

BY-LAWS
for
CUPE 926

APPROVED
BY NATIONAL

Oct 5/92

P R E A M B L E

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

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.

SECTION 1 - NAME

The name of this Local shall be: Canadian Union of Public Employees, Local No. 926 (Sir Wilfrid Laurier University, Waterloo, Ontario).

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 Art. 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.

SECTION 3 - INTERPRETATION & DEFINITIONS

- (a) Masculine pronouns shall be understood to include the feminine gender.
- (b) Numbers of Articles at the end of sections or subsections refer to relevant articles of the CUPE Constitution (1991) which should be read in conjunction with these By-Laws.

SECTION 4 - MEMBERSHIP MEETINGS - Regular and Special

- (a) Regular membership meetings shall be held each month on the first Tuesday at 8:30 p.m. If a statutory holiday intervenes the Executive Board 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 Board 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 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 twelve (12) members, including at least three (3) members of the Executive Board.

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

1. Roll Call of Officers
2. Voting on new members and initiation
3. Reading of Minutes
4. Matters arising
5. Treasurer's Report
6. Communications and Bills
7. Executive Committee Report
8. Reports of Committees and Delegates
9. Nominations, Elections, or Installations
10. Unfinished Business
11. New Business
12. Good of the Union
13. Adjournment

(Article B.VIII)

SECTION 5 - VOTING OF FUNDS

Except for ordinary expenses and bills as approved at membership meetings, no sum over fifty dollars 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. (Art. B.4.4)

Ordinary expenses may include rent for meeting space, photocopying, office supplies and wage replacement for time off on union business.

SECTION 6 - OFFICERS

The Officers of the Local shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, three (3) Trustees, Sgt.-at-Arms and Chief Steward. All Officers shall be elected by the membership. (Articles B.2.1. & B.2.3.)

SECTION 7 - EXECUTIVE BOARD

- (a) The Executive Board shall comprise all officers, except Trustees. (Article B.2.2)
- (b) The Board shall meet at least once every month. (Article B.3.13)
- (c) A majority of the Board constitutes a quorum.

- (d) The Executive Officers shall hold title to any real estate of the Local as trustees for the Local. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and having it approved.
- (e) 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.
- (f) All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution. (Art.B.6.1 to B.6.7)
- (g) Should any Board member fail to answer the roll-call for three (3) consecutive regular membership meetings or four (4) regular Board meetings without having submitted good reasons for those failures, his office shall be declared vacant and shall be filled by an election at the following membership meeting.
(Article B.2.5)

SECTION 8 - DUTIES OF OFFICERS

- (a) The President shall:
- enforce the CUPE Constitution and these By-Laws;
 - preside at all membership and Executive Board 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 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;
 - 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, By-Laws, or vote of the membership;
- be allowed necessary funds, not to exceed \$25.00 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;
- sit on the Joint Pension and Benefits Committee of the University. He may appoint a designate if he so wishes.

(Article B.3.1)

(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 Board as directed by the Board.

(Article B.3.2)

(c) The Recording Secretary shall:

- keep full, accurate and impartial account of the proceedings of all regular or special membership and Board meetings;
- record all alterations in the By-Laws;
- answer correspondence and fulfil other secretarial duties as directed by the Board;
- 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 Board 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 his successor.

(Article B.3.3.)

(d) The Secretary-Treasurer shall:

- 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 National per capita tax forms and remit payment no later than the 15th day of each month;
- record all financial transactions in a manner acceptable to the Board and in accordance with good accounting practices;
- make a financial report to the local union monthly;
- pay no money unless supported by a voucher duly signed by the President and one other member of the Board or any two 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;
- make all books available for inspection by the auditors an/or Trustees on reasonable notice, and have the books audited semi-annually;
- provide the Trustees with any information they

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may need to complete the audit report forms supplied by CUPE;

- not later than February 28 each year, 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;
- be empowered, with the approval of the Membership, to employ necessary clerical assistance to be paid for out of the Local's funds;
- notify all members who are one month in arrears and report to the Board 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 his successor. (B.3.4. to B.3.9)

(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 semi-annually;
- report their findings to the first membership meeting following the completion of each audit;
- 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 twice 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;

- use audit forms supplied by the National Office and send a copy of each half-yearly audit to the National Secretary-Treasurer in accordance with the provisions of the CUPE Constitution.

(Articles B.3.10. to B.12)

(f) The Sergeant-at-Arms shall:

- guard the inner door at membership 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 consent of the members present;
- assist in maintaining the record of membership attendance at meetings;
- perform such other duties as may be assigned by the Board from time to time.

(g) The Chief Steward shall:

- chair the Grievance Committee and oversee the processing of all grievances;
- report to the Executive Board and Membership monthly on the status of all grievances and where applicable put forward all recommendations to the membership.

