

# CUPE LOCAL 1115 BY-LAWS

City of Welland Employees & Welland Public Library Employees

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## <u>PREAMBLE</u>

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 of the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed.

The following Bylaws are adopted by the Local pursuant to, and to supplement, Appendix "B" of the CUPE Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.

#### SECTION 1 - NAME

The name of this Local shall be: Canadian Union of Public Employees, Local No. 1115, namely the Corporation of the City of Welland and Welland Public Library Employees.

#### **SECTION 2 – OBJECTIVES**

The objectives of the Local are:

- (a) To secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
- (b) To support CUPE in reaching the goals set out in Article II of the CUPE Constitution;
- (c) To provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (d) To encourage the settlement by negotiation and mediation of all disputes between the members and their employers;
- (e) To establish strong working relationships with the public we serve and the communities in which we work and live.

#### **SECTION 3 – INTERPRETATION and DEFINITIONS**

- (a) All references in these by-laws are meant to be gender-neutral.
- (b) Numbers of Articles at the end of sections or sub-sections refer to relevant articles of the CUPE National Constitution which should be read in conjunction with these bylaws.

#### SECTION 4 – MEMBERSHIP MEETINGS – Regular and Special

- (a) Regular membership meetings shall be held alternating each month on the first Wednesday of the following months - September, November, January, March and May; and first Thursday of the following months - October, December, February, April and June at 4:35p.m. If a statutory holiday intervenes the Executive Committee shall give a week's notice of any change in the date of the regular meeting.
- (b) Special membership meetings may be ordered by the Executive Committee or requested in writing by no fewer than **TEN (10)** members. The President shall immediately call a special meeting when so ordered of requested and shall see that all members receive at least twenty-four (24) hours' notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.
- (c) A quorum for the transaction of business at any regular or special meeting shall be **EIGHT** (8) members, including at least **THREE** (3) members of the Executive Committee.
- (d) Voting on motions shall be by a show of hands unless a motion is placed on the floor and seconded to have a secret ballot.
- (e) The order of business at regular membership meetings will be as follows:
  - 1. Equality Statement
  - 2. Recognition of Indigenous Lands
  - 3. Roll call of Officers
  - 4. Voting on new members and Initiation
  - 5. Reading of Minutes
  - 6. Matters arising
  - 7. Treasurer's report
  - 8. Communications and bills
  - 9. Executive Committee report
  - 10. Reports of committees and delegates
  - 11. Nominations, Elections, or Installations
  - 12. Unfinished business
  - 13. New business
  - 14. Good of the Union
  - 15. Adjournment

## SECTION 5 – VOTING OF FUNDS

Except for ordinary expenses and bills as approved at membership meetings, no sum under Seventy Five dollars (\$75.00) shall be voted for the purpose of a grant or contribution to a member or any cause outside CUPE, except by a notice of motion given in writing and dealt with at the following membership meeting.

#### **SECTION 6 – OFFICERS**

The officers of the Local shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, a Chief Steward responsible for the Corporation of the City of Welland and Chief Steward responsible for the Welland Public Library, and three (3) Trustees plus three (3) City unit stewards for the and two (2) Library unit stewards. All officers shall be elected by the membership.

#### SECTION 7 – EXECUTIVE COMMITTEE

- (a) The Executive Committee shall comprise all officers, except Stewards and Trustees.
- (b) The Executive Committee shall meet at least once every month.
- (c) A majority of the Committee 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 a membership meeting and having it approved.
- (e) The Committee shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees.
- (f) All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution.
- (g) Should any Committee member fail to answer the roll call for three consecutive regular membership meetings or three consecutive executive meetings without having submitted good reasons for those failures, their office shall be declared vacant and shall be filled by an election at the following membership meeting.

#### SECTION 8 – DUTIES OF OFFICERS

All Officers must give all properties, assets, funds and all records of the Local Union to their successors at the end of their term of office.

All signing Officers of the Local 1115 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.

