

CUPE LOCAL 2 BY LAWS



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**Approved by CUPE National
March 2017**

INDEX

Section Page

1. Preamble.....
2. Principles & Objectives
3. Equality Statement
4. General Meetings
5. Executive Meetings.....
6. Special Meetings
7. Officers
8. President
9. Vice-President
10. Recording-Secretary
11. Secretary-Treasurer
12. Health And Safety Designate
13. Shop Stewards
14. Sergeants-at-arms
15. Trustees
16. Executive Board
17. Committees
18. Negotiating Committee
19. Initiation Fees and Dues
20. Non-payments of Dues and Assessments
21. Union Funds and Assets/Union Leave
22. Delegates to Union Functions and
Educational Courses
23. Nominations for Election to Office

24. Elections
25. Debates
26. Installation of Officers
27. Special Rules of Order
28. Interpretations

29. Amendments and Alterations

30. Property of the Local

31. Order of Business

32. Rules of Order

33. Oaths of Nomination and Office

34. Oath of Membership

35. Out of Pocket Expenses

36. Retirements and Bereavement

37. Conduct and Discipline

38. Trials

39. General

YOU are the Union!

A few **“DO’S** and **DON’TS”** calculated 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 acquainted with the Steward in your Department.

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 (when in doubt, ask the guidance of the Chair).

DO Think before WE vote!

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 Afterwards.

DON'T Go "over the head" of **YOUR** Steward.

DON'T Think that if things are not to **OUR** liking there isn't anything, **WE** as individuals can do about it.

DON'T Believe the Union is not vitally important to **US**.

Next to **YOUR** home and family, the Union is the most important interest.

DON'T Hesitate to bring to the attention of the meeting

YOUR problems; they are the Union's problems too.

DON'T Leave this booklet at home - carry it at all times.

PREAMBLE

Section 1

These By-Laws are designed to give proper balance to the Administration of the Local Union.

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 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.

Words importing the singular number or the masculine gender shall, unless the context otherwise requires, include the plural or the feminine gender as the case may be and vice versa.

The name of this Local shall be: Canadian Union of Public Employees Local No. 2 (Toronto Transit Commission Electrical).

PRINCIPLES & OBJECTIVES

Section 2

- (a) To place the various occupations of the membership upon a high plane of Efficiency and skill.
- (b) To encourage the settlement of all disputes between the members and the employer's administration by mediation and arbitration.
- (c) To secure adequate remuneration for work performed.

- (d) To reduce the hours of labour and by all legal and proper means to elevate the moral, intellectual and social conditions of all workers in general and of the membership in particular.
- (e) To support the Canadian Union of Public Employees in its objectives as set out in the C.U.P.E. National Constitution.

EQUALITY STATEMENT

Section 3

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behavior 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 behavior 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 there-by divides us. So too, does discrimination on the basis of ability, age, class, religion 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 sisters and brothers deserve dignity, equality and respect.

GENERAL MEETINGS

Section 4

Meetings will normally be held on the 4th Thursday of each of the following months - January, March, May, September and November at 5:00 p.m. at a place to be decided on by the Executive Board. A quorum for the transaction of business at any regular or special meeting shall consist of at least fifteen (15) members in good standing, including at least three (3) members of the duly elected Table Officers.

EXECUTIVE MEETINGS

Section 5

The Executive board shall meet at least once a month, on every 3rd Thursday but may alter the meeting date if they deem necessary. A quorum for the transaction of business at any Executive Meeting shall consist of at least eight (8) Executive Board Members.

All Executive members will be given the opportunity, and have the responsibility, to speak to any motion. All duly elected officials will uphold all decisions made by The Executive Board.

SPECIAL MEETINGS

Section 6

Special meetings may be called by order of the Executive Board or by a written request of 15 members, provided however that no business shall be transacted at such special meetings other than that for which the special meeting has been called. At least seventy-two (72) hours' notice of all special meetings must be given in writing to the Recording Secretary. Notice of Special meeting will be sent to all members. The notice will include the Business to be discussed.

Officers

Section 7

The Table Officers of the Local shall consist of a President, Vice-President, Recording-Secretary, Secretary-Treasurer, a Health and Safety Designate.

The Signing Authority Officers with respect to the Locals Funds shall consist of President, Vice-president, and Secretary Treasurer. All Signing Officers of Local 2 shall be bonded through the master bond held by CUPE National. Any Officers who cannot qualify for bond shall be disqualified from having signing authority.

