



# *Bylaws*

*Of*

# *Local 5100*

*Revised October 2014*

**PREAMBLE** - In order to improve the social and economic welfare of its members with regard to sex, colour, race or creed, national or ethnic origin, mental or physical disability, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, this Local 5100 of the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed.

The following Bylaws 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.

**1.0 NAME**

The name of this Local shall be the Canadian Union of Public Employees, Local #5100.

**2.0 OBJECTIVES**

The objectives of the Local are to:

- 2.1 secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers
- 2.2 support CUPE in reaching the goals set out in Article II of the CUPE Constitution
- 2.3 provide an opportunity for its members to influence and shape their future through free democratic trade unionism
- 2.4 encourage the settlement by negotiation and mediation of all disputes between the members and their employers
- 2.5 eliminate all forms of harassment including but not limited to sexual and racial harassment based wherever *it* exists
- 2.6 establish strong working relationships with the public we serve and the communities in which we work and live
- 2.7 to place the various offices and committees of the membership upon a high plane of efficiency, co-operation and service
- 2.8 to encourage the sharing of duties by the many rather than by the few

**3.0 INTERPRETATION AND DEFINITIONS**

Masculine pronouns shall be understood to include the feminine gender.

**4.0 MEMBERSHIP MEETINGS - REGULAR AND SPECIAL**

- 4.1 regular membership meetings shall, whenever possible, be held in February, May and October, rotating areas as determined by the Executive Board; the Executive Board shall give two (2) weeks' notice to time, place and date of all membership meetings
- 4.2 special membership meetings may be ordered by the Executive Board or requested in writing by no fewer than 15 members; members who have signed the written request are expected to be in attendance; the President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least one (1) week's notice of the special meeting and the subject(s) to be discussed; no business shall be transacted at the special meeting other than that for which the meeting is called and notice given
- 4.3 quorum - a quorum of at least ten (10) members **and** eight (8) executive members are needed to conduct any regular or special membership meeting.
- 4.4 the usual order of business at regular membership meetings is as follows –
  - 4.4.1 read the Equality Statement
  - 4.4.2 roll call of officers
  - 4.4.3 voting on new members and initiation
  - 4.4.4 reading of minutes
  - 4.4.5 matters arising
  - 4.4.6 treasurer's report
  - 4.4.7 communications and bills
  - 4.4.8 committee reports and recommendations
  - 4.4.9 reports of committees and delegates
  - 4.4.10 regional meeting reports
  - 4.4.11 nominations, elections or installations
  - 4.4.12 unfinished business
  - 4.4.13 new business
  - 4.4.14 good of the Union
  - 4.4.15 adjournment

4.5 **Bargaining Unit Meetings**

- 4.5.1 Bargaining Unit meetings shall be at the call of the Vice-President of the Bargaining Unit and members are asked to submit agenda items to the Unit Chair or Vice-President of their area
- 4.5.2 officers of the Local shall be entitled to attend all Bargaining Unit meetings
- 4.5.3 signing will be provided upon request - this request should be made to the Vice-President of the Bargaining Unit
- 4.5.4 **At least one meeting per unit will occur annually.**

5.0 **OFFICERS**

- 5.1 as per Section 11, the officers of the Local shall be the President, one Vice-President for each bargaining unit, Secretary- Treasurer, Recording Secretary, one Unit Chairperson for each unit in a geographical region and three Trustees.
- 5.2 Vice-President and Unit Chairpersons  
the membership of each bargaining unit shall elect and be represented by one (1) Vice-President from that unit, and three Unit Chairs; the Unit Chairs are elected from each bargaining unit in the region

