

Cupe Local 1369

By-Laws

Revised & Approved

(Jan 19, 2006)

## PREAMBLE

In order to improve the social and economic welfare of its members without regard to sex, colour, race or creed, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, this Local 1369 of the Canadian Union of Public employees (hereinafter referred to as CUPE) Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and involve as many members as possible through the sharing of duties and responsibilities

### Section 1-Name

The name of this Local shall be: Canadian Union of Public Employees, Local 1369, (Sudbury Catholic District School Board Employees)

### Section 2 -Objectives

The objectives of the Local are to:

- (a) secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
- (b) support CUPE in reaching the goals set out in Article II of the CUPE Constitution;
- (c) provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (d) encourage the settlement by negotiation and mediation of all disputes between the members and the employer.
- (e) This local may be affiliated to The Ontario Division, C.U.P.E., The Sudbury and District Labour Council, C.L.C.(Canadian Labour Congress), The Sudbury and District Council C.U.P.E., C.L.C., and the Ontario Federation of Labour C.L.C. This local may terminate its affiliation with anyone or more of them by resolution duly passed by two thirds vote of the members present at a regular general membership meeting following written notice given at a previous regular membership meeting.

### Section 3 -Interpretation & Definitions

- (a) Masculine pronouns shall be understood to include the feminine gender.
- (b) National Office refers to CUPE headquarters in Ottawa, and the abbreviation "CUPE " is always used with a national connotation unless stated otherwise.
- (c) Local refers to the membership of local 1369 C.L.C. Canadian Union of Public Employees.
- (d) Regular membership meetings wherever used in these By-Laws refers to and means meetings held and attended by members as set out in section 4{a} of these by-laws.

#### **Section 4**

##### **Membership Meetings (Regular and Special)**

(a) Regular general membership meetings shall be held as per the following schedule at a time and place recommended by the Executive Board which shall consist of September, November, January, March, May and June.

(b) The general membership meeting scheduled in the month of May will have on it's agenda staffing and summer work.

(c) Special membership meetings may be ordered by the Executive Board or requested in writing by not fewer than 10 members. The President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least seventy-two (72) hours' notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

(d) A quorum for the transaction of business at any regular or special meeting shall be (8) members, including at least three (3) members of the Executive Board, and (5) members from the floor.

(e) in case of lack of quorum at a regular membership meeting, the executive board would have power to deal with matters relating to conventions and seminars and regular business. Subject to executive reporting its action to the membership at the next General Membership Meeting.

(f) The order of business at regular membership meetings is as follows:

1. Roll Call of Officers
2. Voting on new members and initiation
3. Reading of last Membership and Executive Board Minutes
4. Matters Arising out of the minutes
5. Treasurer's Report
6. Communications and Bills
7. Executive committee reports
8. Committee reports
9. Nominations Elections or Installations
10. Unfinished business
11. New business
12. Good of the Union
13. Adjournment

##### **Section 5-Voting for Funds**

(a) Except for ordinary expenses and bills as approved at regular membership meetings, no sum over one hundred dollars (\$100.00) shall be voted for the purpose of a grant, donation or contribution to a member or any cause except by a notice of motion given in writing and dealt with at the following regular membership meeting.

(b) The Executive Board may after due consideration of the merit of a request recommend a donation of a sum not exceeding fifty dollars (\$50.00) to assist a local union or organization located outside of the

district of Sudbury and/or a sum not exceeding one hundred dollars (\$100.00) for a local or organization located within the District of Sudbury. Donations in the excess of the foregoing may only be made upon

the recommendation of the Executive and approved by the Membership and subject to section 5(a) of the By-Laws.(c) 1. All leaves of absence for local union business must be approved by the general membership at a membership meeting prior to such leaves being requested from the employer.

2. It is understood that from time to time such approval is unable to be sought due to emergency situations. In such cases all Executive Board Officers shall be canvassed, by telephone, for such approval. If through this process approval is granted then such approval shall be reported at the next membership meeting.

3. If neither membership approval as outlined in paragraph number one above or executive approval as outlined in paragraph number two is received then the Local Union will not be responsible for lost time wage payment to either the employer or the individual involved.

