

# **BY-LAWS**

**Canadian Union of Public  
Employees  
Local 1329**



Approved by the Membership: June 13, 2013  
Approved by the NPO: March 25, 2014

## **PREAMBLE**

In order to improve the social and economic welfare of its members without regard to sex, color, race or creed, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labor, Local 1329 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, to provide for responsible administration of the Local, and to involve as many 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 1329

## **SECTION 2 - OBJECTIVES**

The objectives of the Local are to:

- Secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
- Support CUPE in reaching the goals set out in Article II of the CUPE Constitution;
- Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- Encourage the settlement by negotiations and mediation of all disputes between the members and their employers.

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

- Masculine pronouns shall be understood to include the feminine gender.
- Numbers of Articles at the end of sections or sub-sections refer to relevant articles of the CUPE Constitution (1988) as amended, which should be read in conjunction with these by-laws.

## **SECTION 4 - MEMBERSHIP MEETINGS - REGULAR AND SPECIAL**

- Regular membership meetings shall be held three times a year.
- 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 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 is given.
- A quorum for the transaction of business at any regular or special meeting shall be eight (8) members, including at least three (3) members of the Executive Board. As per Section 7 of these bylaws, a majority of the Executive Board constitutes a quorum.
- The order of business at regular membership meetings is as follows:

1. Roll call of Officers
2. Reading of the Equality Statement
3. Voting on New Members and Initiations
4. Review of Minutes of previous meeting
5. Matters arising
6. Treasurer's Report
7. Communications and Bills
8. Executive Committee report
9. Reports of Committees and delegates
10. Nomination, 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, no sum over fifty dollars (\$50) shall be voted on 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.

### **SECTION 6 – OFFICERS**

The officers of the Local shall consist of President, Vice-President, Treasurer, Recording Secretary, four (4) stewards, effective for 2015 elections, and three (3) trustees. All officers shall be elected by the membership. If a steward position becomes vacant prior to the 2015 election that steward position will remain vacant as long as the number of filled steward positions is not less than 4.

### **SECTION 7 - EXECUTIVE BOARD**

- The Executive Board shall comprise of all Officers, except Trustees.
- The Executive shall be elected to a term of three (3) years, however the President may call an election a minimum of one year after an election has taken place.
- The Board shall meet at least once every month.
- A majority of the Board constitutes a quorum.
- 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.
- All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE constitution.
- Should any Board member fail to answer the roll-call for three consecutive regular membership meetings, or four regular Board membership meetings without having submitted good reasons for those failures to the Executive Board members, his office shall be declared vacant and shall be filled by an election at the following membership meeting.

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

### **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 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;
- Shall appoint members to committee vacancies;
- 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;
- Be allowed necessary funds, not to exceed \$50.00 (fifty dollars) monthly, to reimburse for expenses of his or any other officers, supported by vouchers, incurred on behalf of the Local;
- Have first preference as a delegate to the CUPE National Convention.

### **2. The Vice-President shall:**

- 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;
- Have second preference as a delegate to the CUPE National Convention.

### **3. The Recording-Secretary shall:**

- Keep a full, accurate and impartial account of the proceedings of all regular or special membership and Board meetings;
- Record all alteration in the by-laws;
- Answer correspondence and fulfill 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;
- Preside over membership and Board meetings in the absence of both the President and Vice-President;
- Be empowered, with the approval of the membership, to employ necessary stenographic or other assistance to be paid for out of the Local's funds;
- On termination of office, surrender all books, seals and other property of the Local to his successor.

#### **4. The 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 no later than the last day of the following month;
- Record all financial transactions in a manner acceptable to the Board and in accordance with good accounting practices;
- Regularly make a full financial report to meetings of the Local's Executive Board, as well as a written financial report to each regular membership meeting, detailing all income and expenditures for the period;
- Be bonded for not less than \$1,000.00 (one thousand dollars) through the master bond held by the National Office, and any Treasurer who cannot qualify for the bond shall be disqualified from office;
- Pay no money unless supported by voucher duly signed by the President and one other member of the Board, or any two other members of the Board. No voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated;
- Make all books available for inspection by the auditors and/or Trustees 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;
- Not later than February 28 each year, furnish each member, on the forms supplied by the National Office, with a statement showing the net amount of tax-deductible dues paid by him during the preceding calendar year, if not shown of the employees' T4;
- Be empowered with the approval of the membership, to employ necessary clerical assistance to be paid for out of the Local's funds;
- Notify all members who are one month in arrears and report to the Board all members who are two or more months in arrears in the payment of union dues;
- On termination of Office, surrender all books, records and other properties of the Local to his successor.

#### **5. A steward shall:**

- At the request of a member(s) or at the direction of the President, investigate complaints which may/may not be in violation of the Collective agreement.
- Keep full, accurate and impartial account of all information regarding the alleged violation.
- Notify the Executive Board of the alleged violation in order to determine what actions are to be taken.
- Ensure that the recording-secretary has a copy of all grievances and that the wording of such grievance is approved by the President and/or Vice President prior to its submission.
- Act as the local's representative in meeting with the employer in an effort to rectify any violation of the collective agreement.
- Act as liaison between the member and the employer and/or the executive board regarding decisions involving the alleged violation.

- Submit all notes and conclusions to the recording-secretary upon completion of any grievance filed.
- When appointed by the President, act as a member to any committee unless a reasonable explanation is submitted to the President for not being available to do so.