6.0 **EXECUTIVE BOARD**

- 6.1 the Executive Board shall be comprised of all Officers, except Trustees
- 6.2 the Board shall meet monthly or as deemed necessary by the Executive Board
- 6.3 a majority of the Board constitutes a quorum
- 6.4 the Executive Board may grant paid Union Leave to members deemed necessary by the Executive Board
- 6.5 the Executive Officers shall hold title to any real estate of the Local as Trustees for the Local; they shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and having it approved
- 6.6 the Executive 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'
- 6.7 the executive board shall be elected at the May membership meeting of the Local **to take office August 1<sup>st</sup>**.
- 6.8 after the elections for the Vice-Presidents, at the first meeting of the newly-elected Executive Board, Executive Board Members will elect from the three (3) Vice-Presidents, their choice for Acting President should it become necessary during the term of the office of the President. This shall be done annually at the first Executive Board Meeting after the May elections
- 6.9 the term of office for Executive Board Officers shall be two (2) years. President, Secretary-Treasurer and Unit Chairpersons shall be elected in **even** numbered years; the Recording-Secretary, Vice- Presidents and all Committee Members, in **odd** numbered years. Three Trustees shall be elected, so that one shall serve for a period of three (3) years, one for two (2) years, and one for one (1) year. Each year thereafter the Local Union shall elect one trustee for a three (3) year period; or, in the case of vacancies occurring, elect Trustees to fill only the unexpired terms in order to preserve the overlapping terms of office
- 6.10 the Executive Board will conduct all business of the Local Union deemed necessary between regular membership meetings including the spending of funds for expenses, bills, and for sums under \$500, for purpose of grants or contributions to a cause outside of CUPE. Grants or contributions outside of CUPE over \$500 must be dealt with at a general membership meeting
- 6.11 **Past President may attend executive meetings for up to a transitional period of up to 6 months, with voice but no vote.**

7.0 **DUTIES OF OFFICERS**

**All signing officers of Local 5100 shall be bonded through the Master Bond held by CUPE National. Any officer who cannot qualify for the Bond shall be disqualified from having signing authority.**  
**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.**

- 7.1 The President shall:
  - 7.1.1 enforce the CUPE Constitution and these bylaws
  - 7.1.2 preside at all Local Membership and Executive Board Meetings and preserve order
  - 7.1.3 decide all points of order and procedures (subject always to appeal to the Local Membership)
  - 7.1.4 have a vote on all matters (except appeals against his/her rulings) and, in the case of a tie vote on any matter, excluding elections, have the right to cast an additional vote to break the tie;
  - 7.1.5 attend Labour/Management Committee Meetings when required

- 7.1.6 ensure that all Officers perform their assigned duties
- 7.1.7 ensure that all committee vacancies are filled where elections are not provided for
- 7.1.8 sign all approved expense vouchers
- 7.1.9 introduce new members and conduct them through the initiation ceremony
- 7.1.10 be ex-officio on all committee meetings with voice but no vote
- 7.1.11 be a member of the Negotiating Committee
- 7.1.12 sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, Bylaws or vote of the Local Membership
- 7.1.13 have first preference as a delegate to the CUPE National or Provincial Conventions or Ontario School Board Coordinating Committee Conference.
- 7.1.14 represent the majority decision of the Executive Board or the Local Membership
- 7.1.15 perform any other duties assigned by the Executive Board or the Local Membership
- 7.1.16 approve all official correspondence, publications, and communications to Members and the Grand Erie District School Board

When the President is required to carry out the business of the Local, the President shall be accompanied by another Executive Officer.

The President will be entitled to take a leave of absence from their employment as determined by the Membership to perform the business of the Union, without loss of accumulation of seniority, wages or benefits.

With approval of the membership, the President may request additional clerical assistance, if required.