4. In all cases the President / designate will be responsible for requesting from the Employer, leaves of absence for local Union business.

#### Section 6-Officers

(a) The Officers of the Local shall be:

President, Vice President, Secretary-Treasurer, Recording Secretary, and three Trustees. All Officers shall be elected by the Membership.

(b) On termination of office surrender all books records and other properties of the local to the successor.

#### Section 7-Executive Board

(a) The Executive Board shall be comprised of all Officers, except Trustees. All of whom must be stewards.

(b) The Executive Board shall meet at least 8 times per year.

(c) A majority of the Board constitutes a quorum.

(d) The Executive Officers shall hold title to any real estate of the Local as trustees for the Local. They shall have no right to sell, convey or encumber any real estate without first giving notice and then submitting the proposition to the membership and having such proposal approved and recorded in the minutes of said membership meeting.

(e) The Board shall do the work delegated to it by the Local at its regular or special membership meeting and be held responsible for the proper and effective functioning of all grievances.

(f) All charges against members or officers must be made in writing and dealt with in accordance with Article B. VI of the National Constitution.

(g) Should any Board Member fail to answer the roll call for three consecutive regular membership meetings of regular Board meetings without having submitted good reasons for those failures, and or renders his resignation in writing, the office shall be filled by an election at the following membership meeting for which notice has been given.

(h) Should there be no quorum at the next general membership meeting, the Executive Board shall appoint someone temporarily to fill the vacant position until a by-election occurs

#### Section 8-Duties of Officers

(a) The PRESIDENT shall:

1. endorse the CUPE Constitution and these By Laws;
2. preside at all membership meetings and preserve order;
3. decide all questions of order and procedure (subject always to appeal to the membership);
4. have a vote on all matters (except appeals against his rulings) and in case of tie vote in any matters, including elections, have the right to cast the deciding vote;
5. enforce Board or membership decisions on fines and penalties;
6. ensure that all officers perform their assigned duties;
7. fill committee vacancies where elections are not provided for;
8. introduce new members and conduct them through the initiation ceremony;
9. sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, By-Laws or vote of the membership;
10. be allowed necessary funds, not to exceed \$300.00 monthly, to reimburse himself or any officers for expenses, supported by vouchers, incurred on behalf of the Local.
11. have first preference as a delegate "to all conventions"
12. shall delegate work as required

(b) The VICE-PRESIDENT shall:

1. if the President is absent or incapacitated perform all duties of the President;
2. if the office of President falls vacant, be Acting President until a new President is elected;
3. chair Executive Board meetings;

4. render assistance to any member of the Board as directed by the Board;
5. keep proper Minutes and files in the Union office on a confidential basis;
6. assist and help the Steward(s) in handling problems and grievances;
7. delegate work as required.

(c) The SECRETARY-TREASURER shall:

1. receive all revenue, initiation fees, dues and assessments, keep a record of each members' payments, and deposit promptly all money with a bank or credit union; .
2. prepare all CUPE per capita tax forms and remit payment; by the last day of the following month.
3. 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.
4. record all financial transactions in a manner acceptable to the Board and in accordance with good accounting practices.
5. 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.
6. record all transactions in a manner acceptable to the Board and in accordance with good accounting practices;
7. be bonded for not less than \$2,000.00 (or any greater sum as may be decided at a membership meeting), taking into account the assets of the Local and the amount of cash and cheques handled by the Secretary-Treasurer, through the master bond held by the National Office; and any Secretary -Treasurer who cannot qualify for a bond shall be disqualified from office.
8. pay no money unless supported by voucher duly signed by the President or two other members of the Board, except that no voucher shall be required for payment of per capita fees to any organization which the Local is affiliated;
9. make all books available for inspection by the auditors, Trustees, and executive Board members on reasonable notice, and have the books audited; respond in writing to any recommendations and concerns raised by the Trustees.
10. provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE;
11. not later than February 28<sup>th</sup> of each year, furnish each member on forms supplied by the National office with a statement showing the net tax-deductible dues paid by him during the preceding calendar year.

