

Constitution & By-Laws

Of

Canadian Union of Public Employees

Local 2045

Amendments Approved by the Membership Dec 8, 2007
Amendments Approved by the National President March 2008

PREAMBLE

In order to improve the social and economic welfare of its members without regard to sex, colour, race or creed, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, this Local of the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed.

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 as possible through the sharing of duties and responsibilities.

SECTION 1 - NAME

The name of this Local shall be Canadian Union of Public Employees Local No. 2045.

SECTION 2 - OBJECTIVES

The objectives of the local are to:

- a. secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
- b. support CUPE in reaching the goals and objectives set out in Article II of the CUPE Constitution;
- c. provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- d. encourage the settlement by negotiation and mediation of all disputes between the members and their employers.

SECTION 3 - INTERPRETATION AND DEFINITIONS

Numbers of Articles at the end of sections or subsections refer to relevant articles of the CUPE Constitution, which should be read in conjunction with By-Laws.

SECTION 4 - MEMBERSHIP MEETINGS

- a. Regular membership meetings shall be held during the following months of September, November, January and May. Meetings will alternate between Port Hardy and Port McNeill. In the event of an emergency, the Executive Board shall give two(2) week's notice of any change in the date of the regular meeting. The Annual General Meeting will be held in April. Regular meeting dates will be posted in September for the coming year. Written notice for regular meetings for the year will be distributed to all members in September.
- b. Special membership meetings may be ordered by the Executive Board or requested in writing by no fewer than 8 members. The President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least 3 days written notice of the special meeting and the subject(s) to be discussed.
- c. No business shall be transacted at the special meeting other than that for which the meeting was called.
- d. A quorum for the transaction of business at any regular or special meeting shall be 12 members, including at least three (3) members of the Executive Board.
- e. The order of business at regular membership meetings is as follows:
 1. Roll Call of Officers
 2. Voting on new members and initiation
 3. Reading of Minutes of previous meeting
 4. Matters arising out of the Minutes
 5. Secretary-Treasurer's Report
 6. Communications and bills
 7. Executive Board Report
 8. Reports of Committees and delegates
 9. Nominations, Elections, or Installations
 10. Unfinished Business
 11. New Business
 12. Good of the Union
 13. Adjournment

(Article B.8.1)

SECTION 5 VOTING ON FUNDS

Except for ordinary expenses any expenditure of two hundred or more dollars shall be voted on at membership meetings. In the event of extraordinary circumstances members may be polled at the work site. In this case a simple majority of the membership will decide the vote.

SECTION 6 - OFFICERS

The Officers of the Local shall be President, Vice-President, Secretary-Treasurer, Recording- Secretary, Chief Shop Steward, three (3) trustees, Directors – one(1) from the School District, one (1) from the District of Port Hardy, one (1) from the Village of Port Alice and one (1) Sergeant-at-Arms.

SECTION 7 - EXECUTIVE BOARD

- a. The Executive Board shall comprise all officers, except Trustees.
- b. The Board shall meet once a month.
- c. A majority of the Board constitutes a quorum.
- d. The Executive Officers shall hold title to any real estate of the Bargaining Unit 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. All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution.
- g. Should any Board Member fail to answer the roll call for three (3) consecutive regular executive and/or general meetings without having submitted good reasons for those failures, their office shall be declared vacant and shall be filled by an election at the following general meeting.
- h. All signing officers must be bondable, and if refused, must stand down.
- i. All Executive Board Members shall sit on at least one Committee and each elected Committee shall have at least one Executive Board Member.

SECTION 8 - DUTIES OF OFFICERS

a. The PRESIDENT shall:

- Enforce the CUPE Constitution and these By-Laws;
- Preside at all general 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/her rulings) and in the 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 executive officers are carrying out the duties of their elected office and that new executive members have received orientation to perform their assigned duties;
- Fill committee vacancies where elections are not provided for;
- Introduce new members and conduct them through the new initiation ceremony;
- Be one of three signing officers for all cheques and ensure that the Local's funds are used only as authorised or directed by the Constitution, By-Laws or vote of the membership;
- Have first preference as a delegate to the CUPE National Convention and CUPE BC Convention;

(Article B.3.1)

b. The VICE-PRESIDENT shall:

- Preside over Executive Board meetings;
- Keep the President informed of all his/her activities.
- If the President is absent or incapacitated, perform all duties of the President;
- If the office of the 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.
- Shall be a member ex officio of all committees.