- 7.2 The Vice-Presidents (3, one for each of the Bargaining Units) shall:
  - 7.2.1 if the President is absent or incapacitated, perform all the duties of the President
  - 7.2.2 if the office of President falls vacant, the Vice-President, who is elected at the Executive Board Meeting following the May Membership Election Meeting, shall be Acting President until a President is elected by the Local Membership at the next regular Membership Meeting (reference 6.8 of these bylaws)
  - 7.2.3 be authorized as signing officers in the absence of the President
  - 7.2.4 attend the Labour/Management Committee Meeting, as assigned by the President (3 committees are in place, one for each of the bargaining units of CUPE Local #5100)
  - 7.2.5 after consultation with the President, call and chair any Bargaining Unit Meetings and act as a representative for their Bargaining Unit and bring opinions and concerns of their members to the Executive Board Meetings
  - 7.2.6 be responsible for ensuring notices for all union activities and meetings endorsed by the Local are either posted or distributed at least seven (7) days prior, whenever possible
  - 7.2.7 perform any other duties assigned by the Executive Board or Membership
  - 7.2.8 **prepare and present all grievances, from their Bargaining Unit, for meetings between Union and Management**
  - 7.2.9 generally know and enforce the Collective Agreement and provincial or federal legislation affecting labour
  - 7.2.10 greet and ensure new employees are signed up, encourage the participation of all members of the Bargaining Unit in Union activity and meet new employees at orientation meetings
  - 7.2.11 provide communications and information from the members in the Bargaining Unit to the Executive Board
  - 7.2.12 maintain contact with the members to provide ongoing Union awareness and education
  - 7.2.13 be responsible for their Bargaining Unit and for directing and assisting Unit Chairpersons in their area

- 7.3 The Recording Secretary shall:
  - 7.3.1 keep full, accurate and impartial account of the proceedings of all Regular or Special Membership Meetings and Executive Board Meetings - all motions moved and seconded shall be recorded by number
  - 7.3.2 submit a written copy of all minutes to the next Executive Board or General Membership Meeting
  - 7.3.3 record all alterations to the bylaws
  - 7.3.4 answer correspondence and fulfill other secretarial duties as directed by the Executive Board
  - 7.3.5 file a copy of all letters sent out and keep on file all communications
  - 7.3.6 notify all new members of their obligations to be sworn in at a Membership Meeting
  - 7.3.7 have all records ready on reasonable notice for auditors and Trustees
  - 7.3.8 preside over Local Membership and Board Meetings in the absence of the President or Vice- Presidents

- 7.3.9 prepare and make available all circulars and notices to members, bylaws as amended, current officers and committee listings
  - 7.3.10 prepare registrations to conventions, conferences, workshops, etc. with a copy for the Treasurer and attach all delegates' reports to conventions, conferences and workshops
  - 7.3.11 prepare and file a copy of letters to new members and retirees (copy of letter for the Treasurer)
- 7.4 The Secretary-Treasurer shall:
- 7.4.1 receive all revenue, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union
  - 7.4.2 act as a Chairperson for the Budget Committee, the Budget Committee will prepare a yearly budget for consideration of the members
  - 7.4.3 prepare all CUPE National Per Capita Tax Forms and remit no later than the first day of the following month, if the Local does not directly remit dues.
  - 7.4.4 throughout his/her term, and on behalf of the Local Union Membership, be responsible for maintaining, organizing, safeguarding and keeping on file, all supporting documents, authorizations, invoices and/or vouchers for every disbursement made, receipts for all money sent to CUPE headquarters, as well as records and supporting documents for all income received by the Local Union
  - 7.4.5 record all financial transactions in a manner acceptable to the Board and in accordance with good accounting practices
  - 7.4.6 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
  - 7.4.7 pay no money unless supported by a voucher duly signed by the President and one other member of the Board or any two (2) other members of the Board, except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated
  - 7.4.8 make all books available for inspection by the auditors and/or Trustees on reasonable notice, and have the books audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees
  - 7.4.9 provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE
  - 7.4.10 submit the necessary financial and compensation information to the Ontario Labour Board 7.4.12 file necessary documentation with the Ontario Labour Board as required
  - 7.4.11 Complete and return all forms requested by CUPE National Office such as dues, surveys and CALURA reports
  - 7.4.12 be empowered, with the approval of the Membership, to employ necessary clerical assistance to be paid for out of the Local's funds
  - 7.4.13 receive all current Local union's accounts
  - 7.4.14 be authorized to sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, bylaws or vote of the Membership
- 7.5 The Unit-Chairperson shall:
- 7.5.1 attend all grievance meetings between the Union and management when dealing with grievances **for their geographical area**
  - 7.5.2 act as a representative for their unit and bring the opinions and concerns of their members to the Vice-President of their Bargaining Unit
  - 7.5.3 generally know and police the Collective Agreement and provincial or federal labour legislation
  - 7.5.4 greet and ensure new employees are signed up, and encourage the participation of all members of the unit in Union activity
  - 7.5.5 maintain contact with the members to provide ongoing Union awareness and education
  - 7.5.6 perform such other duties as may be assigned by the Executive Board or membership