12. be empowered, with the approval of the President, to employ necessary clerical assistance to be paid for out of the Local's funds;

13. assume the office of the Vice President should it become vacant until a successor is elected.

14. Secretary -Treasurer be chair of the sick and social committees. C

(d) The RECORDING SECRETARY shall:

1. keep full and accurate accounts of proceedings of all membership and Board meetings;

2. record all motions, with the mover's and second's names, in the minute book of the Local;

3. record all alterations in the By-Laws;

4. answer correspondence and fulfill other secretarial duties as directed by the President;

5. file a copy of all letters sent out and keep on file all communications;

6. prepare and distribute all circulars, notices, recommendations of motions when feasible and agendas to members through the newsletter committee;

7. have all books and papers ready on reasonable notice for auditors and Trustees and executive Board members.

8. on termination of office, surrender all books, seals and other properties of the Local to their successor;

9. be empowered, with the approval of the President, to employ necessary stenographic or other assistance to be paid for out of the Local's funds.

(e) The TRUSTEES shall:

1. act as an auditing committee and audit books and accounts of the Secretary-Treasurer, the Recording Secretary and the Standing Committees annually;

2. (a) report their findings at the next general membership meeting following the completion of each audit;

(b) 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.

3. be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization;

4. ensure that proper financial reports have been made to the membership;
5. audit the record of attendance;
6. inspect at least once a year any stocks, bonds, securities, office furniture and equipment, titles or deeds to property that may at any time be owned by the Local and report their findings to the membership;
- 7 use audit forms supplied by the National Office and send a copy of each annual audit or an audit ordered by the Executive Board to the National Secretary-Treasurer in accordance with the provisions of the CUPE Constitution.

#### Section 9-Schedule of Expenses

The following schedule of expenses shall apply and shall be paid monthly to following Officers:

President	\$125.00
Vice-President	\$125.00
Recording Secretary	\$125.00
Secretary-Treasurer	\$125.00

N.B. (Trustees are to be granted a one day's Union Leave of Absence to conduct each audit.)

- (a) increase to the schedule of expenses for the table officers shall increase at the same rate as per the schedule A pay rates of the Collective Agreement (i.e. September 2009-increase of 3%)
- (b) kilometre rate shall be paid at a rate of \$ 0.41 per kilometre or a minimum of \$8.00 per trip, on union business; (kilometer rate currently same as CUPE Ontario Division 2009)
- (c) kilometre rate to be paid to all Executive Board members attending executive meetings or any other union business;
- (d) no Officers or members shall receive kilometre allowance for attendance at regular general or special general meetings of the Local.

#### Section 10-Fees, Dues and Assessments

##### (a) INITIATION FEE

Each application for membership in the Local shall be directed to the Treasurer and shall be accompanied by an initiation fee of \$2.00 which shall be in addition to monthly dues. The treasurer shall issue a receipt. If the application is rejected the fee shall be returned.

##### (b) UNION DUES

The monthly dues shall be calculated at 2% of gross earnings.

##### (c) READMITTANCE FEE



The readmittance fee shall be \$2.00

(d) Changes in the level of the initiation or readmittance fee or the monthly dues, and special assessments can be effected in accordance with Article B.2.4(a) of the National Constitution, can be affected only by following the procedure for amendment of these

By-Laws (see section 16) with the additional provision that the vote must be by secret ballot.

(e) Notwithstanding the above provisions, if the CUPE Convention raises minimum fees and/or dues above the level herein established, the By Laws will be deemed to have been automatically amended to conform to the new CUPE minimum.

#### Section 11 -Nonpayment of Dues and Assessments

Any member in arrears for a period of three months or more shall be automatically suspended and the Secretary -Treasurer, shall report his suspension to the Executive Board. The Executive Board shall report to the next membership meeting with a recommendation. Any member under suspension wishing to be reinstated shall, upon application, plus any dues and assessments in arrears. This money will be returned if the application is rejected if a member has been unemployed or unable to work because of sickness, they shall not be required to pay his arrears.

#### Section 12 -Nomination, Election & Installation of Officers

##### (a) NOMINATION

(i) Nominations shall be received at the regular membership meeting held in the month of May on a biennial basis. To be eligible for nomination as President, Vice-President, Recording-Secretary, Secretary-Treasurer the member shall have attended at least four membership meetings held in the previous (24) months in, or 50% in the period he was a member if less than one year.