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 with a bank or credit union;
- Prepare all CUPE national per capita tax forms and remit payment;
- Record all financial transactions in accordance with generally acceptable accounting practices;
- Pay no money unless supported by a voucher, except that no voucher shall be required for payment of per capita fees to any organisation to which the Local is affiliated;
- Make a full written financial report to meetings for the Local's Executive Board, as well as a written financial report to each regular membership meeting, detailing all income and expenditures for the monthly period. Provide a monthly list of disbursements.
- Make all books available for inspection by the auditors and/or Trustees on reasonable notice, and have the books audited semi-annually;
- Ensure the Trustee report is ready for the Annual General Meeting.
- Provide the Trustees with any information they need to complete the audit report forms supplied by CUPE.

d. The Recording SECRETARY shall:

- Keep full and accurate records of the proceedings of all membership and Board meetings;
- Answer all correspondence, keeping a copy on file of all communications.
- Record all amendments in the By-Laws and submit as required to the National Rep;
- Provide all worksites, CUPE National and the School Board with a current list of Executive members and committees. Any changes shall be submitted within a week.
- Prepare and distribute all circulars, minutes and notices to members, including written notice of all meetings.

e. The SERGEANT-AT-ARMS shall:

- Guard the inner door at membership meetings and admit no one but members in good standing or officers and officials of CUPE, except on the order of the President and by consent of the members present;
- Assist in maintaining the record of membership attendance at meetings;
- Perform such other duties as may be assigned by the Board from time to time.

f. The DIRECTORS shall:

- Participate on at least one committee and report its activities to the executive meetings;
- Other duties as assigned by the Board.

g. The TRUSTEES shall:

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Treasurer, also the Secretary and the Standing Committees semi annually if it is required of the latter two.
- report their findings to the membership at the first membership meeting following the completion of each audit;
- be responsible to ensure that monies are not paid out without proper constitution or membership authorization;
- ensure the proper financial reports are made to the membership;
- audit the record of attendance;
- 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 membership; provide an inventory of all equipment and assets.
- Use audit forms supplied by the National Office and send a copy of each half-yearly audit to the National Secretary-Treasurer in accordance with the provisions of the CUPE Constitution.

(Article B.3.10 to B.3.12)

h. The CHIEF SHOP STEWARD shall:

- Chair the grievance committee and report on its activities;
- Ensure that all grievances are handled according to Section 14d;
- Report to the Executive Board and the general membership on the status of grievances.
- Organize quarterly shop steward meetings.

SECTION 9 - OUT-OF-POCKET EXPENSES

- a. The President shall and Secretary-Treasurer shall receive out-of-pocket expenses of \$150.00/month
- b. The Vice-President, Chief Shop Steward and Recording Secretary shall receive out-of-pocket expenses of \$100.00/month.
- c. The Director and the Sergeant-at-arms shall receive out-of-pocket expenses of \$50.00/month.
- d. All members shall be paid mileage to and from meetings as per School Board policy.
- e. A set per diem will be paid to cover meals while on Union business. This amount to be as per School Board policy.
- f. All members shall receive compensation for long distance charges on receipt of supporting documentation when calls made are necessary Union business.

SECTION 10 - FEES, DUES AND ASSESSMENTS

- a. Initiation Fee

A One-time initiation fee of \$10.00 shall be deducted from employees pay upon signing of the official dues deduction card sent out from the employer upon appointment to a posting.

- b. Monthly Dues

The monthly dues shall be one percent (1%) plus the national per capita tax.

- c. Changes in the levels of the Initiation Fee or Monthly Dues can be effected only by following the procedure for amending these By-Laws (see SECTION 16) with the additional provisions that the vote must be by secret ballot.

{B.4.1 & B.4.3(c)}

- d. Special assessments may be levied in accordance with Articles B.4.2 (a) & B.4.2 (b) of the CUPE Constitution.

SECTION 11 - RELEASE TIME

Where and when not already provided for, the President or designate shall be given up to two (2) days per month of paid time off their job site to perform duties for and on behalf of the membership of Local 2045. Any such time used shall be reported in the form of an "activity report" at each executive and general membership meeting.

This provision shall be reviewed annually by the membership at the Local's Annual General Membership meeting.

SECTION 12 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

a. Nominations:

Nominations shall be received at the annual general meeting (AGM) held in the month of April. To be eligible for nomination members shall have attended at least fifty percent (50%) of the membership meetings held in the previous twelve months or in the period they were a member, if less than a year, unless a valid reason, acceptable to the local, has been given for non-attendance. Members unable to attend the AGM who wish to stand for office must submit their names in writing to the nominating committee beforehand.

b. Elections:

1. The President shall appoint a Nomination Committee at the January General Meeting. This Committee will be responsible for all election arrangements and shall treat all information as confidential.
2. The voting shall take place at the Annual General Meeting in April. The vote shall be by secret ballot.
3. A candidate shall be elected by a simple majority vote.
4. Any member may request a recount of the votes for any election and a recount shall be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as laid down in SECTION 4(c).
5. Minimum 14 days written notice of any and all elections shall be provided to the membership.

c. Installation:

1. All duly elected officers shall be installed at the meeting at which elections are held. Term of office will be two years for all duly elected officers, with President, Chief Shop Steward, Recording- Secretary, one Director from the School District elected on even numbered years, and Vice- President, Secretary-Treasurer, and the Sergeant-at-arms elected on odd-numbered years.
2. Three Trustees shall be elected.