- 7.6 The Trustees shall:
- 7.6.1 act as an auditing committee on behalf of the members, in accordance with the policies of the National Constitution, and conduct an independent audit of the books and accounts of the Treasurer and any committees, every year for the period **January 1<sup>st</sup> to December 31<sup>st</sup>**.
  - 7.6.2 make a written report of their findings to the first membership meeting following the completion of the audit
  - 7.6.3 submit in writing to the President and Secretary-Treasurer, 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
  - 7.6.4 be responsible to ensure that monies are not paid out without proper Constitutional or Membership authorization
  - 7.6.5 ensure that proper financial reports are made to the membership
  - 7.6.6 audit the record of attendance
  - 7.6.7 inspect at least once a year, any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local, and report their findings to the membership
  - 7.6.8 send a copy of the completed audit report (on the prescribed form provided by the National Secretary-Treasurer), as well as a copy of their report to the Local Union Membership, along with a copy of their recommendations and/or concerns to the President and Secretary- Treasurer and Secretary- Treasurer's response, to the National Secretary-Treasurer of the Canadian Union of Public Employees, with a copy to the assigned servicing representative

## 8.0 EXPENSES

### 8.1 Paid Leaves of Absence

- 8.1.1 the Executive Board Officers shall receive a paid leave of absence to attend to Union Business.
- 8.1.2 all persons requiring Union paid leaves of absence must fill in a form with all information and submit to the President and Treasurer
- 8.1.3 **the union shall reimburse the employer wages and benefits for all authorized Union leaves; members will be paid applicable per diem and receipted expenses, if any incurred, while attending to the Local's business**

### 8.2 Out-of-Pocket Expenses

- 8.2.1 out-of-pocket expenses such as telephone calls, postage, stationary, etc., incurred by member carrying out the business of the Local, **as a committee member**, shall be paid by the Secretary-Treasurer; receipt will be included with documented expense voucher for said expenses; out-of-pocket expenses must be outlined in detail on an approved CUPE expense voucher and submitted to the Treasurer
- 8.2.2 To cover all Out Of Pocket Expenses, the following annual amounts shall be paid to the Officers of the Local:

PRESIDENT - \$1800  
 VICE PRESIDENTS - \$1400  
 SECRETARY TREASURER - \$1300  
 RECORDING SECRETARY - \$1100  
 UNIT CHAIRS - \$1100

### 8.3 Mileage

- 8.3.1 transportation expenses while attending approved Union business to be covered by the Local, receipt required; members using their own vehicles will be at the rate of **\$0.47 (forty-seven cents)** per kilometer or the School Board's rate if rate is higher than **\$0.47 (forty-seven cents)**
- 8.3.2 when more than one member is required to drive to a function, the least number of vehicles must be used to reduce the expense to the Local

### 8.4 Air Travel

- 8.4.1 air travel expenses will be applicable only for destinations when other means of transportation are not feasible and/or economical; all traveling expenses at reduced rates will apply

### 8.5 Hotel Accommodation -

- 8.5.1 lodging expenses while attending approved Union Business to be covered by Local, receipt required; single occupancy will apply for all members unless members request double or shared accommodation
- 8.5.2 hotel accommodation for members living within 50 km of the hotel will not be paid unless it is necessary for their participation in a late evening session or where it is cheaper to provide accommodation than it is to pay for mileage

