



## **BYLAWS**

**CANADIAN UNION OF PUBLIC EMPLOYEES  
LOCAL 4270**

**EMPLOYEES OF  
SOUTHERN HEALTH-SANTÉ SUD**

**Approved by Membership: September 25, 2014  
Approved by National: March 9, 2015**

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# Equality Statement

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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 sisters and brothers deserve dignity, equality and respect.



PAUL MOIST  
National President



CHARLES FLEURY  
National Secretary-Treasurer

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## **PREAMBLE**

In order to improve the social and economic welfare of its members without regard to sex, colour, race or creed, national or ethnic origin, marital or family status, sexual orientation, family relationship, mental or physical disability, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, this Local 4270 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. 4270.

## **SECTION 2 - OBJECTIVES**

The objectives of the Local are to:

- (a) secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
- (b) support CUPE in reaching the goals set out in Article II of the CUPE Constitution;
- (c) provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (d) encourage the settlement by negotiation and mediation of all disputes between the members and their employers;
- (e) eliminate all forms of harassment including but not limited to sexual and racial harassment and harassment based on sexual orientation, wherever it exists;
- (f) establish strong working relationships with the public we serve and the communities in which we work and live.

## **SECTION 3 - INTERPRETATION AND DEFINITIONS**

- (a) Masculine pronouns shall be understood to include the feminine gender.

- (b) Numbers of articles at the end of sections or sub-sections refer to relevant articles of the CUPE Constitution which should be read in conjunction with the bylaws.

**SECTION 4 - TABLE OFFICERS, CENTRAL COUNCIL AND FACILITY MEETINGS - REGULAR AND SPECIAL**

- (a) Table Officers shall meet monthly.
- (b) Central Council meetings shall be held twice a year. Delegate representation from each Facility Unit shall be as follows:

0 - 50 members	2 delegates
51 - 100 members	4 delegates
101 - 150 members	6 delegates
151 or more	8 delegates

Any member in good standing but not a delegate from their Facility shall be entitled to attend Central Council meetings with voice but no vote.

- (i) Regular Central Council meetings shall, whenever possible, be held in April and October, rotating as determined by the Executive Board. The Executive Board shall give four (4) weeks' notice to time, place and date of all Central Council membership meetings.
- (ii) Special Central Council meetings may be ordered by the Table Officers or requested in writing by no fewer than fifteen (15) members. The President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least two (2) weeks' 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.
- (iii) Quorum

Central Council Meetings: A quorum or at least twelve (12) members including three (3) members of the Executive Board, two (2) of which must be Table Officers are needed to conduct any regular or special Central Council meeting. Where a quorum cannot be met, a motion from the floor to continue any non-voting business shall be considered. All other business that cannot be put into abeyance shall be forwarded to the Executive Board.

Executive Board Meetings

The Executive consists of twenty-one (21) facility vice-presidents and five (5) Table Officers. A quorum of at least ten (10) including two (2) Table Officers shall be required to conduct any regular business of the Executive Board.

### Facility Meetings

Site quorums should be five (5) members, including the Facility Vice-President or the Facility Chief Shop Steward or the Shop Steward.

- (iv) The usual order of business at Central Council meetings is as follows. They may be amended as required by the Executive Board:

- (A) Read Equality Statement
- (B) Roll Call of Officers
- (C) Voting on New Members and Initiation
- (D) Reading of Minutes
- (E) Matters Arising
- (F) Treasurer's Report
- (G) Communications and Bills
- (H) Executive Committee Reports and Recommendations
- (I) Reports of Committees and Delegates
- (J) Facility Meeting Reports
- (K) Nominations, Elections, or Installations
- (L) Unfinished Business
- (M) New Business
- (N) Good of the Union
- (O) Adjournment

(c) Facility Meetings

- (i) Facility membership meetings shall be called bimonthly by the facility Vice-President, except for the months of July and August. Notice and agenda of such meeting will be posted one (1) week in advance on bulletin board. Additional meetings can be called by the facility Vice-President with forty-eight (48) hours' notice to all members.

- (ii) Facility meetings shall be held in the following centres:

- Boyne Lodge/Carman Memorial Hospital - Carman
- Lions Prairie Manor/Southport Clerical - Portage la Prairie

The members in the above facilities may hold joint meetings.

