

CUPE LOCAL 441 BY-LAWS

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CANADIAN UNION OF PUBLIC EMPLOYEES

By-Laws

YOU ARE IN THE UNION

A few **dos** and **don'ts** 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 Shop Steward for your work site
 - Do** learn the difference between a legitimate grievance and a complaint, whether such is frivolous or well-founded
 - Do** memorize the Order of Business and follow it when attending meetings, think before we vote?
 - Don't** say, "Why doesn't the Union...?" instead say "Why don't WE...?"
 - Don't** stay away from meetings and gripe about "unwise" decisions afterward
 - Don't** go over the head of OUR Steward
 - Don't** believe the Union is not vitally important to US
 - Don't** hesitate to bring to the attention of the meeting YOUR problems ~they are the Union's, too
 - Don't** leave this booklet at home ~ carry it at all times
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SECTION 1 – PREAMBLE

- 1.1. The following By-Laws are adopted by the Local pursuant to, and to supplement, Appendix “B” of the CUPE Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.
- 1.2. Local 441 of the Canadian Union of Public Employees has been formed to:
 - a. Improve the social and economic well-being of all of its members;
 - b. Promote equality for all members and to oppose all types of harassment and discrimination;
 - c. Promote the efficiency of public services; and
 - d. Express its belief in the unity of organized labor.
- 1.3. The following Bylaws are adopted by Local 441 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.
- 1.4. CUPE Local 441 shall respect and apply the CUPE National Equality Statement and to all of the Local’s activities. The CUPE National Equality Statement can be found in Appendix C of these Bylaws.
- 1.5. In accordance with the National Constitution, Appendix E, the National Code of Conduct, as it may be amended from time to time, applies to all Local 441 meetings and functions.
- 1.6. 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.

SECTION 2 – OBJECTIVES

- 2.1. The objectives of Local 441 are to:
 - a. Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members;
 - b. Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
 - c. Encourage the settlement by negotiation and mediation of all the disputes between the members and their Employers;
 - d. Eliminate harassment and discrimination of any sort or on any basis; for the equality of treatment regardless of class, race, colour, nationality, age, sex/gender, gender identity, gender expression, language, sexual orientation, place of origin, ancestry, religious beliefs, or mental and physical disability; and the active opposition of discrimination of same wherever it occurs or appears;
 - e. Establish strong working relationships with the public we serve and the communities in which we work and live; and
 - f. Support CUPE in reaching all of the objectives set out in Article II of the CUPE National Constitution.

SECTION 3 - INTERPRETATION & DEFINITIONS

- 3.1. All terms of reference shall be gender neutral.
- 3.2. Numbers of Articles at the end of sections or subsections refer to relevant Articles of the current CUPE Constitution, which should be read in conjunction with these By-Laws.
- 3.3. The Executive shall have the authority to interpret these Bylaws, by consensus, when possible. When consensus is not possible, a majority vote shall decide the interpretation.

SECTION 4 – MEMBERSHIP MEETINGS – REGULAR & SPECIAL

- 4.1. Unadopted membership meeting minutes will be distributed electronically to the membership within two (2) weeks of the meeting being held. (Sensitive information will be redacted as needed by the Executive).

- 4.2. Membership meetings shall be held as scheduled once a month in the months of September to June. Executive, Regular & special meetings shall preferentially be held in a hybrid format (virtual and in person). The Executive may elect to hold specific meetings only in-person or only virtual, on a case by case basis. Where hybrid or virtual meetings are held, voting may occur electronically provided secrecy can be maintained, where mandated.
- 4.3. A yearly schedule of the meetings shall be posted on each site's CUPE bulletin board in January prior to the membership meeting.
- 4.4. The Executive will ensure that nominations, elections and by-elections will not be scheduled on dates that conflict with major CUPE Events and/or CUPE Education events. In the event of an unforeseen circumstance that creates a conflict the Executive is empowered to alter the set schedule of meetings.
- 4.5. Special membership meetings may be ordered by the Executive or requested in writing by no fewer than ten (10) members. The President shall immediately call a special meeting when so ordered or requested, and shall see that all members receive at least twenty-four (24) hours notice of the special meeting. The reason for the meeting and any associated motions will be made clear, and no other business shall be transacted at the special meeting other than that for which the meeting is called. Special meetings are to be held as early as practical prior to the next General meeting.
- 4.6. A quorum for the transaction of business at any regular or special meeting shall be fifteen (15) members, including at least three (3) members of the Executive, provided that the number of members present exceeds the number of Executive members present. In the event that a quorum is not present, the Executive is empowered to carry out the business of the Union, except for money issues.
- 4.7. No meeting shall continue longer than two (2) hours in length unless approved by a majority vote of the members present.
- 4.8. The order of business at membership meetings is as follows: (Article B.6.1)
 - a. Recognition of Traditional Lands
 - b. Equality Statement shall be read aloud
 - c. Roll call of Officers
 - d. Voting in New Members and Initiation (see Oath of Membership in 4-f) below)
 - e. Read minutes of Previous Meeting

- f. Matters arising out of the Minutes
- g. Secretary-Treasurer's Report
- h. Communications and Bills
- i. Executive Report
- j. Reports of Committees and Delegates
- k. Nominations, Elections, or Installations
- l. Unfinished Business
- m. New Business
- n. Good of the Union
- o. Adjournment

4.9. Oath of Membership

New members will take this oath:

"I promise to support and comply with 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." (Article B.8.4)

- 4.10. In the case of a tie vote for a motion, the motion shall be defeated. In the case of a tie vote for an election, subsequent ballots shall be taken until such time as the tie is broken.