The Local shall have Three (3) Trustees Officers that are members in good standing, elected by the membership, that are not part of the Executive Board.

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.

Should any Officer resign or fail to answer roll call for any three consecutive meetings (meetings to be construed to mean any meeting of a committee or group of which he is a part) without having previously submitted a good reason to the Chair of the Committee for such absence, the office shall be declared vacant and the vacancy filled by way of Election. All reasons shall be recorded by the Secretary. THE EXECUTIVE BOARD MAY FILL THE VACANCY WITH AN ACTING TERM UP TO A SIX MONTHS PERIOD. AFTER A SIX MONTHS PERIOD THE VACANCY MUST BE FILLED BY ELECTION. ADDED BY CUPE

The term of office for all Officers shall be for three (3) years.

ANY DULY ELECTED OFFICERS MUST RESIGN FROM THEIR OFFICE UPON ACCEPTING OR BEING GRANTED ANY TEMPORARY OR PERMANENT STAFF POSITIONS WITH THE EMPLOYER. SHOULD AN ELECTED OFFICER REQUIRE A LEAVE OF ABSENCE THE EXECUTIVE BOARD MAY FILL THE VACANCY WITH AN ACTING TERM UP TO A SIX MONTHS PERIOD. AFTER A SIX MONTHS PERIOD THE VACANCY MUST BE FILLED BY ELECTION.

PRESIDENT

Section 8

It shall be the duty of the President to preside at all meetings, to preserve order and enforce the Constitution and By-Laws, and to see that all Officers perform their respective duties. The President may form any Ad-hoc committee deemed necessary with approval from the Executive, will fill vacancies on committees where elections are not provided for, and decide all questions for order, subject to appeal by a member of the Local (but he shall not vote on such appeal). The President shall announce the results of all votes; shall enforce all fines and penalties, introduce new members and conduct such candidates through the initiation ceremony, and shall have the power to call special meetings when requested in writing by the Executive Board or by 15 members. He shall have a vote on all matters, including election of Officers, and in the case of a tie vote he also has the right to cast the deciding ballot. The President shall sign all necessary papers in the name of the local union, and shall perform such other duties as the Constitution and By-Laws of the Local require. The President shall be allowed necessary monthly funds to reimburse himself or any Officers for expenses incurred on behalf of the Local, upon submission of signed vouchers. Such accounts approved in the regular manner shall be included with bills presented to the membership at general meetings. The President shall have the first preference as Delegate to Union functions to which the Union will be sending delegates.

VICE-PRESIDENT

Section 9

It shall be the duty of the Vice-President, in the absence of the President, to preside and to perform all duties pertaining to the office of President, and to render such assistance as may be required; and 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. The Vice-President shall be Chairman of the Grievance Committee. He shall sign all necessary papers in the name of the local union in the absence of the President.



RECORDING-SECRETARY

Section 10

The Recording-Secretary shall keep full, accurate and impartial account of the proceedings of all 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. The Recording Secretary shall record all motions with the mover's and seconder's names in the record or minute book of the Local; shall record all alterations in the Rules and By-Laws by motion or amendment and shall fulfil other secretarial duties as directed by the President. The Recording-Secretary shall file a copy of all letters sent out and shall keep on file all communications and answer all correspondence. He shall prepare all circulars and notices for issuance to the members and pass same on to the membership. He shall have all books and papers ready at all times on reason-able notice for examination, and on termination of office shall surrender all books, seals and other properties of the Local to his successor. The Recording Secretary shall preside over meetings in the absence of both the President and Vice-President.

SECRETARY-TREASURER

Section 11

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. Sign 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, or a vote of the Table Officers or a vote of the Executive Board in accordance with these by-laws. In consultation with the Executive Board, designate a signing officer during prolonged absences. Prepare all CUPE National per capita tax forms and remit payment, including \$10.00 of each initiation fee on all members admitted, no later than the last day of the following month. 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. Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices. Make a full financial report to meetings of the Local Union's Executive Board. Make a written financial report to each regular Membership meeting, detailing all income and expenditures for the period. Be bonded through the master bond held by CUPE National. Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office. Pay no

money unless supported by a cheque requisition request for payment duly signed by the President and the Secretary-Treasurer, subject to Section 16(f). No request shall be required for payment of per capita fees to any organization to which the Local Union is affiliated. Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees. Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National. Be empowered, with the approval of the Table Officers, to employ necessary administrative assistance to be paid for out of the Local Union's funds. Notify all members who are one month in arrears and report to the Executive Board all members two or more months in arrears in the payment of union dues.

