

# **BY LAWS**

**of the**

**Canadian Union of Public Employees  
And it's Local 254**

**Kingston  
Technicians' Union**

**Approved by the Local: December 9, 2008**

**Approved by the National President:**

**Proposed:  
September 2008**

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## **PREAMBLE**

This Local of the Canadian Union of Public Employees is formed to fight for improvements in the political, economic and social welfare of all its members, to promote public service through organized public employment, and to manifest its belief in collective labour activity.

This Local is founded upon the principles of democratic government by its membership, full administration accountability and allegiance to CUPE Constitution. Furthermore, this Local is unequivocally opposed to any form of discrimination on the basis of race, colour, culture, creed, sex or sexual orientation, political affiliation, age or physical disability or illness.

## **BY-LAW AUTHORITY**

The following By-laws are adopted pursuant and subordinate to the CUPE Constitution, with specific reference to its Appendix “B”.

## **SECTION 1 - NAME**

The name of this Local shall be the Canadian Union of Public Employees, Local 254 (Kingston Technicians’ Union).

## **SECTION 2 - OBJECTIVES**

The Local shall steadfastly work toward the realization of the following objectives:

- a) improving wages, benefits, job security and working conditions of its members through free collective bargaining;
- b) organizing collective activity to defend the interests of CUPE, Local 254, its members and the trade union movement in general;
- c) building a favourable public image of public employees by improving service and efficiency on the job and being active in the community;
- d) representing membership interests before the appropriate political and governmental bodies;
- e) supporting the implementation of all democratically adopted policies of CUPE and its Local 254;
- f) involving as many members as possible in Local 254 through the sharing of duties and responsibilities;
- g) demanding a high standard of comprehensive education for all Ontario citizens.

### **SECTION 3 - INTERPRETATION AND DEFINITIONS**

- a) Masculine pronouns shall be understood to include the feminine gender and vice versa wherever the context so requires.

### **SECTION 4 - MEMBERSHIP MEETINGS**

#### Regular and Special

- a) Regular membership meetings shall be held each month. The Executive Board shall give a week's notice of the date of the regular meeting.
- b) Special membership meetings may be ordered by the Executive Board or requested in writing by no fewer than twenty-five (25) members. The President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least twenty-four (24) hours' 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.
- c) A quorum for the transaction of business at any regular or special meeting shall be ten (10) members, including at least three (3) members of the Executive Board.
- d) The order of business at regular membership meetings is as follows:
  - 1. Roll Call of Officers
  - 2. Initiation of New Members
  - 3. Minutes of Previous Meeting
  - 4. Matters arising out of Minutes
  - 5. Correspondence
  - 6. Treasurer's report
  - 7. Approval of Bills for Payment
  - 8. Executive Board Report
  - 9. Reports of Committees and Delegates
  - 10. Nominations, Elections, or Installations
  - 11. Unfinished Business
  - 12. New Business
  - 13. Good of the Union
  - 14. Adjournment

## **SECTION 5 - VOTING OF FUNDS**

Except for ordinary expenses and bills as approved at membership meetings;

- a) Regular Strike appeal donations are fifty dollars (\$50.00) unless otherwise stated in the motion. If the amount exceeds one hundred dollars (\$100.00), it shall be subject to part b) of this section.
- b) No sum over one hundred dollars (\$100.00) shall be voted for the purpose of a grant or contribution to a member or any cause outside CUPE, except by a notice of motion given in writing and dealt with at the following membership meeting.
- c) The Local shall establish an Employee Assistance Program (EAP) emergency fund of five hundred dollars (\$500.00). Approval of any expenditure is to be made by the Union EAP Representative and the President. Replenishment of this fund shall be as per part b) of this section.
- d) The union will allow the treasurer, without additional motion(s), to pay out up to \$350.00 in Personal Appeals per month, assuming this does not adversely affect the current account and the union's ability to pay other more pressing bills. The normal expenditure per appeal will be \$50.00. These amounts will be reviewed annually and may be amended by a motion at any general meeting and the revised amount(s) included in the next revision of the by-laws. The Notice of General Meeting shall reflect the number of personal appeals and appropriate dollar amount from the previous month.