SECTION 5 – VOTING OF FUNDS

- 5.1. Except for ordinary expenses and bills as approved at membership meetings, no sum over two hundred dollars (\$200.00) shall be granted or contributed to a member or a cause outside CUPE except by a carried motion. (Appendix B.4.4)

SECTION 6 – OFFICERS

- 6.1. The Officers of the Local shall be the President, Vice-President, Secretary-Treasurer, Membership Secretary, Recording Secretary, three (3) Trustees, and up to a maximum of six (6) Shop Stewards, one from each classification: Grounds/Maintenance, Custodial, Clerical, Transportation, School Support Workers, and Data Services. One of which shall be elected (by the other stewards) Lead Shop Steward. Elected stewards must be a member of the classification they are representing. In the event that no member of a classification is elected to be steward, another elected steward may stand in until such time as a member of that classification is elected to be steward. The Executive Board shall include all Officers, except Trustees.
- 6.2. All Officers shall be elected by the membership for a two (2) year term at the annual membership meeting in October.
- 6.3. The President, Recording Secretary, Clerical Shop Steward, Transportation Shop Steward and Grounds/Maintenance Shop Steward will be elected in odd years. The Vice-President, Secretary Treasurer, Membership Secretary, Custodial Shop Steward, School Support Worker Shop Steward and Data Services Shop Steward will be elected in even years.

SECTION 7 – EXECUTIVE BOARD MEETINGS

- 7.1. The Executive Board shall meet at least once a month, (Article B.3.14)
- 7.2. A majority of the Executive Board constitutes a quorum.
- 7.3. No meeting shall continue longer than three (3) hours in length unless approved by a two-thirds (2/3) majority vote of the members present.
- 7.4. The Executive Officers shall hold title to any real estate of the Local, as trustee(s) 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.
- 7.5. 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.
- 7.6. If an Officer fails to attend three (3) consecutive membership meetings or three (3) consecutive Executive meetings without good and sufficient reason, their office will be declared vacant and filled at the next meeting.

- 7.7. 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.
- 7.8. The Executive shall make every effort possible to reconcile any inadvertent over or underpayment made by or on behalf of the Union.
- 7.9. The Executive Board shall also ensure that all meetings are held in compliance with the CUPE National Equality Statement and the National Code of Conduct (see Appendix B). Any Union Executive member who applies for an excluded position (aka management) with School District #63 must notify the Executive of their intentions and recuse themselves from their Executive duties until the position is actively filled.

SECTION 8 – CONDUCT AND DISCIPLINE

- 8.1. With the exception of the Step 1 grievance procedure, no officer, shop steward or member shall meet with representatives of management or speak with them to negotiate a change in working conditions or wages, or discuss any grievance, or sit on any committee with management to discuss any matter or matters which could concern any member of this Local, unless they are accompanied by at least one (1) other officer of this Local.
- 8.2. This clause shall not apply to any representative of CUPE or agent who is not a member of the Local and who has been engaged to negotiate with management, provided that such negotiations have previously been approved by the members in general.
- 8.3. All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution. (Appendix C)

SECTION 9 – DUTIES OF EXECUTIVES

(APPENDIX B III)

- 9.1. **The President shall;**
 - a. Enforce the CUPE Constitution, these Local Union Bylaws and the Equality statement;
 - b. Preside at all membership and Executive meetings and preserve order;

- c. Shall attend or ensure a designate from the Executive attends;
 - i. Confederation of Parents Advisory Councils of Saanich (COPACS)
 - ii. School Board Meetings
 - iii. School Board Committee Meetings
 - iv. Other meetings as required
- d. Shall ensure that all leaves of absence for joint meetings and Union business meetings will be managed by an Executive officer.
- e. Decide on all points of order procedure (subject always to appeal to the membership)
- f. Ensure that all officers perform their assigned duties;
- g. Fill committee vacancies where elections are not provided for;
- h. Introduce new members and conduct them through the initiation ceremony;
- i. Jointly with either the Vice President and/or the Secretary-Treasurer sign cheques, or authorize electronic payments, and ensure that the Local's funds are used only as authorized or directed by the CUPE Constitution, Local Union By-laws, or vote of the membership;
- j. Be allowed necessary funds, not exceeding one hundred dollars (\$100.00) monthly to reimburse personal expenses, supported by vouchers, incurred on behalf of the Local;
- k. Have first preference as a delegate to the CUPE National Convention and the CUPE BC Convention;
- l. Have the President's cell phone number posted on all CUPE Bulletin Boards. Costs of up to seventy-five \$75.00 per month for the President's cell phone plan will be paid by the Union.
- m. Fulfill Administrative duties
- n. On termination of office, surrender all books, seals, and other properties of the Local to the succeeding Executive Officers of Local 441.