HEALTH & SAFETY DESIGNATE

Section 12

The Health and Safety Designate shall assume full duties as listed under the Occupational Health and Safety Act and the document titled "Guidelines for the Structure and Function of the Joint Health and Safety Committee", and act as the worker co-chair for the Joint Health and Safety Committee. The Health and Safety Designate shall represent members on all health and safety matters including WSIB (Worker's Safety Insurance Board), return to work issues, workplace accommodations, workplace accidents, and workplace violence and harassment. The Health and Safety Designate shall provide instruction to all members on the Occupational Health and Safety Act (OHSA) and their rights and responsibilities under the Act, Co-instruct all Health and Safety courses in relation to the operations and functions of the JHSC, and to be a member of all health and/or safety related committees the Local is involved with. The Health and Safety Designate shall act as a liaison between Union and Management for MOL inspectors or any other officials on all Health and Safety related matters, and will be involved in all work refusals. It is the duty of the Health and Safety Designate to make full reports to the Executive Board and Membership on any safety matters.

SHOP STEWARDS

Section 13

Shop Stewards are usually the health and safety representative for their section. The Sections are as follows:

- a. Signals (2 stewards)
 - b. Wiring & Service (2 Stewards)
 - c. Radio Shop
 - d. SCADA/Transit Control Technician
 - e. Power Control
 - f. Substations
 - g. Cable Crew
 - h. Overhead
 - i. CIS
 - j. M/P (Will be represented by their Section Steward)
- a) Stewards shall be elected by the members in the Section they represent or shall be appointed by the Vice-President up to six months, subject to approval of the Executive Board until an election can be held by the members of the section concerned.
 - b) During an Election, members in good standing, with three (3) regular general membership meetings attended in the previous 12 months shall submit his candidacy for Office of Steward to the Recording Secretary whereby an Election shall be conducted in the section they represent. The term of office shall be for three (3) years.
 - c) Stewards may be removed as a result of penalties from a properly constituted trial under the guidelines of the National Constitution.
 - d) The Shop Steward shall post all notices of meetings and other posters/notices sent to him by the Union, and carry out any duties the Union and/or Executive may assign him.
 - e) In order to qualify for receipt of Executive or Committee expenses each Shop Steward shall make every effort to attend any C.U.P.E. or related education courses associated to his or her duties as a Steward and/or H&S Representative, and as directed by the Executive.
 - f) The Shop Steward shall be responsible for the assistance of the members in his section with the proper filing of grievances. However, he shall not be expected to receive nor consider any grievance unless such grievance is submitted in writing and bearing the signature of the aggrieved employee or employees.

SERGEANT-AT-ARMS

Section 14

- a. The Sergeant-at-Arms shall be elected by the membership at large. The term of office shall be for three (3) years. The Sergeant-at-Arms shall not be a member of the Executive Board.
- b. It shall be the duty of the Sergeant-at-Arms to attend all regular and special membership meetings to assist in the set up the room and the equipment for the meetings and to guard the inner door and to admit to the meeting no one but members in good standing or officers and officials of C.U.P.E, except on the order of the President, or by consent of the members without permission of the President in general and special membership meetings. He shall maintain the record of membership attendance at meetings of the Local on the official record.
- c. Should the Sergeant-at-Arms resign or fail to answer roll call for any three consecutive meetings (regular or special meetings) without having previously submitted a good reason to the President for such absence, the office shall be declared vacant and the vacancy filled by appointment of the President subject to approval of the Executive Board until an election.
- d. It is the sole responsibility of the Sergeant-At- Arms to attend all meetings and to take attendance of members present at each General Membership Meeting/Special Membership meetings, and present to the General Membership and the Executive the attendance list. As part of the membership meeting requirements, he will be expected to attend earlier to assist in the setup of equipment for the meeting.
- e. The Sergeant-at-Arms shall examine all present at meetings and report to the President any without membership cards. The Sergeant-at-Arms shall allow none without a membership card to remain and shall obtain the names of all those awaiting initiation, reporting such names to the President.
- f. The Sergeant-at-Arms shall perform such other duties as may be assigned from time to time, and may also be appointed to a committee by the President or Executive Board. Such duties or appointment shall be considered mandatory.