- 8.6 Parking
  - 8.6.1 parking expenses while attending Union business to be covered by Local, receipt required
- 8.7 Childcare
  - up to **thirty dollars (\$30)** per day or **five dollars (\$5)** per hour to a maximum of **thirty (\$30)** per day (where no subsidy provided) while attending Union business to be covered by the Local, receipt required; childcare is not payable for social functions or membership meetings; an expense voucher must be submitted in order to receive reimbursement; no coverage is provided members during normal working hours
- 8.8 Advances
  - 8.8.1 expense cheques will be issued no sooner than ten (10) days in advance of any function; the appropriate expense voucher must have been filled out and titled "advance"; within ten (10) working days of returning from the function that the advance was provided for, the member will fill in an expense voucher, with receipts, attaching a copy of the advance voucher and payment of any monies owed to the Local from the advance

**9.0 FEES, DUES AND ASSESSMENTS**

- 9.1 Monthly Dues
  - 9.1.1 the membership dues shall be the total amount payable by Local 5100 to the National Union plus dues payable to Local 5100
    - 9.1.1.1 the Per Capita payable by Local 5100 to the National Union is in accordance with the Constitution passed at the National Convention (presently .85%)
    - 9.1.1.2 should the National Defense Fund fall below the levels as noted in the National Constitution and the automatic assessment is levied, the Local Union dues will be adjusted accordingly and shall remain in place until such time as prescribed by the National Constitution
    - 9.1.1.3 amount payable to Local 5100
    - 9.1.1.4 Local Union dues shall be **1.75% upon approval from National with an increase of 0.1% every five (5) years commencing September 2019**
  - 9.1.2 notwithstanding the above provisions, if the CUPE Convention raises minimum fees and/or dues above the level herein established, these bylaws will be deemed to have been automatically amended to conform to the new CUPE minimum
  - 9.1.3 employees granted leave of absence under the terms of the Union contract shall maintain full membership in the Union during their period of absence
  - 9.1.4 dues will not be collected from employees on maternity leave, unpaid leave of absence, or LTD; dues will be collected from employees on paid leave of absence or Workers' Compensation

**10.0 VOTING OF FUNDS**

- 10.1 expenditures shall only be for the purposes of the Local or Bargaining Unit membership, and in all cases, shall be by cheque signed by the Treasurer and one of either of the following: the President or the Vice-Presidents
- 10.2 all expenditures shall be approved by the membership at a Local membership meeting or as deemed necessary by the Executive Board
- 10.3 in the case of regular monthly Per Capita Taxes or Affiliation Fees, the Treasurer shall pay such Per Capita Taxes or Affiliation Fees without obtaining prior approval by the membership, providing such approval by the membership for such Affiliation Fees or per Capita Taxes was given at the time of affiliation to the particular organization
- 10.4 the Local may, from time to time, establish policies pertaining to monetary or non-monetary items; these policies shall not be amended, added to or suspended except upon a simple majority vote of those present and voting at a Local membership meeting following written notice given at a previous membership meeting
- 10.5 at all times, when meetings have been cancelled for lack of a quorum or unavoidable cause, the Executive Board shall be empowered to conduct the normal business and to make payments of the normal bills and report to the following Local membership meeting
- 10.6 any equipment purchased over five hundred dollars (\$500) must have the Local membership's prior approval

## 11.0 NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

### 11.1 Nominations

**Any member wishing to be nominated for the following three executive positions; president, secretary-treasurer, recording-secretary, must declare their intent to the recording-secretary 30 days prior to the May elections meeting. No undeclared nominations will be accepted from the floor.**

Nominations and elections shall take place at the annual membership meeting held in the month of May; to be eligible for nomination, a member shall be a member in good standing; no nomination shall be accepted unless the member is in attendance at the meeting or has allowed to submit his/her consent in writing to the nomination, signature to be witnessed by another member in good standing

11.1.1 the President, Recording Secretary, Trustees and Secretary-Treasurer shall be elected at large in the month of May; the elected officers will assume their office on **August 1<sup>st</sup>**

11.1.2 to be eligible for nomination, a member shall have attended at least fifty percent (50%) of the membership meetings held in the previous twelve (12) months; to be eligible for nomination to any Executive Board position a candidate must have been a member of Local 5100 for at least one year.