- (a) The **President** shall:
  - Enforce the CUPE Constitution and these bylaws;
  - Preside at all membership and Executive Committee meetings and preserve order;
  - Decide all points of order and procedure (subject always to appeal to the membership);

- Have a vote on all matters (except appeals against their rulings) and in case of a tie vote in any matter, including elections and to avoid a situation of conflict, the local shall hold a second election/vote;
- Ensure that all officers perform their assigned duties;
- Fill committee vacancies where elections are not provided for;
- Introduce new members and conduct them through the initiation ceremony;
- Sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, bylaws, or vote of the membership;
- Be allowed necessary funds, not to exceed \$75.00 (seventy five dollars) monthly, to reimburse himself or any officers for expenses supported by vouchers, incurred on behalf of the Local;
- Have first preference as a delegate to the CUPE National Convention.

#### (b) The Vice-President shall:

- If the President is absent or incapacitated, perform all duties of the President;
- If the office of President falls vacant, be Acting President until a new President is elected;
- Render assistance to any member of the Committee as directed by the Executive Committee

#### (c) <u>The **Recording-Secretary** shall:</u>

- Keep full, accurate and impartial account of the proceedings of all regular or special membership and Executive Board meetings, these records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustees' reports;
- Record all alterations in the bylaws;
- Answer correspondence and fulfill other secretarial duties as directed by the Committee;
- File a copy of all letters sent out and keep on file all communications;
- Prepare and distribute all circulars and notices to members;
- Have all records ready on reasonable notice for auditors and Trustees;
- Preside over membership and Committee meetings in the absence of both the President and the Vice-President;

- Be empowered, with the approval of the membership, to employ necessary stenographic or other assistance to be paid for out of the Local's funds;
- On termination of office, surrender all books, seals and other properties of the Local to their successor.

## (d) The **Secretary-Treasurer** shall:

- Sign all cheques and ensure that the Local Union's fund are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences;
- Receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union;
- Prepare all CUPE 'per capita tax' (CUPE National and Ontario Division) forms and remit payment no later than the last day of the following month;
- Throughout their 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 disbursements, as well as records and supporting documents for all income received by the Local Union;
- Record all financial transactions in a manner acceptable to the Committee and in accordance with good accounting practices;
- Make a full financial report to meetings of the Local's Executive Committee, as well as a written financial report to each regular membership meeting, detailing all income and expenditures for the period;
- Be bonded through the master bond held by the National Office, and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office;
- Pay no money unless supported by a voucher duly signed by the President or Vice-President and approved by the membership except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated;
- Make all books available for inspection by the auditors and/or Trustees on reasonable notice, and have the books audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees;
- Provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE;

- Not later than February 28<sup>th</sup> each, furnish each member, on the forms supplied by the National Office, with a statement showing the net amount of tax-deductible dues paid by him during the preceding calendar year;
- Notify all members who are one month in arrears and report to the Committee all members two or more months in arrears in the payment of union dues;
- On termination of office, surrender all books, records and other properties of the Local to their successor.

#### (e) The **Trustees** shall:

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary and the Standing Committees bi-annually or twice every calendar year;
- Make a written report of their findings to the first membership meeting following the completion of each audit;
- 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;
- Be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
- Ensure that proper financial reports are made to the membership;
- Audit the record of attendance;
- Inspect at least 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;
- Send a copy of the completed audit report (on the prescribed form provided by the National Secretary-Treasurer), as well as a copy of their report to the Local Union membership along with a copy of their recommendations and/or concerns to the President and Secretary-Treasurer and the Secretary-Treasurer's response, to the National Secretary-Treasurer of the Canadian Union of Public Employees, with a copy to the assigned servicing representative.

## (f) The **Chief Steward** shall:

• Attend all grievance meetings as a delegate of such committee;

- Assist all stewards with the preparation of any and all grievances;
- Distribute any materials needed for grievance preparation;
- Liaise between all unit stewards and the City of Welland HR Department for matters arising from grievances;
- Keep the President and Vice-President informed of all on-going grievance enquiries from members.

## (g) The **City Unit Stewards and Library Unit Stewards** shall:

- Establish themselves with the members they represent;
- Look for problems that have not been brought to the attention of the union;
- Investigate every problem that is discovered;
- Try to resolve each problem brought to their attention;
- Involve members in resolving problems;
- Consult with Chief Steward on any and all grievances and/or enquiries;
- Work with executive to help keep the members informed and encourage involvement in activities.

## **SECTION 9 – HONORARIUMS**

The following honorariums shall be provided to the office of;

-	\$750.00
-	\$600.00
-	\$600.00
-	\$400.00
-	\$400.00
-	\$50.00/Audit
	- - - - -

These yearly honorariums shall be payable at the first regular membership meeting in September. If an executive member resigns before completing their term of office, their honorariums shall be pro-rated and the amount shall be shared with their successor.