## **SECTION 6 - OFFICERS**

The Officers of the Local shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, three (3) Trustees, Chief Steward, Designated Certified Health and Safety Representative, and Sergeant-at-Arms. All Officers shall be elected by the membership as set out in Section 12.

## **SECTION 7 - EXECUTIVE BOARD**

- a) The Executive Board shall be comprised of three (3) executive members at large and all officers, except Trustees.
- b) The Board shall meet at least once every month under the chair of the Vice-President.
- c) A majority of the board shall constitute a quorum.
- d) The Executive Officers shall hold title to any real estate of the Local as trustees for the Local. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and having it approved.
- e) The Board shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees.

- f) Should any member fail to answer the roll call for two (2) consecutive regular membership meetings or two (2) regular Board meetings without having submitted good reasons for those failures, that member's office shall be declared vacant and shall be filled by an election at the following membership meeting.

## **SECTION 8 - DUTIES OF OFFICERS**

### **a) The President shall:**

- enforce the CUPE Constitution and these By-laws;
- preside at all membership meetings and preserve order;
- decide all points of order and procedure (subject always to appeal to the membership);
- have a vote on all matters (except appeals against his rulings) and in case of a tie vote in any matter, including elections, have the right to cast an additional vote to break the tie;
- ensure that all 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 all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, By-laws, or vote of the membership;
- have first preference as a delegate to the CUPE National Convention and other trade union conventions and conferences;
- be bonded for not less than ten thousand dollars (\$10,000.00) or a greater sum as determined by the membership.

### **b) The Vice-President shall:**

- preside over the Executive Board meetings;
- if the President is absent or incapacitated, perform all duties of the President;
- if the office of President falls vacant, be Acting President until a new President is elected;
- render assistance to any member of the Board as directed by the Board, and act in place of any member of the Board who is absent or incapacitated;
- be bonded for not less than ten thousand dollars (\$10,000.00) or a greater sum as determined by the membership.

### **c) The Secretary-Treasurer shall:**

- receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money in a bank or credit union;
- prepare all CUPE National per capita tax forms and remit payments no later than the 15th day of each month;
- record all financial transactions in a manner acceptable to the Board and in accordance with good accounting practices;
- make a financial report to the Local Union monthly;
- be bonded for not less than ten thousand dollars (\$10,000.00) (or any greater sum as may be decided at a membership meeting, taking into account the assets of the Local and the amount of cash and cheques handled by the Secretary-Treasurer) through the master bond held by the National Office;



**c) Secretary-Treasurer shall (continued)**

- maintain a system where the expenditures of the Local shall be only for the purposes of the Local, and in all cases shall be made by cheque signed by the Secretary-Treasurer and counter-signed by the President or the Vice-President;
- make all books available for inspection by the auditors and/or Trustees of CUPE and its Local 254 on reasonable notice and have the books audited semi-annually;
- provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE;
- be empowered, with the approval of the President, to employ the necessary clerical assistance to be paid out of the Local's funds;
- maintain a list of Union membership, and report to the Executive Board the names of all new members who are awaiting initiation;
- be disqualified from office if unable to qualify for a bond, and must turn over all properties and assets etc. to his successor.

**d) The Recording Secretary shall:**

- keep full and accurate account of the proceedings of all membership and Board meetings;
- record all alterations to the By-laws;
- answer correspondence and fulfil other secretarial duties as directed by the Board;
- file a copy of all letters sent out and keep on file all communications;
- prepare and distribute all circulars and notices to members;
- have all records ready on reasonable notice for auditors and Trustees;
- on termination of office, surrender all books, seals and other property of the Local to his successor;
- preside over membership and Board meetings in the absence of both the President and the Vice-President, be empowered, with the approval of the President, to employ necessary stenographic or other assistance to be paid for out of the Local's funds;

**e) The Chief Steward shall:**

- chair the Steward's Committee;
- arrange and participate in educational programmes for stewards in conjunction with the Education/Newsletter Committee;
- receive reports from stewards on all complaints and grievances;
- report on all grievances to the Local President, Grievance Committee and National Representative within the time limits established in the Collective Agreement.