11.1.3 Any member paying union dues shall be permitted to vote on all of the Local's business.

### 11.2 Elections

11.2.1 at a Local meeting prior to election day, the President shall, subject to the approval of the members present, appoint an Elections Committee consisting of a Returning Officer and assistant(s); the Committee shall include members of the Local who are neither officers nor candidates for office; it shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential

11.2.2 the Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer

11.2.3 the Returning Officer shall be responsible for issuing, collecting and counting ballots; they must be fair and impartial and see that all arrangements are unquestionably democratic

11.2.4 the voting shall take place by ballot amongst all members in attendance

11.2.5 **in a ballot to fill more than one position, each delegate must vote for the full number of positions to be filled or the ballot is spoiled**

11.2.6 a simple majority of votes cast shall be required before any candidate can be declared elected, and a second and subsequent ballot shall be taken, if necessary, to obtain a majority; on the second and subsequent ballot, the candidate receiving the lowest number of votes in the previous ballot shall be dropped

11.2.7 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 per number 4, Membership Meetings

11.2.8 **voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office**

11.2.9 each candidate may appoint a scrutineer for the purpose of vote counting

11.2.10 no proxy vote shall be allowed

### 11.2 By-Election

11.3.1 should an office fall vacant pursuant to number 6.7 of these by-laws or for any other reason, the resulting by-election should be conducted as closely as possible in conformity with this number

11.3.2 when vacancies occur between the annual elections or when there are sufficient nominees for the various elected positions, the following procedure will take place:

11.3.3 the Vice-President shall be Acting President until the next meeting where elections or a new President will take place

11.3.4 if a vacancy occurs on the Executive Board, the Board shall be empowered to appoint members to fill the vacancy until the next general membership meeting

## 12.0 RETURNING OFFICER

12.1 the Returning Officer shall be present to ensure the proper procedures for the nomination and election of officers; he/she shall also oversee all proceedings of the election to ensure compliance with procedure and protocol; it also shall be the Returning Officer's duty to report to the general membership the results of the election



### 13.0 COMMITTEES

Committees appointed by the Executive Board are subject to approval by Local Membership, to be voted on every two (2) years (even numbered years).

#### 13.1 Negotiating Committee

13.1.1 this shall be a special ad hoc committee in each unit established at least six (6) months prior to the expiry date of the Local Unit's Collective Agreements and automatically disbanded when the new Collective Agreements have been signed; the function of the committee is to prepare collective bargaining proposals and to negotiate the Collective Agreements

13.1.2 the committee shall consist of seven (7) members, all elected by the membership in each unit; the committee shall be a fair representation of the membership

13.1.3 prior to the expiry date of the Collective Agreements, the Committee, in consultation with CUPE staff representative, shall prepare new proposed agreements and shall inform the members of the contract proposals at a special meeting and all changes to the Collective Agreements must be in writing

13.1.4 should contract negotiations between the Union and the employer continue for a prolonged period, information meetings will be held to advise the members of the Union's position, if possible

#### 13.2 Special Committees

13.2.1 a special ad hoc committee may be established for a specified purpose and period by the membership at a meeting; the members may be elected by the membership or may, by specific authorization of the membership, be appointed by the President or the Executive Board; two (2) members of the Board may sit on any special committee as ex-officio members

#### 13.3 Local Union Grievance Committees

13.3.1 the committee shall be comprised of the President, the Vice-President of the Bargaining Unit and Unit Chairperson of the geographical region involved