- (iii) Members would attend facility meetings scheduled for their place of employment only to discuss matters pertaining to the local.
- (iv) Officers of the Local shall be entitled to attend all facility meetings.

## **SECTION 5 - OFFICERS**

As per Section 12, the Officers of the Local shall be the President, 1<sup>st</sup> Vice-President, 2<sup>nd</sup> Vice-President, Secretary-Treasurer, Recording Secretary, and three (3) Trustees.

(a) **Facility Vice-Presidents, Chief Shop Stewards, and Assistant Chief Shop Steward**

The membership of each of the following facilities shall elect and be represented by one (1) Facility Vice-President, one (1) Chief Shop Steward and one (1) Assistant Chief Shop Steward for each one hundred (100) members at the facility or portion thereof:

- Altona Community Memorial Health Centre - Altona
- Bethesda Hospital/East Borderland Primary Health Care - Steinbach
- Bethesda Place - Steinbach
- Boundary Trails Health Centre - Morden/Winkler
- Boyne Lodge/Carman Memorial Hospital - Carman
- DeSalaberry District Health Centre/Repos Jolys - St. Pierre-Jolys
- Douglas Campbell Lodge - Portage la Prairie
- Emerson Hospital - Emerson
- Lions Prairie Manor - Portage la Prairie
- Lorne Memorial Hospital - Swan Lake
- MacGregor and District Health Centre - MacGregor
- Notre Dame Medical Nursing Unit - Notre Dame de Lourdes
- Pembina-Manitou Health Centre - Manitou
- Portage District General Hospital/Southport Clerical - Portage la Prairie
- Red River Valley Health District - Morris
- Rock Lake Health District/Prairie View Lodge/Medical Clinic - Pilot Mound
- Seven Regions Health Centre - Gladstone
- St. Claude Hospital - St. Claude
- Ste. Anne Hospital - Ste. Anne
- Tabor Senior Citizen's Home - Morden
- Vita & District Health Centre/Whispering Pine Lodge - Vita

These facility representatives shall be elected at Facility meetings held in the month of April.

Should a position as listed above fall vacant during the term of office, the President shall be authorized to fill the vacant position temporarily until a by-election can be held.

## **SECTION 6 - EXECUTIVE BOARD**

- (a) The Executive Board shall comprise all Officers, except Trustees, Chief Shop Stewards and Assistant Chief Shop Steward. Where the Facility Vice-President is unable to attend Executive Board meetings, the Facility Chief Shop Steward may attend as their alternate.

- (b) It shall meet in September, December, March, and June on the first Wednesday of the month.
- (c) A majority of the Board constitutes a quorum.
- (d) The Executive Board may grant paid Union Leave to members deemed necessary by the Executive Board.
- (e) 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.
- (f) The 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.
- (g) Should any Board member fail to answer the roll-call for three (3) consecutive Executive Board meetings without having submitted good reasons for those failures, his/her office shall be declared vacant and shall be filled by an election at the following membership meeting.
- (h) The officers shall be elected at the April membership meeting of the Local. The Facility Vice-President shall be elected during the month of April for effective date of office to be May 1<sup>st</sup>.
- (i) The terms of office for all officers shall be for two (2) years. President, Secretary-Treasurer, Facility Chief Shop Stewards, and Assistant Chief Shop Stewards shall be elected in even years. The Recording Secretary, 1<sup>st</sup> Vice-President, 2<sup>nd</sup> Vice-President, and Facility Vice-Presidents shall be elected in odd years. A Trustee will be elected each year for a term of three (3) years.
- (j) The Executive Board will conduct all business of the Local union deemed necessary between Central Council meetings including the spending funds for budgeted expenses, bills and, for sums under five hundred dollars (\$500), for purpose of grants or contribution to a cause outside of CUPE. Grants or contributions outside of CUPE over five hundred dollars (\$500) must be dealt with at a Central Council meeting.