## SECTION 10 – FEES, DUES, AND ASSESSMENTS

(a) <u>Initiation Fee</u>

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

- 1) Initiation fee collected
- 2) Receipt given
- 3) Union cards given
- 4) Sworn in
- 5) Accepted by membership
- (b) <u>Re-admittance Fee</u>

The re-admittance fee shall be five dollars.

(c) <u>Monthly Dues</u>

Monthly dues of Local 1115 shall be set by the membership. The bi-weekly dues shall be the sum of 1.5% of a regular hours pay up to a maximum of forty (40) hours per week.

Changes in the level of the Initiation Fee, the Re-admittance Fee, or the Monthly dues can be effected only by following the procedure for amendment of these bylaws (see Section 16), with the additional provision that the vote must be by secret ballot.

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

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

#### SECTION 11 – NON-PAYMENT OF DUES AND ASSESSMENTS

Any member in arrears for a period of three months or more shall be automatically suspended and their suspension shall be reported to the Executive Committee by the Secretary-Treasurer. The Executive Committee shall report to the next membership meeting with a recommendation. Any member under suspension wishing to be reinstated shall, upon application, pay the readmittance fee, 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 pay the re-admittance fee but may not be required to pay their arrears.

#### **SECTION 12 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS**

(a) <u>Nomination</u>

Nominations shall be received at the regular membership meeting held in the month of September. To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing. No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting their consent in writing, duly witnessed by another member. No member shall be eligible for nomination if they are in arrears of dues and/or assessments.

## (b) <u>Election</u>

- (1) At a membership meeting at least one month prior to elections, the President shall, subject to the approval of the members present, appoint an Elections Committee consisting of a Returning Officer and assistant(s). The committee shall include members of the Local who are neither officers nor candidates for office. It shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.
- (2) The Executive Committee shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
- (3) The Returning Officer shall be responsible for issuing, collecting, and counting ballots. They must be fair and impartial and see that all arrangements are unquestionably democratic.
- (4) The voting shall take place at the regular membership meeting in October. The vote shall be by secret ballot.
- (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 cast shall be required before any candidate can be declared elected. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary, until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.
- (7) When two or more nominees are to be elected to any office by vote, each member voting will be required to vote for the full number of candidates to be elected or the member's vote will be declared spoiled.
- (8) 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 (2) years alternating odd years as follows:

President, Recording Secretary and Chief Stewards then even years, Vice-President, Secretary-Treasurer and Unit Stewards, or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three (3) years without an election being called.

- (2) The terms of office for Trustees shall be as laid down in Article B.2.4 of the CUPE Constitution.
- (d) <u>By-Election</u>

Should an office fall vacant pursuant to Section 7 (g) of these bylaws 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, CONFERENCES, EDUCATIONALS

- (a) Except for the President's option [Section 8 (a)], all delegates to conventions shall be chosen by election at membership meetings.
- (b) Delegates to the Niagara District CUPE Council and the Welland Labour Council shall be elected annually. An official reporter for these delegates shall be appointed annually by the President from among these delegates, and they shall be required to report at each membership meeting of the Local on proceedings at recent meetings of the Council. If no member is elected the President and/or the Vice-President shall sit ex-officio.
- (c) All delegates elected to the conventions held inside or outside of the Niagara Region shall be paid transportation expenses at the mileage rate set by the employer or (at economy, tourist or coach rates) whichever is the lesser, for expenses, and an amount equal to any loss of salary incurred by attendance at the convention. Expenses shall be reimbursed after the submission of sales receipts have been submitted.
- (d) Delegates to conventions held locally shall be paid for their expenses supported by receipts. There shall be an allowance of compensation for any loss of salary incurred by attendance at the convention.
- (e) Representation at educational institutes and seminars shall be on the recommendation of the Education Committee, subject to final approval by the membership.

## **SECTION 14 – COMMITTEES**

(a) <u>Negotiating Committee</u>

This shall be a special ad hoc committee established at least four (4) months prior to the expiry of the Local's collective agreement and automatically disbanded when a new collection 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 the President, Vice-President and three (3) members (three full-time and one alternate), elected at a membership meeting for the City unit and President and two (2) members (two full-time and one alternate) for the Library unit. The CUPE 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.