SECTION 9 - OUT-OF-POCKET EXPENSES

- (1) Honoraria are meant to be a token recognition of the services of the officers and to recompense them in part for the time which they have spent on behalf of the Local. It should in no way however, be regarded as a form of salary and should be nominal.
- (2) Honoraria will be paid out in two (2) instalments, half the amount in August and the other half in December.

- (3) The following honoraria shall be provided annually for elected Officers commencing in January, 1993:

President	\$300.00	
Vice-President	\$150.00	
Secretary-Treasurer	\$250.00	
Recording-Secretary	\$1500.00	
Trustees	\$100.00	- each, twice/yr.
Chief Steward	\$150.00	
Stewards	\$100.00	
Sgt.-at-Arms	\$ 50.00	

SECTION 10 - FEES, DUES, AND ASSESSMENTS

(a) Initiation Fee

Each application for membership in the Local shall be directed to the Secretary-Treasurer and shall be accompanied by an initiation fee of one dollar (\$1:00) which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt.
(Articles B.4.1 & B.10.2)

(b) Readmittance Fee

The readmittance fee shall be five dollars (\$5:00).
(Art. B.4.1. & B.11.2)

(c) Monthly Dues

The dues shall be \$13.50 per pay (bi-weekly) commencing in June, 1992.
(Art. B.4.3)

Changes in the levels of the Initiation Fee, the Readmittance Fee, or the Monthly Dues can be effected only by the following procedure for amendment of the By-Laws (See Sect. 16) with the additional provision that the vote must be by secret ballot.
(Articles B.4.1. & B.4.3)

Notwithstanding the above provisions, if the CUPE Convention raises 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 minima.

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

(d) Ontario Division

The Local shall be affiliated to CUPE Ontario.

SECTION 11 - NON-PAYMENT OF DUES AND ASSESSMENTS

Any member in arrears for a period of three (3) months or more shall be automatically suspended and his suspension shall be reported to the Executive Board by the Secretary-Treasurer. The Executive Board shall report to the next membership meeting with a recommendation.

However, any member under suspension wishing to be reinstated shall, upon application, pay the readmittance fee. If a member has been unemployed or unable to work because of LTD, Workers' Comp., parental leave in excess of one (1) month duration, he shall be forgiven payment of union dues for the duration of such leave and shall pay the readmittance fee upon his return to active duty. (Article B.11.1)

SECTION 12 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

(a) **Nomination**

Nominations shall be received at the regular membership meeting held biennially commencing in the month of February, 1992. To be eligible for nomination a member shall have attended at least fifty percent (50%) of the membership meetings held in the previous twelve months or in the period he was a member, if less than a year, unless a valid reason, acceptable to the Local, has been given for non-attendance. No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting his consent in writing, duly witnessed by another member. No member shall be eligible for nomination if he is in arrears of dues and/or assessments.

(b) **Elections**

- (1) At a membership meeting at least one (1) month 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.

- (2) The executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
- (3) The Returning Officer shall be responsible for issuing, collecting, and counting ballots. He must be fair and impartial and see that all arrangements are unquestionably democratic.
- (4) The voting shall take place at the regular membership meeting biennially commencing in the month of February, 1992.
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, and second and subsequent ballots shall be taken, if necessary, to obtain a majority. On the second and subsequent ballots the candidate receiving the lowest number of votes in the previous ballot shall be dropped. In case of a final tie vote, the presiding officer may cast the deciding vote.
- (7) When two or more nominees are to be elected to any office 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.
- (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 or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three (3) years. (Article B.2.4)
- (2) The terms of office for Trustees shall be as laid down in Article B.3.10 of the CUPE Constitution.

(d) By-Elections

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

SECTION 13 - DELEGATES TO CONVENTIONS

- (a) Except for the President's option (Section 8 (a)), all delegates to conventions shall be chosen by election at membership meetings.
- (b) All delegates elected to the conventions or functions held
 - within an eight km. (8km.) radius of the University shall receive a per diem allowance of thirty dollars (\$30:00) and no transportation allowance;
 - outside an eight km. (8km.) radius of the University shall be paid transportation expenses (at economy, tourist or coach rates), or where personal automobile transportation is used a twenty-seven cent (27/) per km. allowance to the driver and a per diem allowance of fifty dollars (\$50:00) per delegate for expenses.
- (c) In every case delegates to conventions or functions who suffer a loss of wages and benefits shall be compensated for any loss

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incurred.

- (d) Representation at educational institutes and seminars shall be on the recommendation of the Education Committee, subject to final approval by the membership.
- (e) If any of the above mentioned functions fall on a weekend or holiday, the delegate will receive in addition, an honoraria at the rate of \$40.00 per day.
- (f) Delegates attending functions shall conduct business in the interest of the Local. Delegates are expected to attend all meetings and prepare a brief report of the business conducted for presentation to the Local. They will also have to turn over any resolution books, etc. for the Local's files. Failure to abide by these rules may disqualify the member for further delegate status for a period of not more than two years.