9.2. The Vice-President shall;

- a. In the absence (or incapacitation) of the President, perform all duties of the President;
- b. If the office of President or any other Executive member excluding Shop Stewards falls vacant, the Vice-President shall fulfill the duties of the office until a new officer is elected;
- c. Jointly with either the President and/or the Secretary-Treasurer sign cheques, or authorize electronic payments, and ensure that the Local's funds are used only as authorized or directed by the CUPE Constitution, Local Union By-Laws, or vote of the membership;
- d. Track and store, electronically, all job postings and Union copies of postings, appointment letters and other correspondence from the School Board Office and surrender same to the Membership Secretary prior to the next scheduled membership meeting;
- e. Will liaise with shop stewards regarding new hires.
- f. Record from the monthly general meetings all alterations to the By-laws and chair biennially (every two (2) years) an ad-hoc By-law committee. which will integrate the alterations into these By-laws and submit changes to CUPE National;
- g. Attend Labor Management meetings as required
- h. Fulfill Administrative duties
- i. On termination of office, surrender all books, seals, and other properties of the Local to the Executive officers of Local 441

9.3. The Secretary-Treasurer shall;

- a. 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;
- b. Regularly make a full financial report to meetings of the Local's Executive, as well as written financial report to each membership meeting, detailing all income and expenditures for the period; (Appendix B.I.6)
- c. Prepare all CUPE National Per Capita tax forms and remit payments;

- d. Record all financial transactions in a manner acceptable to, and in accordance with, good accounting practices;
- e. Jointly with either the President and / or Vice President sign cheques, or authorize electronic payments, and ensure that the Local's funds are used only as authorized or directed by the CUPE Constitution, Local Union By-laws, or vote of the membership;
- f. Shall ensure that all leaves of absence for joint meetings and Union business meetings will be submitted;
- g. Prepare a yearly operating budget to present to the Local no later than February of each calendar year;
- h. Pick up the mail at least once a week;
- i. Be bonded through the master bond held by the National Office; (Appendix B.3.5.)
- j. Pay no money unless supported by a voucher (signs all cheques other than those of the holder of the position) signed by the President or two (2) other members of the Executive, except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated;
- k. Annually secure a copy of the current CUPE BC expense policy for Executive officers to use in conjunction with Section 12 of these Bylaws;
- l. 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;
- m. Forward to the National Secretary-Treasurer by the last day of the following month, all financial obligations owing; (Appendix B.3.8)
- n. 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 reasonable time, respond in writing to any recommendations and concerns raised by the trustees. (Appendix B.3.4. B.3.9)
- o. Attend Labor Management meetings as required
- p. Fulfill Administrative duties

- q. On termination of office, turn over all properties, assets, books, seals, etc. to the successor; (Appendix B.3.9)

9.4. The Recording Secretary shall;

- a. Keep full, accurate and impartial account of the proceedings of all Local 441 regular or special membership and Executive Board meetings,
- b. Ensure that these records include a copy of the full financial report presented by the Secretary-Treasurer and are provided to the membership Secretary to be filed.
- c. Answer, receive and file correspondence for the Local as directed by the Executive
- d. Membership and Recording Secretary will be responsible for keeping filing system up to date
- e. File job posting information from Vice-President.
- f. Fulfill Administrative duties

9.5. The Membership Secretary shall;

- a. Direct distribution of all circulars, notices, membership meeting agendas and meeting minutes to members;
- b. Keep a current list of names and contact information of all Union members;
- c. Assume responsibility for maintaining office equipment and ordering office supplies as needed;
- d. Assume the responsibilities of a Sergeant at Arms; can assign additional assistants if needed.
- e. Ensure copies of current By-Laws and Collective Agreement are accessible to all members;
- f. Maintain a list of attendance at all meetings;
- g. Arrange meeting rooms as required for all Special, Executive and Membership meetings;
- h. Co-host the virtual meetings

- i. Maintain the electronic communication system for the Local.
- j. Be responsible for copying information for meetings.
- k. Assume the duties of the Privacy Coordinator and participate in any training when and if available. (Pursuant to the BC Personal Information and Protection Act)
- l. Develop and update, as may be necessary, a CUPE Local 441 Privacy Policy (pursuant to the BC Personal Information and Protection Act)
- m. On termination of office, surrender all books, seals, and other properties of the Local to the succeeding Executive officers of Local 441.
- n. Fulfill Administrative duties

9.6. The Trustees shall (Non-Executive positions): (Appendix B 3.10-3.13)

- a. Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer at least once every calendar year,
- b. Executives may request additional audits.
- c. Make a written report of their findings to the first membership meeting following the completion of each audit;
- d. 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.
- e. Be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
- f. Ensure that proper financial reports are made to the membership;
- g. Audit the record of attendance;
- h. 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;

- i. Use audit forms supplied by the National Office and send a copy of each annual audit to the National Secretary-Treasurer in accordance with the provisions of the CUPE Constitution.
- j. Shall perform balloting duties as required at membership meetings.
- k. Fulfill Administrative duties

9.7. The Shop Stewards shall;

- a. Be elected by the representative members of each classification (see Section 6.1)
- b. Attend or take a CUPE Shop Steward course within a year of assuming office;
- c. Define, detect, prepare and present grievances at the initial level in consultation with the Lead Shop Steward;
- d. Uphold the Collective Agreement and keep up to date on Provincial or Federal Legislation affecting Labour;
- e. Provide communications and information from the members in their classification to the Executive and from the Executive to the members in their classification;
- f. Inform Lead Steward of all grievances;
- g. Introduce themselves to new members in their classification and encourage the new members' participation in Union activity.
- h. Attend Labour Management meetings as required.
- i. Fulfill Administrative duties
- j. On termination of office, surrender all books, notes, files and other properties of the Local to the Executive officers of Local 441

9.8. Lead Shop Steward shall

- a. Be elected yearly from the duly elected shop stewards;