#### (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 Committee. Two (2) members of the Committee may sit on any special committee as ex-officio members.

## (c) <u>Standing Committees</u>

The Chairperson of each standing committee shall be elected by the members at a membership meeting. The Chairperson and the Executive Committee 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. There shall be two standing committees as follows:

#### (1) Grievance Committee

This committee shall process all grievances not settled at the initial stage and its reports shall be submitted first to the Executive Committee, 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 comprised of the elected President, Vice-President and applicable Chief Steward from the City Unit for the Corporation of the City of Welland grievances and Chief Steward from the Library Unit for the Welland Public Library grievances and (if needed) the effected unit steward for either the City Unit or the Library Unit. The committee may appoint its secretary from among its members.

#### (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 Committee;
- 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 Executive Committee in preparing press releases and other publicity material;
- Co-operate with the Union Development Department (Education) and Communications Branch of CUPE, and with the regional education representative, in implementing both the Local's and CUPE's policies in these fields. The committee shall comprise between three (3) and five (5) members and shall appoint its secretary from among its members.

## **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 bylaws as Appendix "A". These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws.

In situations not covered by Appendix "A", the CUPE Constitution may provide guidance, but, if the situation is not dealt with there, <u>Bourinot's Rules of Order</u> shall be consulted and applied.

## **SECTION 16 – AMENDMENTS**

- (a) These bylaws 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 bylaws shall not be amended, added to, or suspended except upon a two-thirds 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.
- (c) No change in these bylaws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President.

## APPENDIX "A" TO THE BYLAWS OF CUPE LOCAL 1115

# RULES OF ORDER

- 1. 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 Recording Secretary shall act as President, and in their absence a President pro-term shall be chosen by the Local.
- 2. No member, except the Chairperson of a committee making a report or the mover of a resolution, shall speak more than five (5) minutes, or more than once on the same question without the consent of the meeting or until all who to speak have had an opportunity. Chairpersons and movers of a resolution shall be limited to fifteen (15) minutes, except with the consent of the meeting.
- 3. The President shall state every question coming before the Local, and before allowing the debate thereon, and again immediately before putting it to a vote, shall ask: "Is the Local ready for the question?" Should no member rise to speak, the question shall then be put.
- 4. A motion to be entertained by the presiding officer must be moved and seconded; both mover and second must rise and be recognized by the chair.
- 5. A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
- 6. On motion, the regular order of business may be suspended by a two-thirds (2/3) vote of those present, to deal with any urgent business.
- 7. All resolutions and motions other than those named in Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being put to the Local.
- 8. At the request of any members, and upon a majority vote of those present, a question may be divided when the sense will admit of it.
- 9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
- 10. When a member wishes to speak on a question or to make a motion, they shall rise in their place, and respectfully address the president officer, but, except to state that they rises to a point of order or on a question of privilege, they shall not proceed further until recognized by the chair.

- 11. 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.
- 12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection on the Local or member thereof.
- 13. If a member, while speaking, is called to order, they shall cease speaking until the point is determined; if it is decided they are in order, they may again proceed.
- 14. No religious discussion shall be permitted.
- 15. The President shall take no part in debate while presiding, but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
- 16. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, they may in addition give a casting vote, or, if they choose, refrain from breaking a tie, in which case the motion is lost.
- 17. When a motion is before the Local, no other motion shall be in order except (1) to adjourn (2) to put the previous question (3) to lay on the table (4) to postpone for a definite time (5) to refer (6) to divide or amend, which motions shall have precedence in the order named. The first three (3) of these shall be decided without debate.
- 18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be now put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
- 19. A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
- 20. A motion to adjourn, having been put and lost, shall be not be in order again, if there is further business before the Local, until fifteen minutes have elapsed.
- 21. After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.
- 22. If any member wishes to challenge (appeal) a decision of the chair, they 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 their challenge. The Chairperson may then state briefly the basis for their decision, following which the Chairperson shall immediately and without debate put

the question: "Shall the decision of the chair be sustained?" A majority vote shall decide except that in the event of a tie the chair is sustained.

- 23. After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
- 24. No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of officers, or the taking of a vote; and no member shall be allowed to leave without the permission of the Vice-President.
- 25. The Local's business and proceedings of meetings, are not to be divulged to any persons outside the Local or the Canadian Union of Public Employees.