**f) The Designated Certified Health and Safety Representative shall:**

- represent the Local with respect to the Queen's University Joint Occupational Health and Safety Committees, and fulfil the duties and functions as per the provisions of the Occupational Health and Safety Act of Ontario, 1978 and its regulations;
- safeguard the occupational health and safety of the members by being available to members as a resource person and by using his knowledge and training to discover and eliminate hazardous situations or practices.
- The Designated Certified Health and Safety Representative shall exercise all functions of Designated Certified Health and Safety Representatives outlined in the Occupational Health and Safety Act.

Note: The Designated Certified Health and Safety Representative shall be elected by the membership and the Local committee members shall be appointed by the Executive for a two (2) year term; such appointments shall be based on recommendations of the members in each area covered by the sub-committee.

**g) The Sergeant-at-Arms shall:**

- guard the inner door and admit no one but members in good standing or officers and officials of the Canadian Union of Public Employees, except on the order of the President and by consent of the members present;
- maintain a list of individual attendance at all meetings and submit it to the Secretary-Treasurer upon his request;
- provide new members orientation as per Collective Agreement.

**h) The Trustees shall:**

- act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the Standing Committees annually;
- report their findings to the executives following the completion of each audit;
- report their findings to the first membership meeting following the completion of each audit;
- be responsible for ensuring that moneys are not paid out without proper constitutional or membership authorization;
- ensure that proper financial reports are made to the membership;
- audit the record of attendance;
- inspect at least half-yearly 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 audit forms supplied by the National Office and send a copy of each yearly audit to the National Secretary-Treasurer in accordance with the provisions of the CUPE Constitution.

**i) National Representative:**

- the assigned CUPE National Representative shall have voice but no vote on all committees and at all meetings.



## **SECTION 9 – OUT-OF-POCKET EXPENSES**

- a) The following expense allowance shall be paid monthly without need for supportive vouchers, to elected officials of the Local as compensation for normal and miscellaneous out-of-pocket expenses, transportation, parking, meals, phone calls, use of homes for office work and the keeping of Union records; persons holding more than one position shall receive only the higher allowance.

President	\$200.00 per month
Secretary-Treasurer	\$150.00 per month
Designated Certified Health & Safety Rep.	\$100.00 per month
Vice-President	\$100.00 per month
Recording Secretary	\$100.00 per month
Chief Steward	\$150.00 per month
Executive Member at Large	\$15.00 per month
Sergeant-at-Arms	\$15.00 per month
Trustee (Three)	\$50.00 per audit
Members of Job Evaluation Committee	\$15.00 per meeting to \$45.00/month maximum

- It is the responsibility of members of JEC to report record of meetings attended to the Secretary-Treasurer by the end of the month.

This allowance shall also be paid on the basis of the number of membership meetings attended, absences of such meetings will be accepted upon written reasons to the Sergeant-at-Arms and approval is given at the next membership meeting. The Trustees shall be excluded from these provisions.

- b) In addition, the following expenses shall be paid to any member who is elected as a delegate to a convention, conference, or educational programme where no meals are included in the cost of registration. An adjustment will occur where meals are included.

*In town* - \$17.00 per day

*Out of Town* for longer than sixteen (16) hours duration - \$74.00 per day based on current CUPE expense reimbursement policy. This reimbursement is based on the following breakdown:

- ✓ *Breakfast: \$18.00*
- ✓ *Lunch: \$22.00*
- ✓ *Dinner: \$34.00*

plus the costs of a hotel room and transportation by the most appropriate carrier.

For members travelling to the meeting by personal vehicle, an allowance of \$0.43 per kilometre for travel to and from their home, plus receipted parking costs and tolls (except Highway ETR-407), where applicable, is payable. This allowance covers all costs of operating an automobile (but not necessarily limited to) gas, maintenance, repairs, replacement, and insurance.

Members travelling on behalf of CUPE are to submit a Leave of Absence to the employer requesting Union Paid Leave of Absence. Lost Wages will be paid to the employer, and must be properly invoiced by the employer to be considered for reimbursement by the Local.

- c) Upon approval by the membership, Union Officers and Local delegates shall be reimbursed for necessary lost-time expenses which arise from leaves of absence for Union activities during regularly scheduled work shifts.
- d) Other expenses may be approved by the Executive Board subject to supportive vouchers being submitted and approval being received from the membership at a regular meeting.