- b. Uphold the Collective Agreement and keep up to date on Provincial or Federal Legislation including:
 - i. Labour Legislation
 - ii. Human Rights Legislation
 - iii. Health and Safety Law
 - iv. WHMIS – Workplace Hazardous Information System
 - v. CUPE’s National Constitution
 - vi. Local By-Laws
- c. Be kept informed of all grievances and be involved at the initial level of all grievances;
- d. Keep a record of all grievances;
- e. Manage in consultation with the President all grievances that have not been resolved by the Shop Steward at Step One of the grievance procedure
- f. In consultation with the President prepare cases for arbitration;
- g. Co-ordinate an annual meeting for each classification when possible
- h. Have Lead Shop Steward’s cell phone number posted on all CUPE Bulletin Boards;
- i. Costs of up to seventy-five (\$75.00) per month for the Lead Shop Stewards’ cell phone will be paid by the Union.
- j. Participate actively as a standing member of the Labour Management Committee.
- k. Fulfill Administrative duties as required
- l. On termination of office, surrender all books, notes, files and other properties of the Local to the Executive officers of Local 441

9.9. **Good of the Union Member (not an Executive Office) shall;**

- a. If a member is ill for more than a week, have some token sent of the Local’s concern and desire to help, whether the member is at home or in the hospital;

- b. Extend the Local's condolences in the event of the death of a member or of the member's immediate family and make any other appropriate gesture in accordance with the custom or the wishes of the family concerned.

SECTION 10 – UNION BUSINESS LEAVES

10.1. Union Business Leaves

- a. Union business leaves (BUS) are those times when a member is booked off from their regular duties to conduct Union business, and where the Employer requires reimbursement for wages. It is recognized that all Union positions contain some amount of voluntary time/work. There shall be no provision for any "in lieu" for Union business leave. Compensation will be paid at the member's current rate of pay and will be paid straight time, not overtime wages. Members will not be compensated for any general or special meetings.
- b. Notwithstanding (a) above, a member who works an evening shift and is required to conduct Union business prior to the start of their evening shift shall be entitled to claim BUS leave for the number of hours spent performing Union business, for their shift of the same date. Such use of BUS leave shall require pre-approval by the President and Secretary-Treasurer.

10.2. Officers, or acting-officers, shall be entitled to claim the following BUS leaves in the months of September to June for the purpose of conducting the work of the Local. These tasks will be documented in an up-to-date report that shall be provided to the members for review and for questions at all Local membership meetings.

- a. President: up to eight (8) hours per week
- b. Secretary-Treasurer: up to sixteen (16) hours per month
- c. Membership Secretary: up to eight (8) hours per month
- d. Recording Secretary: up to eight (8) hours per month
- e. Lead Shop Steward: up to eight (8) hours per month

- 10.3. While any Officer is fulfilling the duties of another Executive Member for more than a month, that Officer shall receive the BUS leave of that position (BUS leave shall be claimed from only one (1) of the positions per month). Officers shall receive the following Union business days in the months of July and August provided they are scheduled to work at the time of the Union business day.

These duties will be documented in an up-to-date report that shall be provided to the members for review and questions by the members at all Local membership meetings.

- a. President: up to eight (8) hours per month
- b. Secretary-Treasurer: up to sixteen (16) hours per month

- 10.4. Additional BUS leave, where not already provided for in the Bylaws, must be approved in advance by Executive motion.

- 10.5. **Steward Union business release time:** Steward Union business release time to deal with grievances during work hours where the Employer is not responsible for coverage, shall be approved in advance by the Lead Shop Steward or the President.

- 10.6. **General Member Union business release time:** BUS leave which falls outside of those referenced above must be approved in advance by Executive motion.

SECTION 11 – OUT OF POCKET EXPENSES

- 11.1. The following expense allowances shall be provided, without receipts;

The President, Vice-President, Secretary-Treasurer, Membership Secretary, Recording Secretary and Shop Steward(s) shall receive five hundred dollars (\$500.00) per year for out of pocket expenses. The expense payment will be made biannually (twice per year) at the April and October Executive meetings in the amount of two hundred, fifty dollars (\$250.00) each. Should an Executive member not be in the position for the full year a payment will be prorated.

SECTION 12– FEES, DUES AND ASSESSMENTS;

12.1. Monthly Dues:

- a. The dues rate shall be 1.75% of regular wages. The monthly dues shall be as voted by the membership (Appendix B.4.3) All dues paying members are entitled to due representation by the Local. Changes in the levels of the Initiation Fee, the Re-admittance fee, or the monthly dues can only be affected by following the procedures for amendment of these By-Laws (see Section 18 of these By-Laws) with the additional provision that the vote must be by secret ballot if so ordered by the members.
- b. Notwithstanding the above provision, if the CUPE Convention raises the minimum fees and/or dues above the level herein established, these By-Laws will be deemed to have been automatically amended to conform to the new CUPE minimum;
- c. Special assessments may be levied in accordance with Appendix B.4.2. of the CUPE Constitution.
- d. A member in good standing is any person who has paid up their dues and is entitled to full representation under the CUPE Constitution.
- e. In order to take part in meetings, vote on matters before the membership or run for a position a member must have been approved by the membership, and has been sworn in as a member.