13.3.2 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 National Representative, and then to a Membership Meeting; grievances must be in writing on forms provided by the National Office and be signed by the complainant or complainants, as provided for in the Collective Agreement; in the investigation and processing of grievances, up to and including the decision whether or not to refer a matter to arbitration, the Committee shall not deal in an arbitrary, discriminatory or bad faith manner; any appeals of the decision of the Committee will be referred to the Executive Board

13.3.3 challenges against grievance decisions of the Local Union Grievance Committee and Executive Board; where it is the recorded recommendation of the Local Grievance Committee not to proceed with the grievance of an employee or group of employees in a Bargaining Unit, and where that recommendation has been reviewed and approved by the Local Executive Board, the employees are entitled to be informed of their right to challenge that recommendation at the next regularly scheduled General Membership Meeting

13.3.4 the Grievance Committee and the Executive Board will report to the members present at such meeting and they will be informed of the reasons for the recommendations of the Grievance Committee and the Executive Board and to ask such questions as may be necessary to determine whether proper procedures were followed at both levels in accordance with Local Union policies and practices; in addition, the grievor(s) shall have the opportunity to present a written or oral statement of objections and/or challenges to the recommendations of the Grievance Committee and the Executive Board

13.3.5 when the chairperson is satisfied that spokespersons for the Grievance Committee/Executive Board/Grievor and members present have had a reasonable opportunity to discuss the Grievance Committee report and Executive Board recommendation, they shall put the following question to the floor, "Shall the recommendation of the Grievance Committee and the Executive Board in this grievance be sustained?" and a vote, by secret ballot, if requested by any member present, will be taken

#### 13.4 Health and Safety Committee

13.4.1 this committee shall consist of one representative from each bargaining unit, if required

13.4.2 this committee shall be responsible for attending meetings, inspecting schools and buildings in their area, accompanying the Ministry of Labour Inspector on workplace inspections and to provide assistance and follow-up on employee health and safety concerns

#### 13.5 Education Committee

13.5.1 the Education Committee will consist of not less than three (3) members, one representative from each region

13.5.2 all members who wish to attend education courses will be responsible for advising the Education Committee, in writing; the Education Committee will determine what education courses are acceptable to the Local membership

13.5.3 the Education Committee will be provided with a budget, approved by the membership

- 13.5.4 education courses that do not require overnight accommodations will be considered first
- 13.6 Budget Committee
  - 13.6.1 the Budget Committee will consist of at least two (2) Executive Board Officers, one of whom shall be the Treasurer and no less than three (3) general members
  - 13.6.2 this committee will set the budget for the Local for each year
  - 13.6.3 the budget will be prepared in advance of the end of the year to ensure that at the start of the new year, an approved budget is available
  - 13.6.4 the budget will be approved by the membership at a General Membership Meeting by notice of motion
  - 13.6.5 no committee or member will be allowed to exceed budget figures without prior membership approval

**14.0 CONVENTIONS, CONFERENCES, SCHOOLS - FINANCIAL AND SUPPORT**

- 14.1 the Local shall select delegates for conventions and conferences equitably from all Bargaining Units, subject to budget allocations
- 14.2 members from all Bargaining Units will be encouraged and financially supported for attendance at schools on an equitable basis, subject to budget allocations
- 14.3 the number of delegates and alternates to the National Convention and the Ontario Division Convention shall be in accordance with the appropriate Constitution
- 14.4 the delegates and alternates to the CUPE National Convention and the Ontario Division Convention will be offered to members of the Executive Board first, and then to the members at large; Board members must attend at least 80% of the Executive Meetings during previous year
- 14.5 delegates attending conventions, conferences, seminars and schools are expected to attend all sessions and prepare a brief report of the business conducted for presentation to the Local, in writing, at the first General Membership Meeting of the Local after return from the event
- 14.6 designated or elected delegates or committee members attending any of the above will be reimbursed by the Local for all legitimate expenses as follows: Meals - for each meal required, an allowance will be paid at the rate of seventy (\$70) per full day (more than four hours) or thirty-five (\$35) per half day and no receipts are required
- 14.7 there will be no meal allowance paid for any registration that includes all meals, except for medical or religious reasons