SECTION 14 - COMMITTEES

(a) Negotiating Committee

This shall be a special ad hoc committee established at least six (6) months prior to the expiry of the Local's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the Committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The Committee shall consist of four (4) members and two (2) alternates plus the President all elected at a membership meeting. The members of the Committee will be made up as follows:

- Night Custodians 1
- Day Custodians 1
- Grounds/Trades IV 1
- Trades I,II,III 1
- Alternates At large

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 Board. Two members of the Board may sit on any special committee as ex-officio members.

(c) Standing Committees

The Chairperson of each standing committee shall be elected by the members at a membership meeting. The Chairperson and the Executive Board may, with the concurrence of the membership, jointly appoint other members to serve on a committee. The President shall be a member, ex-officio, of each committee. There shall be four 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 to the Executive Board, with a copy first 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 comprise the Chief Steward, one (1) Steward from the day shift and two (2) from the night shift. The Committee shall 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 Board;

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- 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 Board in preparing press releases and other publicity material;
- 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. The Committee shall comprise a maximum of three (3) members and shall appoint its secretary from among its members.

(3) Sick and Bereavement Committee:

This Committee may:

- visit members who are ill;
- if a member is ill for more than a week, have sent some token of the Local's concern and desire to help, whether the member is at home or in the hospital;
- arrange for blood donors to replace blood or plasma required by a member or one of his immediate family;
- extend the Local's condolences in the event of the death of a member or one of his immediate family and make other appropriate gesture not to exceed fifty dollars (\$50:00) in accordance with custom or the wishes of the family concerned;
- the Committee shall comprise between one (1) and three (3) members and

may appoint a secretary-treasurer from among its members. It shall be reimbursed by the Executive Board for expenses incurred in the performance of its duties.

(4) Social Committee:

It is the function of this Committee to arrange and conduct all social and recreational activities of the Local either on the Committee's own initiative or as a result of decisions taken at membership meetings. The Committee shall submit reports and proposals to the Executive Board or to the membership as required. A ceiling for the Committee's net expenditures shall be fixed annually by the membership but, other than that, all social and recreational events and activities shall be self-supporting. The Executive Board shall be held responsible for the proper and effective functioning of this Committee. The Committee shall comprise two (2) members, one from nights and one from days. They may appoint a secretary-treasurer from among its members.

(5) Union-Management Committee

The Executive Board shall represent the Local at Union-Management meetings and may invite any other officer of the Local to participate when appropriate.

(6) Pension and Benefits Committee

This Committee made up of the President or his designate plus one (1) alternate shall represent the Local on the University Joint Pension and Benefits Committee.

SECTION 15 - RULES OF ORDER

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these By-Laws as Appendix "A". 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 16 - AMENDMENT

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

(Articles 9.2 (c), 12.3, & B.7.1)

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

(Article B.7.1)

- (c) 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 12.3 & B.7.1)

APPENDIX 'A' TO THE BY-LAWS OF LOCAL 926, C.U.P.E.R U L E S O F O R D E R

- (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 Vice-President, the Recording Secretary shall act as President, and in his absence a President pro-tem shall be chosen by the Local.

No alcohol is to be consumed during the course of a membership meeting and no member shall be admitted to a meeting if he is intoxicated. There shall be no smoking in the meeting room during meetings.

- (2) No member, except the Chairperson of a committee making a report or the mover of a resolution, shall speak more than five 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 minutes, except with the consent of the meeting.
- (3) The President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask: "Is the Local ready for the question?" Should no member rise to speak, the question shall then be put.
- (4) A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
- (5) A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
- (6) On motion, the regular order of business may be suspended by a two-thirds vote of those present, to deal with any urgent business.
- (7) All resolutions and motions other than those named in

Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being put to the Local.

- (8) At the request of any member, and upon a majority vote of those present, a question may be divided when the sense will admit of it.
- (9) Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
- (10) When a member wishes to speak on a question or to make a motion, he 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 shall not proceed further until recognized by the chair.
- (11) When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
- (12) Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection on the Local or member thereof.
- (13) If a member, while speaking, is called to order, he shall cease speaking until the point is determined; if it is decided he is in order, he 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 may in addition give a casting vote, or, if he chooses, refrain from breaking the tie, in which case the motion

is lost.

- (17) When a motion is before the Local, no other motion shall be in order except (1) to adjourn, (2) to put the previous question, (3) to lay on the table, (4) to postpone for a definite time, (5) to refer, (6) to divide or amend, which motions shall have precedence in the order named. 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 (1) when a member has the floor, and (2) when members are voting.
- (20) A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen 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 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 challenge. The chairperson may then state briefly the basis for 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.

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- (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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