## **SECTION 7 - DUTIES OF OFFICERS**

- (a) The President shall be a full-time officer and shall.
  - (i) be bonded through the master bond held by National Office, any President who cannot qualify for the bond shall be disqualified from office;
  - (ii) enforce the CUPE Constitution and these bylaws;



- (iii) preside at all Central Council and Executive Board meetings and preserve order;
  - (iv) decide all points of order and procedure (subject always to appeal to the Local membership);
  - (v) have a vote on all matters (except appeals against his rulings) and in case of a tie vote in any matter, including elections, have the right to cast an additional vote to break the tie;
  - (vi) attend Labour/Management Committee meetings when required;
  - (vii) ensure that all officers perform their assigned duties;
  - (viii) ensure that all committee vacancies are filled where elections are not provided for;
  - (ix) sign all approved expense vouchers;
  - (x) introduce new members and conduct them through the initiation ceremony;
  - (xi) be ex-officio on all committee meetings with voice but no vote;
  - (xii) sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, bylaws, or vote of the Local membership;
  - (xiii) have first preference as a delegate to the CUPE National or Provincial Convention;
  - (xiv) represent the majority decision of the Executive Board or the Local membership at all times;
  - (xv) perform any other duties assigned by the Executive Board or the Local membership;
  - (xvi) on termination of office, immediately surrender all books, records, and other properties of the Local to their duly elected successor;
  - (xvii) adhere to the Guidelines for Grievance Procedures.
- (b) The 1<sup>st</sup> Vice-President shall:
- (i) if the President is absent or incapacitated, perform all the duties of the President;
  - (ii) if the office of President falls vacant, be Acting President until a President is elected by the Central Council at the next regular membership meeting;

- (iii) adhere to the Guidelines for Grievance Procedures;
  - (iv) be authorized as a signing officer in the absence of the President;
  - (v) sign all approved expense vouchers;
  - (vi) be bonded through the master bond held by National Office, any Vice-President who cannot qualify for the bond shall be disqualified from office;
  - (vii) render assistance to any member of the Board as directed by the Board;
  - (viii) perform any other duties assigned by the Executive Board or the Local membership;
  - (ix) on termination of office, immediately surrender all books, records, and other properties of the Local to their duly elected successor;
  - (x) in absence of President, the 1<sup>st</sup> Vice-President may be authorized to sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, bylaws, or vote of the Local membership.
- (c) The 2<sup>nd</sup> Vice-President shall:
- (i) adhere to the Guidelines for Grievance Procedures;
  - (ii) be bonded through the master bond held by National Office, any Vice-President who cannot qualify for the bond shall be disqualified from office;
  - (iii) render assistance to any member of the Board as directed by the President;
  - (iv) perform any other duties assigned by the Executive Board or the Local membership;
  - (v) on termination of office, immediately surrender all books, records, and other properties of the Local to their duly elected successor;
  - (vi) guard the inner door at Central Council meetings and admit no one but members in good standing or officers and officials of CUPE except on the order of the President and by the consent of the members present; keep records of delegates representing Facilities at Central Council meetings;
  - (vii) maintain the record of membership attendance at meetings with an attendance book supplied by and being the property of Local 4270.

- (d) The Recording Secretary shall:
- (i) be bonded through the master bond, held by National Office, any Recording Secretary who cannot qualify for the bond shall be disqualified from office;
  - (ii) keep full, accurate and impartial account of the proceedings of all Central Council membership, board meetings. All motions moved and seconded shall be recorded by number;
  - (iii) submit a written copy of all minutes to the next Executive Board or Central Council meeting;
  - (iv) record all alterations in the bylaws;
  - (v) answer correspondence and fulfil other secretarial duties as directed by the Board;
  - (vi) file a copy of all letters sent out and keep on file all communications;
  - (vii) notify all new members of their obligation to be sworn in at a membership meeting;
  - (viii) prepare and make available all circulars and notices to members;
  - (ix) have all records ready on reasonable notice for auditors and Trustees;
  - (x) preside over Central Council meetings in the absence of both the President and the Vice-Presidents;
  - (xi) 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;
  - (xii) keep accurate minutes of all grievance meetings they attend with or for the grievor at Board meetings;
  - (xiii) read out the names of new members to each Central Council meeting;
  - (xiv) perform any other duties as assigned by the Executive Board or the Local membership;
  - (xv) on termination of office, surrender all books, seals, and other properties of the Local to his/her successor.