12.2. Non Payment of Dues and Assessments:

- a. A member who fails to pay dues and assessments for three (3) months is automatically suspended from membership. The suspension will be reported to the Executive by the Secretary Treasurer.
- b. The Executive will report all suspensions to the next membership meeting. The member may return to membership in good standing by paying a readmission fee and any other penalty set by the Local.
- c. The readmission fee cannot be less than the initiation fee of the Local.
- d. A member who has been unemployed or unable to work because of sickness shall pay the readmission fee but may not be required to pay arrears. (Article B.8.6)

SECTION 13 – NOMINATION, ELECTION & INSTALLATION OF OFFICERS

- 13.1. The Executive will ensure that nominations, elections and by-elections will not be scheduled on dates that conflict with major CUPE Events, CUPE Education events, and/or Stat Days or Pro D Days.
- 13.2. **Nominations:**
- a. First and second call for nominations for positions will be made at the membership meeting prior to the meeting in which the election(s) will occur. The third/last call for nominations for positions will be made at the membership meeting in which the election for such positions will occur. To be eligible for nomination, a member shall be in good standing.
 - b. Acceptance of Nominations for the position(s) may be done by proxy with written agreement of the nominee to the Trustees. No proxy voting will be permitted.
 - c. Nominees for the position of Trustee shall not have held a position on the Executive for the year being audited.
 - d. If a position receives no valid nominations, a repeated call for nominations will occur at the next regular membership meeting, until the position(s) are filled.
- 13.3. **Elections:**
- a. Elections shall be held at the annual membership meeting in the month of October. If no quorum is present elections will be carried forward to the next general meeting and be conducted at that time. The current Executive will carry on the business of the Local until a new Executive is duly elected.
 - b. At a membership meeting on or before Election Day, the President shall, subject to the approval of the members present, appoint an Election Committee consisting of a Returning Office 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 them in connection with their responsibility as confidential.
 - c. The Executive shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.

- d. The Returning Officer shall be responsible for issuing, collecting, and announcing election results. The Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.
- e. The vote shall be by secret ballot. Where hybrid or virtual meetings are held, voting may occur electronically provided secrecy can be maintained, where mandated.
- f. Voting to fill one office shall be conducted and completed, and recounts dealt with before balloting may begin to fill another office.
- g. A majority of votes cast shall be required before any candidate can be declared elected and subsequent ballots shall be taken, if necessary, to obtain a majority.
- h. When two (2) or more nominees are to be elected to any one office by ballot, each member voting shall be required to vote for the full number of candidates required for the office or the member's ballot will be declared spoiled.
- i. 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) of these By-Laws.

13.4. Installation:

- a. All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for two (2) years or until a successor has been elected and installed, provided however, that no term of office except for Trustee, shall be longer than two (2) years. (Appendix B.2.4)
- b. The terms of office for Trustees shall be as laid down in Article B.2.4 of the CUPE constitution; By-Elections;
- c. Should an office fall vacant pursuant to Section 7.7 of these By-Laws, or for any other reason the resulting by-election shall be conducted as closely as possible in conformity with this section.

SECTION 14 – DELEGATES TO CONVENTION/SEMINARS/ CUPE WORKSHOPS, CUPE BUSINESS MEETINGS

- 14.1. Except for the President's option (Section 9 of these By-Laws), three (3) delegates from the Executive and two (2) from the membership shall be chosen by an election at a membership meeting, subject to available funding. Members serving on a national or provincial committees will have preference for delegate positions.
- 14.2. All registration fees shall be paid by the Local.
- 14.3. All out of town hotel expenses shall be paid by the Local for members. As Local 441 acknowledges our member's right to privacy, members have the option to have a single room when traveling on Union business. However, members are encouraged to share accommodations whenever practical (Shared accommodation reduces the cost to the Local while allowing us to send the maximum number of delegates). Any additional costs incurred by the member being accompanied by a guest shall be paid by the member.
- 14.4. The most economical form of transportation in the circumstances shall be utilized and paid for by the Local.
- 14.5. Members on Union business for the duration of one (1) day or longer who do not report to their worksite for any part of their shift shall be paid the daily maximum hours for their classification, Members shall be responsible for indicating these hours on their time card.
- 14.6. All members attending out of town conventions, seminars, workshops, or CUPE business meetings shall be paid all travel expenses including parking and mileage where applicable in accordance with the current CUPE BC Expense Policy. Upon member(s) request the per diem and/or traveling expenses estimates may be paid in advance, with any over payment reimbursed to the Local upon the members return. Any activity taking less than four (4) hours shall be considered as a half day and shall be paid a per diem of half the daily rate.
- 14.7. All members attending full day in-town conventions, seminars, CUPE workshops, or CUPE business meetings where a meal is not provided will be reimbursed at the CUPE BC ½ day rate.
- 14.8. All members attending full day in-town conventions, seminars, CUPE workshops, or CUPE business meetings where a meal is provided will be reimbursed for parking (with receipts) and mileage.

- 14.9. All members attending conventions, seminars, workshops, or CUPE business meetings that occur on a Saturday or Sunday shall be paid all travel expenses including parking, per diem and mileage where applicable in accordance with the current CUPE BC Expense Policy.
- 14.10. Members will not be reimbursed for any alcoholic beverage(s).
- 14.11. Representation at education seminars shall be on the recommendation of the Education Committee, subject to final approval by the membership.

SECTION 15 – AD HOC COMMITTEES

15.1. An 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 motion to the membership, be appointed by the President or Executive. With the exception of the Employment Equity Committee, two (2) members of the Executive may sit on any special committee as ex officio members.

15.2. Social and Engagement Committee:

- a. It is the function of this ad hoc committee to arrange and conduct any social and recreational activities of the Local as a result of decisions taken at membership meetings. The Committee shall submit a report following any activity to the Executive and to the membership. A ceiling for the Committee's net expenditures shall be fixed by the membership, but other than that, all social and recreational events and activities shall be self-supporting. The Executive shall be held responsible for the proper and effective functioning of this Committee.
- b. The committee shall comprise between two (2) and five (5) members and may appoint a secretary/treasurer from among its members.
- c. The term of the committee positions shall be two (2) years.