TRUSTEES OFFICERS

Section 15

The Trustees shall:

- (a) 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 Committees at least once every calendar year.
- (b) Make a written report of their findings to the first membership meeting following the completion of each audit.
- (c) Submit in writing to the Executive any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's Funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct, and proper manner.
- (d) Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.
- (e) Ensure that the proper financial reports have been given to the membership.
- (f) Audit the record of attendance.
- (g) 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 Union, and report their findings to the membership.
- (h) Send to the National Secretary-Treasurer, with a copy to assigned Servicing Representative the following documents:
 - Completed Trustee Audit Program
 - Completed Trustees' Report
 - Secretary-Treasurer Report to the Trustees
 - Recommendations made to the President and Secretary-Treasurer of local Union
 - Secretary-Treasurer's response to recommendations
 - Concerns that have not been addressed by the Local Union Executive Board

EXECUTIVE BOARD

Section 16

- (a) The Executive Board shall comprise of The Table Officers, Shop Stewards.
- (b) The Executive Board shall administer and carry out all work delegated to it by the Local and receive, consider and report all grievances made by members as submitted. Grievances must in all cases be in writing on the form provided by The Local, and forwarded to the Vice President by a Shop Steward.
- (c) All officer shall record their activities for the section they represent at the monthly executive meeting, which shall be recorded by the Recording Secretary. Should an Officer not be present at the executive meeting, the officer shall send the report to the Recording Secretary electronically in an acceptable manner.
- (d) It is the duty of any members elected or appointed to any office, committee or delegation to attend all meetings and Union Functions that pertain to their office.
- (e) The Local shall reimburse each Table Officer substantiated with receipts Internet costs, to a maximum of fifty dollars (\$50.00) per month, and each Shop Steward and the Sergeant At Arms substantiated internet costs, of twenty-five dollars (\$25.00) per month. In all cases all reimbursements must include a valid voucher and receipt.
- (f) The Local shall own and acknowledge the full costs associated with cellular telephone use to conduct the business of the Local for The Executive Board Members, and any other union official recommended by the Executive and approved by the General Membership, and on termination of office shall be surrendered to his/her successor. Any additional costs incurred outside the cellular package will be reimbursed to the local by the user of such device unless submitted and approved by the Executive Board.
- (g) When expense vouchers are submitted, they should include original receipts, and must be signed by the submitter, recommended by a Table officer, and approved by the Treasurer.
- (h) Executive Board recommendations shall remain confidential until the General Membership meeting.

COMMITTEES

Section 17

The following Standing Committees shall be: 1. Health and Safety, 2. By-Law, 3. Grievance.

- a) Health and Safety Committee: This Committee shall comprise of the Union Health and Safety Designate plus the Health and Safety Reps of all the sections. They shall meet as agreed to by Local 2 in the safety structure. They shall have full powers and duties as listed under the Occupational Health and Safety Act. It shall be the duty of this committee to handle all health and safety concerns from the membership and Executive Board as directed.
- b) By-Law Committee: This Committee shall comprise of the President, Vice-President, Recording Secretary, Secretary Treasurer and the Health and Safety Designate. The By-Law Committee shall ensure all By-Law Amendments submitted by the membership shall be posted with a "Notice of Motions" for a minimum of 7 days before a previous membership meeting or 21 days changed by CUPE in writing 21 days along with the announcement of a "Special Meeting" at which the bylaw amendments shall be voted on by the membership. The committee shall ensure all Amendments do not conflict with the CUPE National Constitution and are passed by the membership with two thirds majority of the members present. The Committee will prepare all submission to CUPE National for approval.
- c) Grievance Committee: This committee shall be comprised of the entire Executive Board, the duty of which shall be to process all grievances not settled at the initial stage. The Committee shall be chaired by the Vice-President who will submit reports of the Committee to the Executive and General Membership. All members present must vote on whether to proceed with or withdraw a grievance. A copy of all Grievance reports will be forwarded to the National Representative of the local Union.