- (e) The Secretary-Treasurer shall:
- (i) 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;
  - (ii) prepare a yearly budget for consideration of the delegates attending Central Council;
  - (iii) prepare all CUPE National per capita tax forms and remit payment no later than the last day of the following month;
  - (iv) throughout his/her term, and on behalf of the Local Union membership, be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or vouchers for every disbursement made, receipts for all money sent to CUPE headquarters, as well as records and supporting documents for all income received by the Local Union;
  - (v) record all financial transactions in a manner acceptable to the Board and in accordance with good accounting practices;
  - (vi) regularly make a full financial report to meetings of the Local's Executive Board, as well as a written financial report to each regular membership meeting, detailing all income and expenditures for the period;
  - (vii) 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;
  - (viii) pay no money unless supported by a voucher duly signed by the President and one (1) other member of the Board or any two (2) other members of the Board, except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated;
  - (ix) 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;
  - (x) provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE;
  - (xi) submit the necessary financial and compensation information to the Manitoba Labour Board;
  - (xii) file necessary documentation with the Manitoba Labour Board as required;

- (xiii) complete and return all forms requested by CUPE National Office such as dues survey;
  - (xiv) be empowered, with the approval of the membership, to employ necessary clerical assistance to be paid for out of the Local's funds;
  - (xv) on termination of office, surrender all books, records and other properties of the Local to his successor;
  - (xvi) receive all current Local unions' accounts;
  - (xvii) in February of each year, the Secretary-Treasurer shall deposit in each facility account a minimum of two percent (2%) of the total dues received from the employer for that facility membership in the previous November to October period. This rebate shall be reviewed on a yearly basis at the October Central Council meeting;
  - (xviii) be authorized to sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, bylaws, or vote of the Local membership.
- (f) The Facility Vice-President shall:
- (i) be bonded through the master bond, held by National Office;
  - (ii) attend all Labour/Management meetings for the facility that they represent;
  - (iii) ensure CUPE is represented on the workplace OS&H Committee by election or if necessary by appointment;
  - (iv) present to the Executive Board the names of the Shop Stewards and workplace OS&H representatives;
  - (v) call and chair all facility meetings and act as a representative for their facility and bring opinions and concerns of their members to the Executive Board meetings;
  - (vi) post notices for all union activities and meetings endorsed by the Local at least seven (7) days prior, whenever possible;
  - (vii) with the help of the Shop Stewards, maintain an updated list and co-ordinate a workplace communication system and phone fan-out list for the facility they represent;
  - (viii) perform any other duties assigned by the Executive Board or membership;

- (ix) verify all authorized union leaves of absence for the facility they represent and forward a copy of such to the Treasurer;
  - (x) adhere to the Guidelines for Grievance Procedures;
  - (xi) generally know and enforce the collective agreement and provincial or federal legislation affecting labour;
  - (xii) greet and ensure new employees are signed up, encourage the participation of all members of the unit in union activity and meet new employees at facility orientation;
  - (xiii) provide communications and information from the members in the unit to the Executive Board;
  - (xiv) maintain daily contact with the members to provide on-going union awareness and education;
  - (xv) each Facility Vice-President shall have the authority to select in consultation with the membership in their own facility Shop Stewards;
  - (xvi) on termination of office, immediately surrender all books, records and other properties of the Local to their duly elected successor;
  - (xvii) responsible to notify members who the executive is for the term.
- (g) The Chief Shop Stewards shall:
- (i) be bonded through the master bond, held by National Office, any Recording Secretary who cannot qualify for the bond shall be disqualified from office;
  - (ii) act as the Chief Shop Steward for the facility that they represent;
  - (iii) set up Shop Steward system in their facility and delegate activities to the Assistant Chief Shop Steward;
  - (iv) prepare, and present grievances at the initial level;
  - (v) attend all grievance meetings where required between Union and Management when dealing with grievances from their appointed area in their facility;
  - (vi) act as a representative for their area and bring the opinions and concerns of their members to the Facility Vice-President;
  - (vii) generally know and police the collective agreement and provincial or federal labour legislation;