15.3. By-Law Committee:

It is the function of the ad-hoc committee to update the Local's By-Laws. The committee will meet once yearly to review items identified by the Executive or the general membership. The Vice-President shall submit the recommended alterations to the Executive and the National Representative for review. All Bylaw amendments will then be subsequently referred to the membership and CUPE National for approval, per Section 18.

The term of the committee positions shall be two (2) years.

15.4. Political Action Communication Committee:

It is the function of this ad-hoc committee to be proactive and co-ordinate the involvement of Local 441 in any political action.

SECTION 16 – STANDING COMMITTEES

16.1. The Chair of each committee, if required, shall be elected by the members of the committee. The Chair and the Executive may, with the concurrence of the membership, jointly appoint other members to serve on a committee. The Vice-President shall be a member, ex-officio, of each committee. The President, if not elected to the Bargaining committee, shall be a member, ex-officio, of the Bargaining committee. There shall be seven (7) standing committees as follows;

16.2. Bargaining Committee:

- a. This committee shall be established for the purpose of maintaining continuity in negotiating subsequent Collective Agreements and to allow preparation of newly defined issues for subsequent contract negotiations.
- b. The committee shall be elected one (1) year prior to the expiration of the current Collective Agreement and dissolved following the ratification of the new Collective Agreement.
- c. The committee shall consist of five (5) elected members, one (1) from each classification, as well as the President and Vice President if they were not already elected to the committee.
- d. The Local will pay the wages of any members not covered by the collective agreement. The function of the committee is to prepare collective bargaining proposals and to negotiate a new Collective Agreement. The CUPE National Representative assigned to the Local shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.
- e. The hours used for bargaining shall not be included in the appointed Executive business hours (section 9).

Protocols and Procedural Guidelines for Bargaining Team

- f. Members in good standing may submit, in writing, requests for items to be dealt with during negotiations. Feedback from the membership to identify bargaining priorities may also be collected via a membership survey.
- g. Only written submissions and survey responses will be accepted.
- h. The committee will decide deadlines for acceptance of submissions and survey responses. Members should make every attempt to refer to specific Articles in the Collective Agreements in their submissions.
- i. The committee and National Representative will review all written submissions and the survey response data to develop a recommended bargaining package.
- j. A special meeting will be held for members to vote on the recommended bargaining package from the bargaining committee. A simple majority will determine acceptance or rejection, or upon the passing of an appropriate motion by the floor, the entire package will be approved by simple majority.

During negotiations, the following protocols will be observed regarding communication with the membership:

- k. Those committee members who will meet with the School Board will be identified for the membership.
- l. Committee members will be obliged to keep all negotiating discussions with the School Board confidential. Members, please respect this!
- m. At each regularly scheduled monthly meeting during the negotiating process, the Committee will report on the status of negotiations.

When the Committee has reached an agreement with the Board, it will call a Special meeting to present the tentative agreement to the membership and conduct a ratification vote. The committee must ensure that the location of the meeting meets Audio and Visual needs of the members. The committee shall advertise the meetings times – start time and “Lock-in” time. A grace period of ten (10) minutes will be given for latecomers. There will be no admittance after the grace period.

- n. At the ratification meeting, the following protocols will be observed;

PRIOR TO BEGINNING, A FULL EXPLANATION OF THE PROCESS WILL BE GIVEN

Trustees shall act as scrutinizers. If any Trustee is absent a replacement shall be appointed by the President; their duties are as follows:

- To issue the ballots
- To oversee the voting
- To conduct the counting of the ballots
- To report the results to the membership
- To destroy the ballots on request of the membership
- Only initiated members in good standing may vote at the ratification meeting.

PROCEDURES FOR EXPLANATION AND DISCUSSION:

The bargaining committee will present a 'Summary of Changes' document to the members present. Following the presentation of the Summary of Changes document, the bargaining committee will take questions from members regarding the proposed changes. The bargaining committee will also have the full tentative agreement language available for viewing by members, if requested.

After all proposed changes have been read and explained fully, and no questions remain unanswered, the ratification vote will occur. The ratification vote will be conducted in the following manner:

Members will vote upon the package as a whole

- The vote will be by secret ballot ONLY
- A simple majority is required for acceptance or rejection.
- The ballot will state only YES or NO

16.3. Grievance Committee

- a. This Committee shall process all grievances not settled at the initial Stage (as per CUPE Contract Article #12.02) and its reports shall be submitted first to the Executive, with a copy to the CUPE Representative, and then to a membership meeting. Grievances must be in writing on the forms provided by the National Office and be signed by the complainant or complainants, as provided for in the Collective Agreement. The Committee shall be composed of the grievor's representative Shop Steward(s), the Lead Shop Steward and the President.

- b. The Executive shall deal with all grievances as submitted by the membership and shall be responsible for the proper and effective functioning of the grievance committee.

16.4. Education Committee:

- a. The Committee shall be composed of between two (2) and three (3) members, one of whom shall be an Executive officer.
- b. It shall be the duty of this Committee to:
 - Arrange for representation of the Local at any appropriate and available educational seminars or conferences and submit recommendations accordingly to the Executive:
 - 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 Education 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
 - Distribute Union literature.
- c. The term of the committee positions shall be two (2) years.