**15.0 COUNCILS**

- 15.1 delegates to District Labour Councils and CUPE District Councils shall be elected annually and shall report at each membership meeting, in writing, of the Local on proceedings of the Council

**16.0 ATTENDANCE AT MEETINGS**

- 16.1 should any Officer or Committee Chairperson fail to answer the roll call for three (3) consecutive General Membership Meetings and/or three (3) consecutive Executive Board Meetings, without good and sufficient cause as decided by the Executive Board members, the office or position shall be declared vacant and the same filled by an election, upon the recommendation of the Executive Board, at the following meeting
- 16.2 any officer or Committee Chairperson may challenge the decision of the members of the Executive Board by placing a notice of motion to the General Membership and presenting the reason(s) for the challenge to the membership; the membership shall hear from the Executive Board as to the reason for their decision and a vote shall be taken to support the decision of the Executive Board members or to support the challenge to the decision -

**17.0 RULES OF ORDER**

- 17.1 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 bylaws as Appendix "A"; these rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws
- 17.2 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

**18.0 AMENDMENTS**

- 18.1 these bylaws are always subject to the CUPE National Constitution (including Appendix "A") as it now exists or may be amended from time to time, and in the event of any conflict between these bylaws and the CUPE National

Constitution, the latter shall govern; constitutional interpretation, including determination of conflicts, is in the prerogative of the National President

18.2 no change in these bylaws 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

18.3 any member may present to the Local, in writing, any amendment or alteration to the Constitution (these bylaws) and after being read at one (1) regular meeting, it shall lay over to the next regular meeting and, in the interval between the two meetings, the proposed amendment or alteration shall be posted on the Local Union bulletin boards; the amendment or alteration shall be voted on at the meeting following its presentation to the Local; if it receives a majority vote of the members present, it shall be adopted by the Local

**RULES OF ORDER**

1. The President, or in his/her absence, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President and the Vice- President, the Recording-Secretary shall act as President, and in his/her absence, a President pro-term 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 (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. Chairpersons and movers of a resolution shall be limited to fifteen (IS) minutes, except with the consent of the meeting.
3. The President shall state every question coming before the Local and, before allowing debate thereon, and again immediately before putting it to a vote, shall ask: "Is the Local ready for the question?" Should no member rise to speak, the question shall then be put.
4. A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
5. A motion to amend or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution, shall be in order.
6. On motion the regular order of business may be suspended by a two-thirds vote of those present to deal with any urgent business.
7. All resolutions and motions other than those named in Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being put to the Local.
8. At the request of any member and upon a majority vote of those present, a question may be divided when the sense will admit of it.
9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
10. When a member wishes to speak on a question or to make a motion, he/she 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/she 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/she shall cease speaking until the point is determined; if it is decided he/she is in order, he/she 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/she may in addition give a casting vote, or if he/she chooses, refrain from breaking the tie. in which case the motion is lost.

17. When a motion is before the Local, no other motion shall be in order except (1) to adjourn, (2) to put the previous question, (3) to lay on the table (4) to postpone for a definite time (5) to refer, (6) to divide or amend which motions shall have precedence in the order named.
18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be now put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
19. A motion to adjourn is in order except (1) when a member has the floor and (2) when members are voting.
20. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen (15) minutes have elapsed.
21. After the presiding officer declares the vote on a question and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.
22. If any member wishes to challenge (appeal) a decision of the chair, he/she 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/her challenge. The Chairperson may then state briefly for the basis his/her 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 (2) members who have voted in the majority may, at the same or next meeting, move reconsideration thereof
24. No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of officers, or the taking of a vote; and no member shall be allowed to leave without 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.