- (viii) greet and ensure new employees are signed up, and encourage the participation of all members of the unit in union activity;
  - (ix) provide communications and information to and from the members in the unit, including distribution of union literature and newspapers utilizing workplace communicators or Shop Steward;
  - (x) maintain contact with the members to provide ongoing union awareness and education;
  - (xi) perform such other duties as may be assigned by the Executive Board or membership;
  - (xii) on termination of office, immediately surrender all books, records and other properties of the Local to their successor.
- (h) The Assistant Chief Shop Steward shall:
- (i) assist the Chief Shop Steward in all delegate functions.
- (i) The Trustees shall:
- (i) act as an auditing committee on behalf of the members, in accordance with the policies of the National Constitution and conduct an independent audit of the books and accounts of the Treasurer, and Facility Units every year;
  - (ii) make a written report of their findings to the first membership meeting following the completion of the audit;
  - (iii) 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;
  - (iv) be responsible to ensure that monies are not paid out without proper Constitutional or membership authorization;
  - (v) ensure that proper financial reports are made to the membership;
  - (vi) audit the record of attendance;
  - (vii) 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;

- (viii) 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.

**SECTION 8 - EXPENSES**

(a) Paid Leaves of Absence

- (i) (A) The Executive Board officers shall receive a paid leave of absence for all Executive meetings as required.
- (B) The Table Officers shall receive a paid leave of absence, if necessary, for all Central Council meetings.
- (ii) All persons requiring union paid leaves of absence must fill in a form with all information and submit to the Local Recording Secretary.
- (iii) Members will be paid an amount equal to any loss of salary, applicable per diem and receipted expenses, if any, incurred while attending to the Local's business. The Union shall reimburse the Employer for all authorized union leaves.

(b) Out-of-pocket expenses to be as per the CUPE Local 4270 membership approved per diem:

Full Day	\$30
Extended Day	65
Out-of-Province Overnight	85

Extended Day will be defined as any day over seven (7) hours, including overnight.

- (c) Lodging and parking/transportation expenses while attending union business to be covered by the Local (receipt required). Whenever possible, the Local shall pay these expenses directly.
- (d) Mileage: fifty-two cents (52¢) per kilometre or the provincial rate, whichever is higher, for the use of a member's personal vehicle, or actual travel costs.
- (e) Child care: up to thirty-five dollars (\$35) a day per child. Receipts required.



(f) Honorariums shall be as follows for executive officers:

Offices held for the full year will be paid in May. The only exception is when the offices are held for part of the year. It will then be paid out for the time it is held only when that person submits a letter of resignation, indicating the resignation date, to the Secretary-Treasurer.

President	Two hundred dollars (\$200) per month
1 <sup>st</sup> Vice-President	Two hundred dollars (\$200) per month
2 <sup>nd</sup> Vice-President	Two hundred dollars (\$200) per month
Recording-Secretary	Two hundred dollars (\$200) per month
Secretary-Treasurer	Two hundred dollars (\$200) per month
Facility Vice-Presidents	Six hundred dollars (\$600) per year
Facility Chief Shop Stewards	Two hundred fifty dollars (\$250) per year
Facility Assistant Chief Shop Stewards	One hundred twenty-five dollars (\$125) per year
Trustees	Fifty dollars (\$50) per audit

Honoraria, if any, for Shop Stewards shall be determined and paid by the Facility Units.

(g) Expenses for Central Council meetings:

- (i) No per diem is paid to attend meetings.
- (ii) Lost wages will only be paid to Table Officers required to attend meetings.
- (iii) Car allowance of forty-five dollars (\$45) per facility will be paid when meeting is attended by members of that facility except for those who reside in the area where the meeting is held. Where second and subsequent vehicles are required due to the number of members attending from any one site, then a car allowance of forty-five dollars (\$45) per vehicle will be paid.

**SECTION 9 - FEES, DUES AND ASSESSMENTS**

(a) Monthly Dues

- (i) The membership dues shall be the total amount payable by Local 4270 to the National Union plus dues payable to Local 4270.
  - (A) The per capita payable by Local 4270 to the National Union is in accordance with the Constitution passed at the National Convention (presently .85%).

- (B) Should the National Defence Fund fall below the levels as noted in the National Constitution and the automatic assessment is levied, the Local Union dues will be adjusted accordingly and shall remain in place at such time as prescribed by the National Constitution.
- (C) The Local Union dues shall be 1.15% over the per capita payable to the National Union, currently .85%.
- (ii) The Local Union shall have its dues remitted by direct dues remittance from the Employer to the National Secretary-Treasurer's Office.
- (iii) Employees granted leave of absence under the terms of the Union contract shall maintain full membership in the Union during their period of absence.