NEGOTIATING COMMITTEE

Section 18

- a. Prior to the expiry date of the Collective Bargaining Agreement, the Negotiating Committee and Executive Board, in consultation with the representative of C.U.P.E, shall prepare a new proposed Agreement. It shall be the duty of the Negotiating Committee to endeavor to affect a new Agreement before the expiry date of the current Agreement, so that the new Agreement may take effect the day following expiry of the current Agreement, thus avoiding any necessity for retroactive adjustment. The committee shall remain seized until ratification of a new collective agreement.
- b. The Negotiating Committee shall consist of the President, Vice-President, Recording-Secretary, Secretary-Treasurer, Health and Safety Designate and three (3) floor members (elected by the General Member-ship), one each from Signals, Electrical and Communications departments (yearly as required). The above-mentioned members shall be first choice and make up the Negotiating Committee. The C.U.P.E. Representative is to be a non-voting member of this Committee. Upon majority vote by the Negotiating Committee, said committee may appoint anyone they deem an asset for negotiating purpose to sit on the committee. for any length of time agreed to.
- c. Any member of the Negotiating Committee attending a negotiating meeting during his vacation or on his off day shall be allowed to select equivalent time off in lieu. This time is to be taken within thirty (30) days of the occurrence.
- d. The Negotiating Committee members during a negotiating year and shall be entitled to a Committee expense as specified in Section 35 and 22 (c).

INITIATION FEES AND DUES

Section 19

Initiation fee upon application for membership into the Local to be ten dollars (\$10.00). The rate of dues shall be two and one half (2 1/2) hours per month of the members basic rate.

NON-PAYMENT OF DUES AND ASSESSMENTS

Section 20

Any member in arrears for a period of three months shall be automatically suspended and shall be re-ported to the Executive Board by the Secretary-Treasurer. The Executive Board shall report to the General Meeting with a recommendation. Any member under suspension wishing to be reinstated shall upon application pay a reinstatement fee of ten dollars (\$10.00) plus any dues and assessments in arrears. This money will be returned if application of reinstatement is refused.

UNION FUNDS AND ASSETS/UNION LEAVE

Section 21

- a. No sum over Five Hundred dollars (\$500.00) shall be voted for the purpose of a grant or contribution to a member or any cause (not otherwise provided for within these By-Laws) except by a notice of motion given in writing and dealt with at the following General Meeting.
- b. No officer shall counter-sign his/her own cheque for any out of pocket expenses.
- c. All requests for union leave for the purpose of Union Business under the direction of the Executive are the responsibility of the Recording Secretary and shall be carried out by way of email in PDF format on an approved Local 2 Union Leave Form sent to all pertinent Supervisors of the member requiring Union Leave. The Recording Secretary will submit a copy of the Union leave forms submitted at each Executive Meeting, and to the Auditors when audits for the Local are being conducted. In all cases, Union Leave must be endorsed by 3 out of 5 of the Table Officers.
- d. Meal allowance for any Union Function including Committee meetings (for which there is a union leave) and Audits shall be \$10.00. Meal allowance will be paid for not less than five hours worked, and in five-hour increments (i.e. 8 hours, 1 meal allowance, 10 hours, 2 meal allowances)
- e. The Executive Board 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 submitting the proposition to a special meeting and having such proposition approved.
- f. The Executive Board or the Table Officers may be required to purchase assets for use by the Local of an amount up to and including one thousand five hundred dollars (\$1,500.00) Final approval must be that of 3 of 5 Table Officers, or a majority of the Executive Board.

- g. On receipt of strike appeals, the sum of \$50.00 for non-C.U.P.E. Unions and \$100.00 for C.U.P.E. Locals shall be considered a minimum and the vote conducted shall be one of "in favor of" or "against" the appeal.
- h. The Local shall send a sustained donation of One Thousand Dollars (\$1000.00) to the Electrical Division's Pensioner's Dinner, held annually.
- i. Any retroactive payment in regards to Local 2 services performed whose total does not exceed five dollars (\$5.00) shall not be reimbursed.

DELEGATES TO UNION FUNCTIONS AND EDUCATIONAL COURSES

Section 22

- a) All delegates to union functions shall be chosen by the Executive Board. First consideration shall be given to the Table Officers. Should the Executive Board choose to have members of the General Membership to be delegates to Convention, these members shall be chosen by election at the General Membership or Special Meetings.
- b) Normally, in order for a member to be eligible to attend union functions they shall be in good standing and have been a member for the previous twelve months and attended three (3) Regular General Membership meetings in the previous twelve months.
- c) All delegates to Union functions held outside Metropolitan Toronto (and within a 400 KM radius) shall be paid transportation expenses at coach rates. Outside the 400 KM radius, air travel (economy rate) shall be provided. Further per diem allowance of \$65.00 for expenses in addition to hotel room costs and an amount equal to any loss of salary necessitated by attendance at the Union function. With regard to Union functions held locally there shall be no allowance for travel; the daily expense allowance shall be \$50.00 and any loss of salary shall be provided as in the preceding sentence. Should any delegate to Union functions waive the right to have their lost salary provided, then they may opt to have accommodations provided in lieu of lost salary.
- d) The number of members allowed to educational courses shall be determined by the Executive. Members whose attendance is optional (not an elected member of the Executive or Committee) shall be allowed at least one meal allowance as per Section 21(e). Section 22(c) shall be applied to Executive members and members of Committees.