## **SECTION 10 - FEES, DUES AND ASSESSMENTS**

### **a) Initiation Fees**

Each application for membership in the Local shall be directed to the Secretary-Treasurer and shall be accompanied by an initiation fee of one dollar (\$1.00) which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected the fee shall be returned.

### **b) Readmittance Fee**

The readmittance fee shall be one dollar (\$1.00).

### **c) Monthly Dues**

The monthly dues shall be an amount equivalent to one point seven-five percent (1.75%) of each employee's monthly gross pay. (The union dues rate for Local 254 is increased from 1.25% to 1.75%. The increase was voted in by our local at our meeting on May 12, 2009 to be effective July 1, 2009. On June 8, 2009 this increase was confirmed by Paul Moist National President. See letter attached to these bylaws.

### **d) Changes in the levels of the Initiation Fee, the Readmittance Fee, or the Monthly Dues can be effected only by following the procedure for amendment of these By-laws (see Section 16) with the additional provision that the vote must be by secret ballot; except where the minimum dues are raised by an amendment to the CUPE Constitution, these By-Laws shall automatically be amended to comply.**

### **e) Special assessments levied in accordance with the CUPE Constitution shall be paid from Local funds.**

### **f) A levy of zero point two-five percent (0.25%) of each member's gross pay will be applied to create a Defence Fund. The Defence Fund shall remain in a high interest account, to be kept separate from the Operating Expense account. Should the defence fund fall below \$30,000, the Secretary-Treasurer shall immediately initiate a monthly transfer of \$500, unless otherwise authorized by the membership, to the defence fund until the balance of the Defence account is at or above \$35,000.**

It is the responsibility of the Secretary-Treasurer and the President to inform the Membership when this transfer is to be activated or suspended.

The status of the Defence Fund will be reported quarterly to the Membership at the General Meeting as part of the Secretary-Treasurer's monthly report.

Monies from the Defence Fund are to be used for defence of the contract, including both arbitration and strike pay for the membership, in the event of strike action. Transfers from the Defence Fund account must have prior authorization of the membership, and must have Notice of Motion on the agenda of the meeting at which that the motion is to be presented.

## **SECTION 11 - NON-PAYMENT OF DUES AND ASSESSMENTS**

Any member in arrears for a period of three (3) months or more shall be automatically suspended and his/her suspension shall be reported to the Executive Board by the Secretary-Treasurer. The Executive Board shall report to the next membership meeting with a recommendation. Any member under suspension who wishes to be reinstated shall, upon application, pay the readmittance fee plus any dues and assessments in arrears. This money will be returned if the application is rejected. If a member has been unemployed or unable to work because of sickness, he shall pay the readmittance fee but may not be required to pay his arrears.

## **SECTION 12 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS**

### **a) Nominations**

Nominations shall be received at the regular membership meeting held in November of each year. To be eligible for nomination to the positions of President, Vice-President, Secretary-Treasurer, Recording Secretary or Chief Steward, a member shall have attended at least fifty percent (50%) of the membership meetings held in the previous twelve (12) months or in the period he/she was a member, if less than a year, unless a valid reason, acceptable to the Local, has been given for non-attendance. No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting his consent in writing, duly witnessed by another member. No member shall be eligible for nomination if he is in arrears of dues and/or assessments.

No member may be elected to more than one Executive Office.

### **Schedule Designating Positions to be Elected Each Year**

<i>Year of Election Even/Odd Numbers</i>	<i>Office</i>	<i>Length of Term</i>
Even	President	2
Odd	Vice-President	2
Odd	Secretary-Treasurer/ Membership Secretary	2
Even	Recording Secretary	2
Odd	Chief Steward	2
Even	Designated Certified Health & Safety Rep.	2
Odd	Local Health & Safety Rep. (see Section 8 (f))	2
	Sergeant-at-Arms	1
1 per year	Trustees	3
1 per year	Job Evaluation	3
1 per year	Negotiating Committee	3
1 per year	Executive at Large	3
	Standing Committees	1