Dues will not be collected from employees on maternity leave, unpaid leave of absence, or LTD. Dues will be collected from employees on paid leave of absence and Workers' Compensation contributions made by the Employer.

- (iv) Special assessments may be levied in accordance with Article B.4.2 of the CUPE Constitution.
- (v) Payment of initiation fees is a tangible confirmation of the desire to become a member of your Local Union and the Canadian Union of Public Employees. Each application for membership in the Local Union will be directed to the Secretary-Treasurer and will be accompanied by an initiation fee of one dollar (\$1) 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.

#### **SECTION 10 - VOTING OF FUNDS**

- (a) (i) Expenditures shall only be for the purposes of the Local or facility membership and, in all cases, shall be by cheque signed by the Treasurer and the President. In their absence, the 1<sup>st</sup> Vice-President of the Local may act as signing officer.
- (ii) All expenditures and budgets shall be approved by the membership at a Central Council or facility meeting or as deemed necessary by the Executive Board.
- (iii) In the case of regular monthly per capita taxes or affiliation fees, the Treasurer shall pay such per capita taxes or affiliation fees without obtaining prior approval by the membership, providing such approval by the membership for such affiliation or per capita taxes was given at time of affiliation to the particular organization.

## **SECTION 11 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS**

### (a) Nominations

- (i) Nominations and elections shall take place at the annual membership meeting held in April, with officer to take over his/her office in May. To be eligible for nomination a member shall be in good standing and shall have attended fifty percent (50%) of the Central Council meetings in the year prior to election. No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting his/her consent in writing.
  - (A) The President, Vice-Presidents, Recording Secretary, Trustees and Secretary-Treasurer shall be elected at large in the month of April. The elected officers will assume their office effective immediately.
  - (B) To be eligible for election the Facility Vice-Presidents, Chief Shop Stewards, and Assistant Chief Shop Stewards shall be employed at the Facility and shall be nominated and elected at Facility meeting.
- (ii) Additional Facility Shop Stewards shall be selected or appointed according to Facility membership wishes.

### (b) Elections

- (i) At a Local meeting prior to election day, the President shall, subject to the approval of the members present, appoint an Elections Committee consisting of a Returning Officer and assistant(s). The Committee shall include members of the Local who are neither officers nor candidates for office. It shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.
- (ii) The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
- (iii) 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.
- (iv) The voting shall take place by ballot amongst all members in attendance.
- (v) A simple majority of votes cast shall be required before any candidate can be declared elected, and a second and subsequent ballot shall be taken, if necessary, to obtain a majority. On the second and subsequent ballot the candidate receiving the lowest number of votes in the previous ballot shall be dropped.

- (vi) When two (2) or more nominees are to be elected by ballot, each member voting shall be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
  - (vii) Any member may request a recount of the votes for any election and a recount shall be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as per Section 4 (b).
  - (viii) Each candidate may appoint a scrutineer for the purpose of vote counting;
  - (ix) No proxy vote shall be allowed.
  - (x) In order to run for office, the member must have attended fifty percent (50%) of the facility meetings in the previous twelve (12) months.
- (c) By-Election
- (i) Should an office fall vacant pursuant to Section 6 (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.
  - (ii) When vacancies occur between the annual elections or when there are insufficient nominees for the various elected positions, the following procedure will take place:
    - (A) The 1<sup>st</sup> Vice-President shall be Acting President until the next meeting where elections for a new President will take place.
    - (B) If a vacancy occurs on the Executive Board, the Officers shall be empowered to appoint members to fill the vacancy until the next meeting where elections will take place.

## **SECTION 12 - RETURNING OFFICER**

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

## **SECTION 13 - COMMITTEES**

Committees appointed by the Executive Board are subject to approval by Local membership.

(a) Special Committees

A special ad hoc committee may be established for a specified purpose and period by the membership at a meeting. The members shall be elected at the same or another membership meeting or may, by specific authorization of the membership, be appointed by the President or the Executive Board. Two (2) members of the Board may sit on any special committee as ex-officio members.

