at General meetings.

- A simple majority shall rule

#### SECTION 13: OATH OF OBLIGATION FOR NEW MEMBERS

New members shall be obliged to take the following obligation:

*"I promise to support and obey the Constitution of this Union, to work to improve the economic and social conditions of other members and other workers, to defend and work to improve the democratic rights and liberties of workers and that I will not purposely or knowingly harm or assist in harming another member of the Union."*

#### SECTION 14: DELEGATES TO CONVENTIONS

- the President in office at the time of the convention, shall have first preference as the delegate to the convention
- the Table Officers shall recommend delegates to convention
- any member representing the Local, shall be paid their current rate of pay for all time lost from work
- to cover expenses, each member shall be allotted a per diem as prescribed by CUPE National
- travel shall be by the most economical means or as approved by the Treasurer and one other table officer
- delegates attending conventions held out of town shall be reimbursed travel expenses as prescribed by CUPE National
- delegates to conventions held locally shall not have travel expenses other than parking reimbursement

## SECTION 15: MEMBERS OF STANDING COMMITTEES AND AD HOC COMMITTEES

- any member representing the Local who is attending committee meetings or seminars, shall be paid their current rate of pay for all time lost from work
- members attending union courses held out of town, where meals are included as part of the registration fee, shall be allotted a per diem as prescribed by CUPE National
- members representing the Local attending out-of-town meetings or educational seminars, shall be paid their current rate of pay for all time lost from work and shall be allotted a per diem as prescribed by CUPE National

## SECTION 16: HONORARY LIFETIME MEMBERSHIP

The Local, in recognition of extraordinary service, dedication and representation of CUPE Local 947, may honour retiring members with a Honorary Lifetime Membership.

- recommendations for honorary memberships will be made by the Executive and voted on at a general membership meeting
- Honorary members shall be entitled to attend general membership meetings of the Local with voice but no vote
- the Local may elect to send honorary members to conventions, however an honorary member shall not be entitled to either voice or vote at conventions of CUPE
- a retired, honorary member shall be exempt from all dues to the Local and per capita tax to the National Office of CUPE

## SECTION 17: RULES OF ORDER

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure.

1. The President, or in the President's absence the First Vice-President, shall take the chair at all regular and special meetings. In the absence of both the President and the Vice-President, the Second Vice-President shall preside as President and in the Second Vice-President's absence the Recording Secretary shall preside.

2. The President shall state every question coming before the Local and before allowing debate thereon, and immediately before putting it to a vote, shall ask: "Is the Local ready for the question?" Should no member rise to speak, and the Local indicates readiness, the question shall be put. After the President has risen, no member shall be permitted to speak upon the question.
3. A motion to be entertained by the presiding officer must be seconded; both mover and seconder must rise to be recognized by the chair.
4. A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment which is a direct negative of the resolution shall be in order.
5. On motion, the regular order of business may be suspended, by a 2/3 vote of those present, to deal with any urgent business.
6. Any member having made a motion can withdraw it with consent of the seconder, but a motion once debated cannot be withdrawn except by a majority vote of those present.
7. When a member wishes to speak on a question, or offers a motion, one must:
  - rise in place and identify oneself
  - respectfully address the presiding officer
  - not proceed further until recognized by the chair, except to state that the member rises to a point of order on a question of privilege
8. When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
9. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection of the Local or any member thereof.
10. If a member, while speaking, is called to order, the member shall cease speaking until the point is determined, when, if decided in order, may again proceed.
11. No sectarian (religious) discussion shall be permitted.
12. No member, except the chairperson of a committee, or the mover or seconder of a resolution, shall speak more than five (5) minutes at any one time or more than once on

the same question, until all members wishing to speak have had an opportunity to do so, when he/she may be allowed, by permission of the chair, to speak a second time.

13. The President shall take no part in debate while presiding, but may yield the chair, as outlined in Rule 1., in order to speak on any question before the Local, or to introduce a new question.
14. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, the presiding officer may give a casting vote or refrain from voting, in which case the motion is lost.
15. When a motion is before the Local, no other motion shall be in order except:
  - to adjourn
  - to put the previous question
  - to lay on the table
  - to postpone for a definite time
  - to refer
  - to divide or amend, which motions shall have precedence in the order named
  - the first three of these shall be decided without debate
16. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be now put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
17. A motion to adjourn is in order except:
  - when a member has the floor
  - when members are voting
18. A motion to adjourn, having been put and lost, shall not be in the order again, if there is further business before the Local, until fifteen (15) minutes have elapsed.
19. After the presiding officer declares the vote on a question (passed or defeated), and before the Local proceeds to another order of business, any member may ask for a

division (pro/con). A standing vote shall then be taken and the Sergeant at Arms shall count same.

20. Other than election of officers (when it is mandatory), secret ballots are to be used at the discretion of the chair, or on motion from the floor.
21. If any member wishes to challenge a decision of the chair, the appeal must be done at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for the challenge. The presiding officer may then state briefly the basis for the decision, following which the presiding officer shall immediately and without debate, put the question: "Shall the decision of the chair be sustained?" A majority vote shall decide, except that in the event of a tie, the chair is sustained.
22. After a question has been decided, any two (2) members who have voted in the majority may at the same or next meeting move reconsideration thereof.
23. No member shall enter or leave a meeting:
  - during the reading of the minutes
  - the initiation of new members and installation of officers
  - the taking of a vote
  - without the permission of the presiding officer
24. The Local's business and proceedings of meetings, are not to be divulged to any persons outside the Local or the Canadian Union of Public Employees.
25. All rules and proceedings of debate not herein provided for shall be as defined in the Constitution of the National CUPE or *Bourinots Rules of Order*.

## **ORDER OF BUSINESS**

1. Call to Order
2. Acknowledgement of Territories
3. Equality Statement
4. Roll Call of Officers
5. Initiation of New Members

6. Approval of Minutes of Previous Meeting
7. Treasurer's Report
8. Correspondence and Education
9. Membership Report
10. Health and Safety Report
11. Second Vice-President Report
12. Executive Board Reports
13. Labour / Management Report
14. Old Business
15. New Business
16. Good of the Union
17. Announcements
18. Adjournment

Any amendments or changes to this Constitution and By-Laws shall be made through Notice-of-Motion and duly passed by a two-thirds (2/3) majority present at that meeting. All such amendments shall be sent to the National President of the Canadian Union of Public Employees for approval.