NOMINATIONS FOR ELECTION TO OFFICE

Section 23

- a) Nominations for all elective Table Officers and Sergeant-at-Arms shall be received at the Regular Meeting held in the month of September of each election year. All those eligible for nomination shall have been members for at least twelve months.

No nominations shall be accepted unless the member is in attendance at the nomination meeting or has allowed to be filed at such meeting his consent in writing, duly witnessed by another member and sent to the Recording- Secretary. No member shall be eligible for nomination if he is in arrears of dues and/or assessment. No member may be elected to more than one office. To be eligible for office a member shall have attended at least three (3) of the regular meetings held in the previous twelve months (Special meetings Do Not Count). The Sergeant-at-Arms shall read off all the members' names of eligible candidates.

- b) All members nominated shall indicate at the nominations meeting whether they intend to stand for the position. Should any position be left vacant after the nominations meeting, further nominations will be taken prior to the election at the November General Meeting. Names of all nominees and the position for which they were nominated shall be posted one month before the elections.

- (c) Nothing contained in this section shall be deemed to conflict with the provision of the C.U.P.E.

Constitution.

ELECTIONS

Section 24

- a) For the purpose of conducting the Elections, the President shall subject to the approval of the members present at the regular September meeting of the election year, appoint a Returning Officer and Assistants. They shall be members in good standing and not candidates for office.
- b) When two or more nominees are to be elected to any office by Ballot, each member voting will be required to vote for the full number of candidates to be elected or the members ballot will be declared spoiled.
- c) Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
- d) The Returning Officer and his Assistants shall have full responsibility for the conducting of the elections as set out in the By-Laws and shall treat all information submitted to them in connection with that office as confidential. The Returning Officer shall make his report to the meeting only at the time appointed.
- e) The Returning Officer shall be responsible for issuing the ballots to and receiving them from the members.
- f) The elections shall be held on the day of the regular meeting in November of an election year. The method of election shall be by secret ballot.



Immediately following the close of voting the Returning Officer and his Assistants shall proceed to count the ballots. Upon completion of same the Returning Officer shall notify the President that he is ready to report and his report shall be made immediately.

- g) The form of ballot shall be decided upon by the Executive Board, who shall be responsible for the preparation of sufficient ballots.
- h) Any candidate may appeal for a recount of the votes for whichever office he was a candidate, or the meeting itself without an appeal, may order a recount of any or all elections, provided, however, that in either instance a number of members equal to a quorum demand it. Such recount shall be taken immediately and prior to election of any other office.
- i) 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 such 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.
- j) Nothing contained in this section shall be deemed to conflict with the provision of the C.U.P.E. Constitution.

DEBATES

Section 25

No member, except the Chairman 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.

INSTALLATION OF OFFICERS

Section 26

- a) All duly elected Officers shall be sworn in and take office at the December Executive Board Meeting, and shall continue in office for three years or until such time as a successor has been elected and installed, provided, however, that no term of office shall be longer than three (3) years.
- b) In the event that any elective office becomes vacant during the normal period between elections, a special election shall be held to fill the vacancy at the next regular meeting, or a special meeting if deemed necessary by the Executive Board. In extenuating circumstances, it may be deemed necessary by the Executive Board to appoint an Officer until the next election. This appointment can last no longer than 6 months before a by-election must be held to fill the vacancy for the rest of the term.
- (c) During an Election year, three (3) Trustees will be elected to serve terms of one (1), two (2) and three (3) years. In the following years one Trustee will be elected for a three-year term to preserve overlapping terms. The terms of Trustee is laid out as per the National Constitution.

SPECIAL RULES OF ORDER

Section 27

With the exception of the forgoing limit on debates, the rules of order of this Union shall be those laid down in the Constitution of the Canadian Union of Public Employees.

INTERPRETATION

Section 28

In these By-Laws masculine pronouns, whenever used, shall include female gender.