**b) Elections**

- 1) At a membership meeting at least one (1) month prior to election day, the President shall appoint a Returning Officer. The officer shall have full responsibility for voting arrangements and shall treat information submitted in connection with elections as confidential.
- 2) The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
- 3) The Returning Officer shall be responsible for issuing, collecting and counting ballots. He must be fair and impartial and see that all arrangements are unquestionably democratic.
- 4) The voting shall take place at the regular membership meeting in November of each year. The vote shall be by secret ballot.
- 5) Voting to fill one office shall be conducted and completed and recounts dealt with before balloting may begin to fill another office.
- 6) A majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots shall be taken, if necessary, to obtain a majority. On the second and subsequent ballots, the candidate with the lowest number of votes shall be dropped. In case of a final tie vote, the presiding officer shall decide the election by the toss of a coin.
- 7) When two (2) or more nominees are to be elected to any office by ballot, each member voting shall be required to vote for the full number of candidates to be elected or the member's ballot shall be declared spoiled.
- 8) Any member may request a recount of the votes for any election and a recount shall be conducted if the request is supported, in vote, by at least the number of members equal to the quorum for a membership meeting as laid down in Section 4 (c).
- 9) The Returning Officer shall select two (2) assistants at the November meeting to help with the proceedings.

**c) Installation**

All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for two (2) years unless otherwise stated in Section 12 (*effective* January 1 following the November meeting).



**d) By-Elections**

Should an office fall vacant pursuant to Section 7 g) of these By-laws for any other reason, the resulting by-election should be conducted as closely as possible in conformity with this Section.

**SECTION 13 - DELEGATES TO CONVENTIONS**

- a) Except for the President's option [Section 8 a)], all delegates to conventions shall be chosen by election at membership meetings.
- b) Delegates to the Kingston and District Labour Council shall be elected annually. An official reporter shall be appointed annually by the President from amongst these delegates and he shall be required to report at each membership meeting of the Local on proceedings at recent meetings of the Council.
- c) Representation at educational courses and seminars shall be on the recommendation of the Education Committee, subject to final approval by the membership.

**SECTION 14 – COMMITTEES**

**a) Special Committee**

A special ad hoc committee may be established for a specified purpose and period by the membership at a meeting. The members shall be elected at the same or another membership meeting or may, by specific authorization of the membership, be appointed by the President or the Executive Board. Two (2) members of the Board may sit on any special committee as ex-officio members.

**b) Standing Committees**

The Chairperson of each standing committee shall be elected by the members at a membership meeting except where otherwise provided in these by-laws. The Chairperson and the Executive Board may, with the concurrence of the membership, jointly appoint other members to serve on a committee. The Vice-President shall be a member, ex-officio, of each committee. A monthly report is required from each committee chairperson.

**1) *Grievance Committee***

This Committee shall process all grievances not settled at the initial stage and its reports shall be submitted first to the Executive Board, with a copy to the CUPE Representative and then to a membership meeting. Grievances must be in writing on the forms provided by the National Office and be signed by the complainant or complainants, as provided for in the Collective Agreement. The Committee shall be comprised of the President, Chief Steward, and the Steward involved in the grievance. The secretarial duties of the Committee shall be done by the Chief Steward.

b) Standing Committees (continued)

2) *Education/Newsletter Committee*

It shall be the duty of this Committee to:

- arrange for representation of the Local at any appropriate and available education seminar or conference and submit recommendations accordingly to the Executive Board;
- instruct delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file of these reports;
- co-operate with the Executive Board in preparing press releases and other publicity material;
- co-operate with the Education and Public Relations departments of CUPE, and with the regional Education Representative, in implementing both the Local's and CUPE's policies in these fields;
- information pertaining to this committee shall be made available on the CUPE 254 website and updated as required. All material for posting shall be reviewed by the President prior to posting. The Executive Board shall be held responsible for the proper maintenance and functioning of this Committee. The Committee shall comprise not less than three (3) members.

3) *Social Committee*

It is the function of this Committee to arrange and conduct all social and recreational activities of the Local either on the Committee's own initiative or as a result of decisions taken at membership meetings. The Committee shall submit reports and proposals to the Executive Board or to the membership as required. A ceiling for the Committee's net expenditures may be fixed annually by the membership but, other than that, all social and recreational events and activities shall be self-supporting. The Executive Board shall be held responsible for the proper and effective functioning of this Committee. The Committee shall comprise not less than three (3) members and may appoint a secretary-treasurer from among its members.