(ii) To be eligible for nomination as a Trustee a member shall have attended at least fifty four meetings held in the previous 24 months or in a period he was a member if less than one (1) year. No nominations shall be accepted unless a member is in attendance at the meeting or has consented in writing to be filed at the meeting, duly witnessed by another member No member shall be eligible for nomination if he is in arrears of dues and/or assessment.

##### (b) ELECTIONS

1. On the day of election, the President shall appoint two scrutineers whom cannot be an office or a candidate for office.

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

3. The scrutineers shall be responsible for issuing, collecting, and counting ballots. He must be scrupulously fair and impartial and see that all arrangements are unquestionably democratic.

4. The voting shall take place biennially, beginning in the month of June 2007.

5. Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office. .

6. A majority of votes shall be required before any candidate can be declared elected, and second and subsequent ballots shall be taken if necessary, to obtain a majority. On the second and subsequent ballots the candidate receiving the lowest number of votes in the previous ballot shall be dropped. In case of a final tie vote, subsequent ballots will be cast until majority has been obtained.

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 laid down in Section 4(c).

#### (c) INSTALLATION

1. All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for two years or until a successor has been elected and installed, provided however, that no term of office, except for Trustees, shall be longer than two years.

It is understood that the predecessor may assist the newly elected official acquaint themselves with the office and their new role.

2. The terms of office for Trustees shall be as laid down in article B.3.1 0 of Appendix "B" of the CUPE Constitution.

#### (d) BY-ELECTIONS

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

#### Section 13 -Delegates to Conventions

(a) Except for the President option (Section 8A) all delegates to Conventions, Conference(s) and Seminars shall be active members and shall be elected at Regular General Membership Meetings. For eligibility candidates must have attended at least 50% of Regular Membership Meetings held in the previous 24 months.

(b) The Executive Board shall appoint delegates to represent the Local at meetings of any Council to which the Local may be affiliated and to represent the Local at Municipal and School Board meetings. The term of such appointment shall be at the discretion of the Executive Board and delegates so appointed shall make reports at the Regular membership meetings.

(c) A per diem allowance of \$ 50.00 per day plus room and lost wages be paid by the Local.

(d) Delegates to Conventions held locally shall have a per diem of \$ 15. 00 , prorated for part days plus kilometres and compensation for any loss of salary necessitated by attendance at the conventions.

(e) Representation at educational institutes and seminars shall be on the

recommendation of the executive/education committee subject to final approval of the membership. All delegates to educational functions held outside the Regional Municipality of Sudbury shall be paid transportation expenses, hotel accommodation rates, a per diem of \$ 50.00 for expenses while traveling to and from and attending the educational function and any loss of salary necessitated by attendance at the educational function. In regards to educational functions held locally there shall be mileage allowances for travel. The daily expenses shall be \$15.00 and any loss of salary necessitated by attendance at the educational function. The exception to the foregoing shall be when an educational function is held and a period of room and board is provided (Le. Port Elgin, etc.) then the delegates shall be allowed a per diem allowance of \$25.00 to cover out of pocket expenses.

#### Section 14-Committees

##### a) NEGOTIATING COMMITTEE

This shall be a special ad hoc committee established at least six (6) months prior to the expiry of the Local's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the Committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The Committee shall consist of 4 members including President, Vice-President, 1 Maintenance/Warehouse member & 1 Custodial member.

(The President and Vice-President's working positions shall be inclusive of the latter 2) The CUPE Representative assigned to the Local shall be a nonvoting member of the Committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership

It is understood that once the committee has reached a tentative collective agreement, its' contents will be presented in writing at least 5 days prior to the actual ratification vote. (either at a regular or special meeting called for said purpose.) and shall be mailed to the members home.