AMENDMENTS AND ALTERATIONS

Section 29

- a) These By-Laws shall not be altered, suspended, or amended unless written notice of motion is given to the Executive Board. The Executive Board shall review and edit any "Notice of Motion" and if necessary, reserve the right to defer such "Notice of Motions" until the scheduled By-Law amendment meeting. The Executive Board shall post such "Notice of Motions" for a minimum of 7 days before a previous membership meeting or 60 days before the special meeting along with the announcement of its "Special Meeting" at which the bylaw change will be voted on. The passing of the bylaw change will be declared by a two-thirds majority of the members present at the "Special Meeting". Amended By-Laws cannot go into effect until approved by the National President.
- b) Any By-law amendments shall be voted on at a special meeting held in the month of April of each even numbered year or when required so long as written notice of motion is given to the Executive Board. The Executive Board shall post such "Notice of Motions" for a minimum of 21 days along with the announcement of its "Special Meeting"

PROPERTY OF THE LOCAL

Section 30

The Executive Board 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 submitting the proposition to a special meeting and having such proposition approved.

ORDER OF BUSINESS

Section 31

- 1) Reading of Equality Statement
- 2) Voting on New Members and Initiation
- 3) Roll call of Officers
- 4) Reading of Minutes of Previous Meeting
- 5) Matters arising out of the Minutes
- 6) Treasurers' Report
- 7) Communications and Bills
- 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

RULES OF ORDER

Section 32

- 1) The President, or in his absence, the Vice-President, shall take the chair at any time specified at all regular and special meetings. In the absence of both President and Vice-President, the Recording- Secretary shall act as President, and in his absence a President pro-tem shall be chosen by the Local.
- 2) The President shall state every question coming before the Local, and before allowing debate there-on, 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 indicate readiness, the question shall then 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, and the mover as well as the seconder must rise and 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 or amendment to an 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 two-thirds vote of those present, to deal with any urgent business.
- 6) 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.
- 7) 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.
- 8) Any member having 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.
- 9) When a member desires to speak on a question or offer a motion, he shall rise in his place and respectfully address the presiding officer; but he shall not proceed further until recognized by the chair, except to state that he rises to a point of order or on a question of privilege.
- 10) When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
- 11) Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any re-flection on the Local or any member thereof.
- 12) If a member, while speaking is called to order, he shall cease speaking until the point is determined, when (if decided in-order), he may again proceed.

- 13) No sectarian discussion (that is to say, religious discussion) shall be permitted in the meeting at any time.
- 14) No member, except the Chairman of a committee or the mover or seconder of a resolution, shall speak more than five 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 may be allowed, (by permission of the chair), to speak a second time.
- 15) The President shall take no part in debate while presiding, but may yield the chair to 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 give a casting vote, or, (if he chooses), refrain from voting, in which case the motion does not prevail and the decision is in the negative.
- 17) When a question has been put, no motion shall be in order except (1) to adjourn; (2) 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 put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendment there to (if any) according to their priority. If an amendment or an amended amendment, 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 minutes have elapsed.
- 21) Before the presiding officer declares the vote on a question, or after a vote has been declared lost or carried by acclamation, 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 shall feel himself personally aggrieved by the decision of the chair, he may appeal to the Local from such decision.
- 23) When the decision of the President is appealed, he shall state his decision and the reasons thereof, from the chair. The party appealing shall state briefly the reason for the appeal, after which, (without further debate) the question shall be put thus: "Shall the decision of the chair stand of the Local?" It shall require a majority vote to sustain such appeal.
- 24) After a question has been decided, any two members who have voted in the majority may at the same or the 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 from the President (unless they are officially on duty for the Commission on afternoon shift); otherwise their name will be withdrawn from the sign-in-roll.
- 26) All business done in the Local shall be strictly secret to all outside the Local.
- 27) All rules and proceedings of debate not herein provided for shall be defined in the Constitution of the Canadian Union of Public employees.
- 28) Any member late more than thirty minutes for a meeting (special or general), must have the permission of the membership attending to enter the meeting.

OATH OF NOMINATION AND OFFICE Section 33

(a) A candidate who accepts nomination for election must clearly and audibly take this oath:

“I promise to support and obey the Constitution, goals, principles and policies of the Canadian Union of Public Employees.”

(b) A candidate who is elected to office must come forward to the podium and clearly and audibly take this oath:

“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.”

OATH OF MEMBERSHIP

Section 34

New members will take this oath:

“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.”