4) *Negotiating/Contract Committee*

- the Committee shall consist of four (4) members, the President and three (3) members at large elected under Section 12. The functions of the Committee are:
- to obtain and study relevant collective agreements;
- to research documents and grievance results;
- to prepare collective bargaining proposals and to negotiate a collective agreement.

The CUPE representative assigned to the Local shall be a non-voting member of the Committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

b) Standing Committees (continued)

5) *Ways and Means Committee*

It shall be the duty of this Committee to examine the resources of the Local and make recommendations to the Executive Board and to the membership as to the most suitable uses of such resources. The Ways and Means Committee shall consist of the Secretary-Treasurer/Membership Secretary and the three (3) Trustees. This Committee shall appoint its own chair and secretary.

6) *Union - Management Committee*

The Union-Management Committee shall consist of the following members: the President, Vice-President, Chief Steward. The Committee will meet with the representatives of management in accordance with relevant articles of the Collective Agreement.

7) *Health and Safety Committee*

This Committee shall consist of all Health and Safety Representatives on the individual committees and the Designated Certified Health and Safety Representative, as the Chairman. The Committee's duties shall be:

- (a) to co-ordinate and discuss issues across campus in order to continually upgrade the quality of the workers environment;
- (b) to review and prepare recommended revisions for the clauses of the Collective Agreement;
- (c) to advise the chair on resource material needed to maintain and update the Union Health and Safety library;
- (d) to elect a secretary to maintain a minute book and update list of all health and safety issues;
- (e) to submit all reports to the Executive Board first, and then to the general membership, and to none other, except as may be directed by the Executive and/or membership;
- (f) to meet a minimum of four (4) times a year.

8) *Job Evaluation Committee*

This Committee shall be elected and shall serve as set out in the current Collective Agreement and Section 12 of these by-laws.

## **SECTION 15 - BURSARIES**

The intent of these bursaries is to provide the children or dependents of our members (including members who have passed away) with an element of support in obtaining post secondary education at recognized institutions.

### **Requirements:**

Bursaries will be applied for in writing on a yearly basis with an attached letter from the registrar of a recognized institution indicating full-time enrolment. The applications must be received by November 1 of each year. Each bursary is valued up to a maximum of two hundred dollars (\$200.00), dependent on the number of applicants and the dollar value in the fund. The fund will normally be twelve hundred dollars (\$1200.00) unless adjusted by the membership in any given year. The individual maximums will remain the same, and the fund will not accumulate surpluses on a yearly basis. Payments will be made in the month of December, based on the November 1 deadline, and will be final.

## **SECTION 16 - RULES OF ORDER**

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these By-laws as Appendix "A". These rules shall be considered as an integral part of the By-Laws and may be amended only by the same procedure used to amend the By-laws.

In situations not covered by Appendix "A", the CUPE Constitution may provide guidance, but, if the situation is not dealt with, then Bourinot's Rules of Order shall be consulted and applied.

## **SECTION 17- AMENDMENTS**

- a) These By-laws are always subordinate to the CUPE Constitution (including Appendix "B") as it now exists or may be amended from time to time and, in the event of any conflict between these By-laws and the CUPE Constitution, the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.
- b) These By-laws shall not be amended, added to, or suspended except as provided in the Constitution.
- c) No change in these By-laws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President.

## **APPENDIX "A"**

### **RULES OF ORDER**

- (1) The President or, in his absence, the Vice-President shall take the chair at all membership meetings. In the absence of both the President and the Vice-President, the Recording Secretary shall act as President and, in his absence, a President pro tem shall be chosen by the Local.
- (2) No member, except the Chairman of a committee making a report or the movers of a resolution, shall speak more than five (5) minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had an opportunity. The Chairmen and movers of a resolution shall be limited to five (5) minutes, except with the consent of the meeting.
- (3) The President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask: "Is the Local ready for the question?" Should no member rise to speak, the question shall then be put.
- (4) A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
- (5) 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, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
- (6) On motion, the regular order of business may be suspended by a two-thirds vote of those present, to deal with any urgent business.
- (7) All resolutions and motions other than those named in Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being put to the Local.
- (8) At the request of any member, and upon a majority vote of those present, a question may be divided when the sense will admit of it.
- (9) Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
- (10) When a member wishes to speak on a question or to make a motion, they shall rise in their place and respectfully address the presiding officer, but, except to state that he rises to a point of order or on a question of privilege, he shall not proceed further until recognized by the chair.