##### (b) SPECIAL COMMITTEES

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

##### (c) LABOUR AND MANAGEMENT

This committee shall consist of 4 executive members

##### (d) OCCUPATIONAL HEALTH AND SAFETY COMMITTEE

It is the responsibility of this committee to inform and educate the membership about Health and Safety problems and initiate action to alleviate these problems. The

committee shall have such authority as may be deemed necessary to protect and educate the membership respecting the Ontario Occupational Health and Safety Act, 1990, and Regulations made thereunder. The Committee shall consist of 2 members serve as worker members of Joint Occupational Health and Safety Committee as may be established by agreement between the Local Union and Employer or as required by law.

## STANDING COMMITTEES

There could be five standing committees as follows:

### (1) Steward Committee

This committee shall process all grievances not settled at the initial stage and its reports shall be submitted first to the Executive Board, with a copy to the CUPE Representative, and then to a membership meeting. Grievances must be in writing on forms provided by the National Office. The committee shall be comprised of all stewards and shall appoint its secretary from among its members.

Stewards shall be properly trained and their duties will include the following:

- 1-to settle grievances.
- 2-to eliminate phony grievances.
- 3-to enforce contract language.
- 4-to check working conditions.
- 5-to enforce labour legislation.
- 6-to keep written records.

If a steward fails to attend fifty per cent (50%) of membership meetings per year, the position will be filled by an appointment made by the Chief Steward.

### (2) Education Committee

It shall be the duty of this Committee to:

- arrange for representation of the Local at any appropriate and available educational seminar or conference and submit recommendations accordingly to the Executive Board;
  - instruct delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file of these reports;
  - co-operate with the Educational and Public Relations Departments of CUPE, and with the regional Education Representative, in implementing both the Local's and CUPE's policies in these fields. The Committee shall be comprised of up to 4 members and
- . shall appoint its secretary from among its members.

### (3) Sick Committee

It shall be the duty of this Committee:

- to visit members who are ill;
- if a member is hospitalized for more than three (3) consecutive days they shall receive a cheque for \$35.00 (per year). If a member fails to notify the chair of the sick committee within reasonable notice (30 days), they will not qualify for such allowance.
- To extend the Local's condolences in the event of the death of a member or spouse, or retired member and to make any other appropriate gesture in accordance with customs or wishes of the family concerned. (not to exceed \$ 50.00 )
- Other members to this committee may be selected from the floor at any regular membership meeting.

#### (4) Social Committee

-it is the function of this committee to arrange and conduct all social and recreational activities of the Local either on the Committee's own initiative or as a result of decisions taken at membership meetings. The Committee shall submit reports and proposals to the Executive Board or to the membership as required. A ceiling for the Committee net expenditures shall be fixed annually by the membership but, other than that, all social and recreational events and activities shall be self-supporting. The Executive Board shall be held responsible for the proper and effective functioning of these Committees.

-other members to this committee may be selected from the floor at any regular membership meeting.

#### (5) Newsletter Committee:

This committee shall have as it's primary function, to make sure that proper notice be given for the purpose of general and special membership meetings being held. Subsequent to this function, the committee shall produce and expedite the local's newsletter to all of its members. Articles edited will be to the executive's prerogative and always in compliance with the membership.

#### Section 15-Rules of Order

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

#### Section 16 -Amendments

(a) These By-Laws are always subordinate to the CUPE Constitution (including Appendix"B") as it now exists or may be amended from time to time, and in the event of any conflict between these Bylaws and the CUPE Constitution, the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.

(b) These By-Laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting; following 7 days notice given at a previous meeting or at least sixty days written notice.

(c) No change in these By-Laws shall be valid or take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President.

#### Section 17-Ufe Members

(a) Members reaching retirement age or becoming incapacitated providing they are in good standing and free from delinquency in the Local can on leaving employment make application to the Local for an Honorary Retiring Card.

(b) Upon receipt of application from a member for an Honorary Retiring Card the Local shall follow the CUPE constitution in regards to voting and application to the National Office and Section B.5.2 and B.5.3 shall apply.

#### Section 18-Normal Retirement

Upon retirement from their employment, members of local 1369 (in good standing) shall receive a gift not to exceed \$200.00 dollars as a token of recognition.

#### Section 19-Recognition

Upon completion of each elective term, each officer shall be presented with a memento of appreciation. (Not to exceed \$60.00 in value)