16.5. Job Evaluation Committee:

- a. This committee shall be composed of four (4) elected members. The working committee will meet with representatives of the School Board to evaluate or reevaluate, through the use of a gender-neutral evaluation plan, all positions within the Collective Agreement as necessary. Committee members will serve a two (2) year term after which a new committee will be elected, having a minimum of one (1) and a maximum of two (2) members from the previous job evaluation committee.

16.6. Labour Management Committee:

- a. This Committee shall comprise the President and/or Vice-President, Chief Lead Shop Steward, the Shop Steward with the most knowledge on the issue and (1) one other member as selected by the President or the Vice-President and shall appoint its recording-secretary from among its members. This Committee will meet with Management to discuss subjects which are of concern to both parties.

16.7. Scholarship Committee:

- a. It is the function of this committee of (3) three members to receive applications for CUPE Scholarships. The committee will screen the applicants and select the recipients for up to a maximum of (3) three CUPE Scholarships.
- b. The term of the committee positions shall be two (2) years.

16.8 Joint Early Intervention Service (JEIS) and Sick Benefit Bank Committee

- c. This committee will be composed of two (2) members of the Local. One (1) member shall be the President and one (1) member shall be appointed by the Executive.
- d. This committee will act on behalf of the Union to:
 - i. Liaise with members who are on sick leave for an extended period of time and support them through the JEIS process; and
 - ii. review and make recommendations on the disbursement of the sick benefit bank in accordance with 23.05 of the Collective Agreement.
- e. The term of the committee positions shall be two (2) years.

16.9. Employment Equity Committee

- a. This committee will be composed of four (4) members of the Local. One (1) member of the committee shall preferentially be from the Local Executive. Two (2) members of the committee shall preferentially be of Indigenous ancestry.
- b. The Executive will publish an Expression of Interest (EOI) for members interested in serving on the committee for a term of two (2) years. The Executive shall appoint from the list of members who have expressed interest to fill the committee positions while applying the preferences detailed in (a) above.
- c. The committee will meet with representatives of the School Board to evaluate issues of employment equity and make recommendations to the Local Executive and ultimately to the membership. The committee shall be subject to the Terms of Reference agreed to with the School Board.

SECTION 17 – 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 By-Laws as Appendix A. These rules shall be considered as an integral part of the By-Laws and may be amended only by the same procedure used to amend the By-Laws. In situations not covered by Appendix A, the CUPE Constitution may provide guidance, but if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied.

SECTION 18 – AMENDMENT

- 18.1. These By-Laws are always subordinate to the CUPE Constitution, (including Appendix B), as it now exists or may be amended from time to time, and in the event of any conflict between these By-Laws and the CUPE Constitution the latter shall govern.
- 18.2. These By-Laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following seven (7) days notice at a previous meeting or at least sixty (60) days written notice. (Articles 13.3 and B.5.1)
- 18.3. No change in these By-Laws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President. (Articles 13.3 and B.5.1)

SECTION 19 – PRINTING AND DISTRIBUTION OF BYLAWS

- 19.1. Members will receive a copy of the Local 441 By-laws, either in paper format or via the Union website. Members with special needs may request a copy of the Bylaws in a larger format. Upon member request, the Local shall make every effort to supply a copy of the Bylaws printed in languages other than English.

APPENDIX A – RULES OF ORDER

- The President or, in their absence, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President and Vice-President, the Secretary-Treasurer shall act as President and in the absence of the Secretary-Treasurer; the Local shall choose a President pro term.
- No member except the Chairperson of a committee making a report or the mover of a resolution, shall speak for 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. Chairperson and movers of a resolution shall be limited to fifteen (15) minutes, except with the consent of the meeting
- 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.
- 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.
- 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.
- On motion, the regular order of business may be suspended, by a two-thirds vote of those present, to deal with any urgent business.
- All resolutions and motions other than those names 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.
- At the request of any member, and upon a majority vote of those present, a question may be divided when the parts should be addressed separately.
- 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.
- When a member wishes to speak on a question or make a motion, the member shall rise and respectfully address the presiding officer, but, except to state a point of order or on a question of privilege, shall not proceed further until recognized by the chair.

- Every member, while speaking shall adhere to the question under debate and avoid all personal, improper, or offensive language, as well as any poor reflection on the Local or member thereof.
- When two (2) or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
- If a member, while speaking, is called to order, the member shall cease speaking until the point is determined; if it is decided the member is in order, the member may again proceed.
- No discussion of a sectarian nature shall be permitted.
- The President shall not take 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.
- The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, the presiding officer may in addition have a casting vote, or, refrain from breaking the tie, in which case the motion is lost.
- When a motion is before the Local, no other motion shall be in order except (a) to adjourn, (b) to put the previous question, (c) to lay on the table, (d) to postpone for a definite time, (e) to refer, (f) to divide or amend, which motions shall have precedence in the order names. The first three (3) of these shall be decided without debate.
- A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be not 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 on an amendment to an amendment is adopted, the original resolution, as amended shall be put to the Local.
- A motion to adjourn is in order except (a) when a member has the floor (b) when members are voting.
- A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until (15) fifteen minutes have elapsed.
- 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 the same.