OUT OF POCKET EXPENSES

Section 35

- (a) The Out of Pocket Expenses, Section 35, shall increase every year by the percentage increase awarded to the Local. The values in effect at the printing of this book shall be used. The question of what Out of Pocket Expenses, Section 35, if any, are to be paid in a Local naturally depends on the size of the Local and the amount of business which the Officers have to transact on behalf of the membership. Normally, such Executive or Committee expenses are meant to be token recognitions of the services of these Officers and to re-compensate them in part for the time which they have spent. However, they should in no way be regarded as a form of salary.
- (b) All Out of Pocket Expenses, Section 35, shall be paid on a yearly basis with the exception of the Negotiating Committee. The Executive or Committee expenses shall be paid in the month of December for the previous twelve-month period.
- (c) Out of Pocket Expenses, Section 35, shall not be paid to the above designated Officers, who have not regularly attended Executive Board meetings without having previously submitted a good reason to the Chair of the committee for such absence. None of these Officers are to leave such a meeting without the permission of 70% of the Executive Board present, or the first part of the above applies.
- (d) Members of the Local who attend any General or Special membership meeting may be eligible for Local 2 items which build support and solidarity for the Union.
- (e) Any member in good standing that attends a minimum of three (3) General or Special Meetings will receive an item (maximum cost of \$250.00) from Local 2 that builds support and solidarity for the Local.
- (f) Any retroactive payment in regards to Local 2 services performed whose total does not exceed five dollars (\$5.00) shall not be reimbursed.

RETIREMENT AND BEREAVEMENT

Section 36

- a) Bereavement funds will be provided for wreath or donation to a registered charity of up to \$100.00 in the event of a member's death, or one of their family members. The bereavement eligibility will be governed by the existing agreement clause regarding bereavement leave.
- b) In the event of the death of any active member, the Local shall give to his/her widow/ widower or estate one thousand dollars (\$1000.00) plus any money collected for that member.
- c) When a member retires, the Local shall give to said member a suitable retirement memento (maximum cost of \$500.00) and an "Honorary Life" membership in C.U.P.E., in accordance to the provisions of the "National Constitution". Subject to the provisions that there have been no less

than twenty consecutive years in good standing with Local 2, a former member shall still qualify for the above item (c) if he is disabled or forced to transfer unions within the Commission.

CONDUCT AND DISCIPLINE

Section 37

- a) Special consideration by the Secretary-Treasurer will be given to designated officers who have served partial terms in regards to payment of out of pocket expenses, after approval from Executive Board.
- b) All charges against members or officials must be made in writing and dealt with in accordance with the provision of the National Constitution.
- c) Trial Procedure shall be in accordance with the National Constitution.
- d) Any member of a committee or delegation may be suspended for just cause by the chairperson of the committee or delegation, subject to approval of the Executive Board.
- e) Any member, who brings alcohol or illegal drugs into any Local Union meeting or behaves in an intoxicated, disorderly, or obnoxious manner in any meeting, shall be given fair warning from the Chairperson of the meeting and may ultimately be removed from the meeting subject to the approval of the members present. The member may also be charged under the provisions of the Local Union Constitution and National Constitution.

TRIALS

Section 38

All regulations regarding trials shall be identical to the regulations in existence in the C.U.P.E. Constitution.

GENERAL

Section 39

- a) The Local shall annually fund and award two (2) one thousand-dollar (\$1000.00) memorial scholarships in the name of Brother Ray Achong, and two (2) one thousand-dollar (\$1000.00) memorial scholarships in the name of Brother Paul Brown. The recipients shall be selected by a blind draw at the January General Meeting and shall be subject to the following rules;
 - 1. Children or Step Children of all members in good standing (active or retired), up to the age of 25 are eligible, once per annum.

2. Applicants must apply annually and are limited to one successful application.
 3. Proof of active enrolment in a Post-Secondary Program governed by the Ministry of Education must accompany each application.
 4. The Local's Executive Committee shall judge eligibility of all applications and a list of recommended applicants shall be posted prior to the January General Meeting.
 5. All applications must be on the "Ray Achong/Paul Brown Memorial Scholarship" application form and received by the Recording Secretary, no later than October 31 of that year.
 6. The scholarships shall be awarded in the recipients' names (Children or Step Children).
- (b) The By-Laws of the Local shall at all times be subordinate and subject to the provisions of the Constitution of the Canadian Union of Public Employees, as such Constitution and By-Laws exist or may from time to time hereafter be altered or amended; and in the event of any conflict, the Constitution of the Canadian Union of Public Employees shall govern.
- (c) Any changes in these By-Laws shall not be valid until approved by the National President of the Canadian Union of Public Employees.

**Approved by the By-Laws Committee
CUPE National March 2017**