(b) Local Union Grievance Committee

The Committee shall be comprised of the President, 1<sup>st</sup> Vice-President, the Facility Vice-President, and the Facility Chief Shop Steward. The Facility Vice-President or the Facility Chief Shop Steward shall act on behalf of the grievor through Step 1 and Step 2 of the Collective Bargaining Agreement. The Facility Vice-President or Facility Chief Shop Steward may seek advice from the President or 1<sup>st</sup> Vice-President. At all stages, the Facility Vice-President or Facility Chief Shop Steward shall keep the President or 1<sup>st</sup> Vice-President informed of any ongoing grievance activity. Copies of any written grievance shall be forwarded to the President, 1<sup>st</sup> Vice-President as well as the National Staff Representative

(c) Social Committee

The Committee will be formed at the Central Council meeting in April of each year and will consist of no more than six (6) members.

It is the function of this Committee to arrange and conduct social and recreational activities of the Local.

The Committee shall submit reports and proposals to the Executive Board or to the membership as required.

(d) Bargaining Committee

The Bargaining Committee shall be comprised of the Table Officers. It is the function of this Committee to receive bargaining proposals, review proposals, present to the general membership for approval, and negotiate on behalf of the Local, with the assistance of the National Staff Representative.

## **SECTION 14 - CONVENTIONS, CONFERENCES, SCHOOLS - FINANCIAL AND SUPPORT**

- (a) The Local's Education Committee, which is comprised of the Table Officers, shall select delegates for conventions, schools, and conferences equitably as possible from all facilities, subject to budget allocations.

- (b) Members from all facilities will be encouraged and financially supported for attendance at schools on an equitable basis subject to budget allocations.

### **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, Bourinot's Rules of Order shall be consulted and applied.

### **SECTION 16 - AMENDMENT**

- (a) These Bylaws are always subordinate to the CUPE National 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 National Constitution, the latter shall govern. Constitutional interpretation, including determination of conflicts, is in the prerogative of the National President.
- (b) 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.
- (c) Any member may present to the Local Executive, in writing, any proposed amendment or alteration to the Constitution (these Bylaws) and after being read at one (1) Central Council meeting it shall lay over to the next regular Central Council meeting and in the interval between the two (2) meetings the proposed amendment or alteration shall be posted on the Local Union bulletin boards. The amendment or alteration shall be voted on at the meeting following its presentation to the Local. If it receives a majority vote of the members present, it shall then be adopted by the Local, subject to (b) above.

**APPENDIX "A"****RULES OF ORDER**

1. The President, or in his absence, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President and the Vice-President the Recording Secretary shall act as President, and in his/her absence a President pro-tem shall be chosen by the Local.
2. No member, except the Chairperson of a committee making a report or the mover of a resolution, shall speak more than five (5) minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had an opportunity. Chairpersons and movers of a resolution shall be limited to fifteen (15) minutes, except with the consent of the meeting.
3. The President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask: "Is the Local ready for the question?" Should no member rise to speak, the question shall then be put.
4. A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
5. A motion to amend or to amend an amendment shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
6. On motion, the regular order of business may be suspended by a two-thirds ( $\frac{2}{3}$ ) 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 member, and upon a majority vote of those present, a question may be divided when the sense will admit of it.
9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
10. When a member wishes to speak on a question or to make a motion, he/she shall rise in his place and respectfully address the presiding officer, but, except to state that he rises to a point of order or on a question of privilege, he/she shall not proceed further until recognized by the chair.

11. When two (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, he/she shall cease speaking until the point is determined; if it is decided he/she is in order, he/she may again proceed.
14. No religious discussion shall be permitted.
15. The President shall take no part in debate while presiding, but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
16. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he/she may in addition give a casting vote, or if he/she chooses, refrain from breaking the tie, in which case the motion is lost.
17. When a motion is before the Local, no other motion shall be in order except (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 named. The first three of these shall be decided without debate.
18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be 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 (a) when a member has the floor; and (b) when members are voting.
20. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen (15) minutes have elapsed.
21. After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.



22. If any member wishes to challenge (appeal) a decision of the chair, he/she must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for his/her challenge. The Chairperson may then state briefly for the basis his 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.

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