- If any member wishes to challenge (appeal) a decision of the chair the member 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 this challenge. 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.
 - 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.
 - No member shall enter or leave a meeting during the reading of the minutes, the installation of officers, or the taking of a vote; and no member shall be allowed to leave without the permission of the President or Vice-President.
 - The Local's business, and proceedings of the meetings, is not to be divulged to any persons outside the Local or the Canadian Union of Public Employees.
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APPENDIX B - CUPE EQUALITY STATEMENT



EQUALITY STATEMENT

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

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

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

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

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

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




MARK HANCOCK
National President


CANDACE RENNICK
National Secretary-Treasurer



APPENDIX C - BOURINOT'S RULES OF ORDER GLOSSARY

GLOSSARY

Abstention: The refusal to vote either for or against a motion. Under parliamentary rules, abstentions do not have to be noted in the official record of a vote.

Acclimation: When only one candidate comes forward for election to any office, they are said to be elected or returned to that office by acclamation.

Adjourn: To suspend proceedings to another time and/or place. Agenda: literally, this means the things to be done. It is a list of the items to be dealt with at a meeting, usually arranged in the order in which they will be addressed.

Amendment: An alteration of a main motion by substituting, adding or deleting a word or words without materially altering the basic intent of the main motion. An amendment must be proposed by motion and must be seconded. Amendments can offer alternatives to the motion being considered, but cannot be hostile to its intent.

Ballots: The paper on which a voter indicates their choice by marking an X against the name or other representation of a candidate in an election or against a question of opinion in a referendum.

By-laws: The rules or directives that govern the internal affairs of an organization.

Casting Vote: A single vote (usually the prerogative of the chair) that determines an issue when a vote on the motion has resulted in a tie.

Closure: An action that brings debate on an issue to a conclusion by a specified time, thus forcing a decision on that issue at that time. In the House of Commons, it is a procedure that forbids any further adjournment of debate and requires that the motion is voted on by the end of the current sitting.

Committee of the Whole: The entire body of an assembly, including the House of Commons, meeting as a committee under a chair other than the Speaker or regular chair. Its purpose is to facilitate discussion by using less strict rules than those used in a formal meeting of the assembly.

Constitution: The fundamental laws and principles that establish an institution and set out its nature, functions and limits.

Division: The separation for the purpose of voting of those who support and those who oppose a motion. Each member's vote is recorded as their name is called from the membership roll.

Ex Officio: By virtue of office or position.

Majority: More than half of the total number of the membership of an organization or of members present at a regularly constituted meeting with a quorum in attendance.

Motions: (a) A substantive, or main, motion is a formal proposal placed before a meeting by one member, the mover of the motion, for debate and a decision, usually taken by vote. Most, but not all, motions must be supported by a second member, the seconder, before they can be debated and decided. (b) A subsidiary motion is one that delays or defers a decision on a main motion or brings it to an immediate vote, such as the motion for the previous question. (c) Dilatory motions have the effect of postponing consideration of a question for the time being, e.g., motions for reading the orders of the day, for proceeding to another order of business, for the adjournment of the House or the debate.

Mover: A person who presents or proposes a motion or an amendment.

Officer: A person elected to a position of authority, called an office, within an organization. Officers usually are the president, vice-president, treasurer and secretary. Together they can also act as a management or executive committee.

Order: (a) Behaviour in a meeting which permits members to conduct its business without disruption. (b) An admonition (call to order) by the Speaker or chair to stop any disruption of the meeting by a participant or participants. (c) An issue (point of order) raised by a participant at a meeting claiming that the procedures of the meeting or of an individual participant are contrary to procedural rules or practices.

Order Paper: The parliamentary equivalent of an agenda. A list of the things to be done or the business to be transacted in the day's proceedings.

Orders of the Day: The items constituting the Order Paper of the House of Commons.

Plurality: In a contest between three or more candidates for office, the plurality is the majority vote received by the winning candidate, when the votes for that person are less than half the number of votes cast. (See Majority.) 15

Privilege: Privilege is the rights and immunities of members of Parliament, both as individuals and collectively as the House of Commons. In non-parliamentary bodies, privilege is often regarded as the members' right to correct inaccuracies or explain circumstances they believe affect themselves adversely or reflect improperly upon the organization as a whole. The question of whether a matter is properly one of privilege is determined by the Speaker or chair.

Pro Tern. For the time being.

Question: The issue before a meeting on which a decision has to be made. A question cannot be debated, amended or voted on until it has been proposed as a motion. To "put the question" ends debate and submits the motion to a vote.

Quorum: The number of people required to be present at a meeting to validate the transaction of its business.

Refer: To send an issue to a committee for study and report before the main body makes its decision on the issue.

Resolution: A proposal or motion that declares the opinion of an organization rather than its intent to act on a certain matter.

Scrutineer: A person appointed to examine and verify the admissibility of the ballots cast in any voting procedure. The scrutineer can also be assigned the function of teller. In company meetings, their duties may include the determination of the number of shareholders present in person or by proxy and, for voting purposes, the number of shares each represents.

Second: A person who formally supports a motion or amendment at the time it is proposed.

Supply: In parliamentary terminology, "supply" or "appropriation" refers to the money requested by the government for its various 16 purposes. Part of the business of supply is dealt with by the House convened as a committee of the whole.

Table: To place a document before a meeting for its consideration or consultation.

Teller: A person appointed to count votes.

Two-Thirds Vote: A requirement that a motion passes only if two-thirds or more of the votes support it. This requirement is usually applied only to major issues being put to the vote, such as a motion to reconsider.

Unparliamentary Language: Words or expressions that violate the proprieties of the House of Commons or the Senate.

Ways and Means: In Parliament, the term "ways and means" refers to the money the government requires for its various purposes. The business of ways and means has two major elements: the presentation of the budget and the introduction of tax bills.