**6. 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 Standing Committees semi-annually;
- Report their findings to the first membership meeting following the completion of each audit;
- Be responsible to ensure that monies 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 twice a year, any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at anytime 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 half yearly audit to the National Secretary-Treasurer, in accordance with the provisions of the CUPE Constitution.

**SECTION 9 – OUT OF POCKET EXPENSES**

1. Out-of-pocket expenses are to cover expenses incurred by the Executive Board while serving the local.
2. The sums listed below shall be issues two (2) times a year, at the end Of June and December:

President: \$600.00	Vice President: \$550.00
Secretary Treasurer: \$500.00	Secretary: \$500.00
Stewards: \$350.00	Trustees: \$50.00

The following expense allowances shall be provided:

**Education**

- All Executive Members may take any CUPE related courses upon approval of the President or designate.
- All expenses incurred while taking part in CUPE related courses will be paid for by the Local in accordance with the following guidelines:
  - lodging: as per receipts submitted and considered reasonable for the area in which the expense occurred.
  - daily expenses for food be equal to the rates currently offered by the Corporation to its employees.
  - car mileage: equal to the current rates offered by the Corporation to its employees.

- reimbursement of wages if courses are taken during working hours.

### **Seminars**

- All Executive members may attend any CUPE related seminars upon approval of the President or designate;
- All expenses incurred while taking part in CUPE related seminars will be paid for in accordance with the education guidelines.

### **Conventions**

- Two delegates may attend any CUPE conventions as may be required to represent the membership. The delegates will be selected by the President from the Executive of the Union.
- All expenses incurred attending a CUPE convention will be paid for in accordance with the education guidelines. Any additional travel expenses required i.e. plane fare, etc. will be paid for by the Union.

### **Union Funds**

- The Executive may, by unanimous consent, allocate up to \$1,000.00 (one thousand dollars) annually for Union related or Union sponsored functions and activities, and any other ancillary costs;
- Allocation of funds exceeding \$1,000.00 (one thousand dollars) annually must be approved by the membership;
- As per Article B.4.4, a Petty Cash fund of \$100.00 will be established.

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

- **Initiation Fee**

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

- **Re-admittance Fee**

The re-admittance fee shall be \$3.00

- **Monthly Dues**

The monthly dues shall be 1.25 %, 0.4% above those set by C.U.P.E. National. Changes in the levels of the Initiation Fee, the Re-admittance Fee, or the Monthly Dues can be affected only by following the procedure for amendment of these by-laws with the additional provision that the vote must be by secret ballot.

Notwithstanding the above provisions, if the CUPE National convention raises minimum fees and/or dues above the level herein established, these by-laws will be deemed to have been automatically amended to conform to the new CUPE minimum.

Special assessments may be levied in accordance with Article B.4.2 of the CUPE Constitution.

## **SECTION 11 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS**

- **Nomination**

Nominations shall be received at the "election" meeting or at the regular membership meeting held immediately prior to the election meeting. To be eligible for nomination, a member shall have attended at least fifty percent of the membership meetings held in the previous six months, or in the period he 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.

- **Elections**

- 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.
- The Returning Officer(s) shall be chosen from among the membership, and be responsible for issuing, collecting, and counting ballots. He must be fair and impartial and see that all arrangements are unquestionably democratic.
- The voting shall take place at a special "election" meeting held within the mandated three-year term. At least two weeks advanced notice shall be given to the membership as to the date of the "election" meeting.
- Voting to fill one office shall be conducted and completed, and recounts dealt with before balloting may begin to fill another office.
- 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 receiving the lowest number of votes in the previous ballot shall be dropped. In case of a final tie vote, the presiding officer may cast the deciding vote.
- When two 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 will be declared spoiled.
- 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.

- **Installation**

- All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for 3 years, or until a successor has been elected and installed, provided however, that no term of office shall be longer than 3 years.
- The terms of office for Trustees shall be as laid down in Article B.2.4 the CUPE Constitution.

- **By-Election**

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

## **SECTION 12 - RULES OF ORDER**

All meetings of the Local shall be conducted in accordance with the basic principles of the 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 13 - AMENDMENT**

- 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.
- These by-laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following seven days notice at a previous meeting, or at least sixty days written notice.
- 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"**

### **CUPE NATIONAL EQUALITY STATEMENT**

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behaviour that creates conflict prevents us from working together to strengthen our union.

As unionists, mutual respect, cooperation and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile or offensive environment.

Discriminatory speech or conduct which is racist, sexist, transphobic or homophobic hurts and thereby divides us. So too, does discrimination on the basis of ability, age, class, religion, language and ethnic origin.

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a union.

Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society and in our union.

CUPE's policies and practices must reflect our commitment to equality. Members, staff and elected officers must be mindful that all persons deserve dignity, equality and respect.

## **APPENDIX "B"**

### **TO THE BYLAWS OF LOCAL 1329 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 Vice-President, the Recording Secretary shall act as President, and in his/her absence, a President pro-tem shall be chosen by the Local.
2. No member, except the Chairperson of a Committee making a report, or the mover of a resolution, shall speak more than five 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. Chairpersons and movers of a resolution 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 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 a resolution, shall be in order.
6. On motion, the regular order of business may be suspended by a two-thirds vote of those in attendance, 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, he shall rise in his 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 to order, 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:
  - 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 namedThe 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 when:
  - a member has the floor
  - 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 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 challenge. The Chairperson may then state briefly the basis for his decision, following which the Chairperson 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 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 member shall be allowed to leave without the permission of the Vice-President.
25. 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.