At each Annual General Meeting a Trustee shall be elected for a three (3) year period. Or, in the case of a vacancy occurring, a Trustee shall be elected for the unexpired term in order to preserve overlapping terms of office.

Article B.3.10

d. By-Elections

If any office falls vacant before the end of term the resulting By-Election should be conducted at the next general meeting. The President may appoint a Director to the position for the interim period.

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 Vancouver Island District Council shall be elected bi-annually in odd numbered years. The President from among these delegates shall appoint an official reporter for these delegates, and they shall be required to report at each membership meeting of the Local on proceedings at recent meetings of the Council.
- c. All delegates elected shall be paid transportation and hotel expenses (at reasonable rates), a per diem advance as per SECTION 9.f., and an amount equal to any loss of wages incurred by such attendance.
- d. Representation at educational institutes and seminars shall be on the recommendation of the Executive Board.
- e. The number of delegates shall be determined by the annual budget and by recommendation of the membership.

SECTION 14 - COMMITTEES

a. Negotiating Committee

This shall be a special ad hoc committee established at the last General Meeting six months prior to the expiry of the Local's Collective Agreement and automatically disbanded when a new collective Agreement has been signed. The function of the Committee is to prepare Collective Bargaining proposals and to negotiate a Collective Agreement. The Committee shall consist of four (4) members, all elected at a membership meeting. 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. Special Committees

Special ad hoc Committees 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 special authorization of the membership, be appointed by the President or the Executive Board. Two members of the Board may sit on any special Committee as ex-officio members.

c. Standing Committees

Terms of reference for standing and ad hoc committees shall be established by the membership upon formulation of those committees and shall be amended from time to time by the membership, as required.

Standing Committees

Occupational Health and Safety Committee – 2 members plus an alternate elected odd years

Labour-Management Committee – 3 members plus alternate elected even years

Job Evaluation Committee – one member plus an alternate elected each year for three years.

Education Committee – 2 members elected odd years

Newsletter Committee – 3 members elected even years

Special Committees as decided as needed by the membership

d. 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. Grievances shall be in writing on the forms provided by the National Office and be signed by the complainants, as provided for in the Collective Agreement. The Committee shall be comprised of the Chief Shop Steward as Chair, the President, and two (2) other members to be selected by the Chair from among the shop stewards.

SECTION 15 - 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 there, Bourinot's Rules of Order shall be consulted and applied.

SECTION 16 - AMENDMENT

- a. These By-Laws are 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. Constitution interpretation, including determination of conflict is the prerogative of the National President.

Article 9.2.c, 13 & B.7.1

- b. These By-Laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a special membership meeting in conjunction with a regular membership meeting following written notice given at a previous regular membership meeting.

Article B.7.1

- 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 Nation President.

Article 13.3 & B.7.1

Appendix "A"
to
the By-Laws
of
Local 2045, CUPE

Appendix "A" to the By-Laws of Local 2045, CUPE

Rules of Order

1. The President or, in their 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 all their absence a President pro-tem shall be chosen by the Local.
2. No member, except the Chair of a committee making a report or the mover 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. Committee Chairs and movers of resolutions shall be limited to fifteen minutes, except with the consent of the meeting.
3. The President shall state every question coming before the Local, and before allowing debate there on, 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 recognised 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 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 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. Members wishing to speak on a question or to make a motion, shall rise in place and respectfully address the presiding officer, but except to state that they rise to a point of order, or to a question of privilege, shall not proceed further until recognised 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 questions under debate and avoid all personal, indecorous, or offensive language, as well as any other reflection on the Local or member thereof.
13. If a member, while speaking, is called to order, they shall cease speaking until the point is determined; if it is decided they are in order, they 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, they may in addition give a casting vote, or, if so choosing, 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, or (6) to divide or amend, which motions shall have precedence in order named.
18. A motion for the previous question, when regularly moved and seconded, shall be put in the form: *Shall the main question now be 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-Treasurer shall count same.
22. If any member wishes to challenge (appeal) a decision of the Chair, they 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 their challenge. The

23. Chair may then state briefly the basis for their decision, following which the Chair 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.
24. After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
25. 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 member shall be allowed to leave without permission of the Vice-President.