- (11) When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
- (12) 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 on the Local or member thereof.
- (13) If a member, while speaking, is called or ordered, he shall cease speaking until the point is determined; if it is decided he is in order, he may again proceed.
- (14) No religious discussion shall be permitted.
- (15) The President shall take no part in debate while presiding, but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
- (16) The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he may in addition give a casting vote, or, if he chooses, refrain from breaking the tie, in which case the motion is lost.
- (17) When a motion is before the Local, no other motion shall be in order except (1) to adjourn (2) to put the previous question (3) to lay on the table (4) to postpone for a definite time (5) to refer (6) to divide or amend, which motions shall have precedence in the order named. The first three of these shall be decided without debate.
- (18) 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.
- (19) A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
- (20) A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen (15) minutes have elapsed.
- (21) After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.

- (22) If any member wishes to challenge (appeal) a decision of the chair, he must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for his decision, following which the chairman 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.
- (23) 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.
- (24) No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of officers, or the taking of a vote, and no members shall be allowed to leave without the permission of the Vice-President.
- (25) The Local's business and the proceedings of meetings are not to be divulged to any persons outside the Local or the Canadian Union of Public Employees.

## **APPENDIX “B”**

### **SHOP STEWARDS**

The Shop Stewards form a separate committee to advise or assist the Executive Board. Only the Chief Shop Steward is an officer and member of the Executive Board.

The Shop Steward should be elected, by and from the group he is to represent. Provision is made for the appointment of a Shop Steward by the Executive Board if a unit neglects or refuses to elect a Shop Steward.

The duties of a Shop Steward are:

- a) Defining, detecting, preparing, and presenting grievances at the initial level.
- b) Generally knowing and policing the Collective Agreement and provincial or federal legislation affecting labour and a particular job.
- c) Providing communications and information from the members in the unit to the Executive and from the Executive to the members, including distribution of Union literature and newspapers.
- d) Greeting and signing up new employees and encouraging the participation of all members of the unit in Union activity.
- e) Maintaining daily contact with the members to provide ongoing Union awareness and education.



## **APPENDIX “C”**

### **BASIC POLICIES ENFORCEABLE UNDER THE BY-LAWS**

#### **Signing Officers**

There will be three (3) signing officers. There will always be two (2) people available to sign cheques.

#### **Bonding**

The signing officers will be bonded in the following amounts through the National Office:

President	\$10,000.
Vice-President	\$10,000.
Secretary-Treasurer	\$10,000.

#### **Budget**

A budget should be prepared annually and submitted to the membership for approval. It should be based on the known income from dues and known expenses, such as per capita tax to all affiliations, hall rentals, supplies, delegates to seminars, conferences, conventions, negotiations, honouraria, etc.

The General Funds should be placed in a chequing account. However, once a budget is approved and monthly expenses determined, the balance should be placed in a savings account where it will accumulate interest. If necessary, money can be transferred from this account to the chequing account.

#### **Records for Social Functions**

Admission tickets to social functions should be printed and numbered so that an accurate account can be made of all tickets sold and all tickets returned to the convenor.

An accurate record should be kept of all sales of beer and liquor at any social function. If tickets are sold, they should be rolls of tickets with numbers so that they can be checked out at the end of each social function.

#### **Receipts and Invoices**

All receipts and invoices should be kept in an orderly filing system by month or by quarter in order of date paid with the cheque number indicated on the invoice.

Any expenses unsubstantiated by an invoice or receipt should be clearly explained on the cheque stub and in the ledger.

### **Minute Book**

The minute book should properly record all motions made including those where monies are to be spent or bills paid.

Minute books of the Local should be kept on file, not only in the event of an audit, but to provide a proper historical record of the projects and activities of the Local in the years to come.

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December 2008