CUPE Local 3166 Constitution

November 2017

ARTICLE 1

NAME:

1.1 The name of the organization shall be the “Canadian Union of Public Employees, Local 3166”.

ARTICLE 2

OBJECTIVES:

2.1 The Union has as its objectives:

a) The advancement of the social, economic and general welfare of active and retired public employees.

b) The defense and extension of the civil rights and liberties of public employees and the preservation of free democratic Trade Unionism.

c) The improvement of the wages, working conditions, hours of work, job security and other conditions affecting public employees including retirees’ pension benefits.

d) The promotion of efficiency within the local generally.

2.2 The objectives of the Union are to be accomplished through the following methods:

a) Establishing co-operative relations between employers and employees.

b) Promoting required desirable legislation.

ARTICLE 3

MEMBERSHIP:

3.1 Any worker employed under the jurisdiction of the Local shall be eligible for membership after three (3) months.

3.2 The worker shall fill out the official application form and this, together with the prevailing initiation fee, shall be submitted to the treasurer of the local.

3.3 Any member leaving employment with the scope of the collective agreement shall be struck from the membership roster.

3.4 Members reaching retirement or becoming incapacitated may apply for membership in an established Retired Members’ Association within the geographical district in accordance with Article B.5.1. (e) Of the National Constitution of C.U.P.E.

ARTICLE 4

TRANSFER OF MEMBERSHIP:
4.1 The Local shall issue a Transfer Card to any member, who transfers his employment from the jurisdiction of this Local to the Jurisdiction of another Local, affiliated to the Canadian Union of Public Employees.

4.2 Any new member having a Transfer Card from a Local affiliated with the Canadian Union of Public Employees shall take up membership without payment of an initiation fee. However, she/he shall fulfill all other provisions outlined under Article 3.

ARTICLE 5
ORGANIZATION AND POWERS OF ADMINISTRATION:

5.1 The highest legislative and policy forming body shall be the general composite membership meeting.

5.2 Between general composite membership meetings, the highest authority shall be the Executive Board.

ARTICLE 6
OFFICERS OF THE LOCAL:

6.1 The Officers of the Local shall consist of a President, a 1st Vice President, a Recording Secretary and a Secretary Treasurer.

a) If the President cannot complete his/her term, the 1st Vice President will complete the President’s term.

6.2 The office of 1st Vice President shall remain vacant until the next election is held.

6.3 The President, Vice President, Secretary and Treasurer and 3 Trustees shall be nominated and elected by the general membership.

ARTICLE 7
NOMINATIONS OF OFFICERS:

7.1 Notice of the nominations shall be sent to all members of the Local.

7.2 Members seeking nomination to office must have been members of the Local (or its predecessor) for at least one (1) year.

7.3 A member, seeking nomination, shall be present when nominations are called, or has allowed filing, his/her consent in writing, bearing his/her name and the name of another member as witness, and having the same in the hands of the Secretary prior to nomination.

7.4 No member shall hold more than one (1) office.
An Election Committee comprised of a returning officer and three (3) scrutineers shall be appointed from the floor to conduct the ensuing elections. All appointees shall be members in good standing and shall not be in contention for any office, or they shall be C.U.P.E Officers or Union Representatives.

ARTICLE 8  
ELECTION OF OFFICERS:

8.1 All officers of the Local shall be elected at a bi-annual May Meeting.

8.2 Eligible voting members shall be those who are members as per Article 3, on or before the night of the nomination of Officers.

8.3 The Election Committee shall be responsible for the conduct of all aspects of the election.

ARTICLE 9  
ELECTION PROCEDURES:

9.1 The Secretary shall be responsible for the form and layout of the ballots, and having an adequate supply of the ballots or balloting packages, she/he shall entrust these to the Returning Officer of the election Committee, together with the total number of ballot packages required.

9.2 The Secretary will be responsible for supplying to the Election Committee, a list of the eligible voting members of the Local.

9.3 Subject to Article 9.4, election to office shall be by simple majority.

9.4 Election to committees comprised of two or more persons shall be by plurality.

9.5 The Election committee shall tabulate the ballots.

9.6 The Election Committee shall prepare a list of all candidates with the total number of ballots cast, invalidated or spoiled, indicating those elected.

9.7 The Returning Officer and his/her three scrutineers shall treat all information submitted to them in connection with said election, as confidential.

9.8 A candidate may appeal for a recount of the ballots for whichever office he/she was a candidate, or the membership meeting itself without an appeal, may order a recount of any or all elections, provided, however, that in either instance, it shall require a majority vote of the members present to vote in favor of such a recount.

ARTICLE 10  
INSTALLATION OF OFFICERS:
10.1 Duly elected Officers shall be installed at the meeting at which results are declared or as immediately thereafter as possible and shall continue in office until such time as a successor has been duly elected and installed.

ARTICLE 11 EXECUTIVE BOARD VACANCIES:

11.1 Should any Executive Officer fail to answer the roll call for three (3) consecutive meetings, (meetings shall mean all of the following: regular and special executive board meetings, regular and special membership meetings) without previously informing the Secretary of a reason for such absence, his/her office shall be declared vacant by the Executive Board.

11.2 In the event of removal, forfeiture, resignation or death of an incumbent, the Executive Board shall declare the office vacant, except as stated in 6.1 (a).

11.3 The vacancy in an office shall be posted and the office shall be filled as per Article 12.

11.4 Any officer, member of any committee and any delegate, who is on temporary lay-off, leave of absence or suspension, shall continue to function in the capacity of his/her office with full rights, benefits and responsibility. These circumstances shall not constitute a vacancy.

ARTICLE 12 INTERIM ELECTIONS:

12.1 The following procedure for election shall apply to the election of all interim Officers, members of committees, all delegates to conferences, conventions and seminars and all other offices not constitutionally provided for.

12.2 Time permitting, nominations shall be held one (1) month prior to the election.

12.3 Notice of nominations and elections shall be sent to all members concerned.

12.4 Nominees are subject to Article 7.3 to 7.5 (inclusive).

12.5 Eligible voters for the election are as per Article 8.2.

12.6 All elections shall be by secret ballot, unless otherwise specifically directed by a majority vote.

12.7 Elections to all offices shall be by majority vote.

12.8 Appeal for a recount shall be as per Article 9.8.
12.9 All procedures for balloting are as per Article 9.

ARTICLE 13  TERMINATION OF OFFICE:

13.1 All officers of the Local, members of committees, delegates and all others who are elected or appointed to act for the Union, shall surrender to their successors all books, papers, seals, funds, assets, documents and other such property of the Local in their possession upon termination of their offices.

ARTICLE 14  EXECUTIVE BOARD:

14.1 The Executive shall be comprised of the President, Vice President, the Recording Secretary and the Secretary Treasurer.

14.2 The Executive Board shall be the governing body of the Local between, membership meetings. It shall take such action and render such decisions as may be necessary to carry out fully the decisions and instructions of the membership and to enforce the provisions contained in these By-Laws. All actions taken are to be reported to the next membership meeting.

14.3 The Executive Board shall consider all communications, bills, grievances, committee reports and motions or resolutions.

14.4 The Executive Board shall submit their reports to the membership through the Secretary, with or without Executive Board recommendations.

14.5 The Executive Board shall have the power to pay urgent bills or accounts as well as answering urgent emergency appeals, which occur between membership meetings.

14.6 The Executive Board may call a special membership meeting of the Local if they deem it necessary.

14.7 A quorum of the Executive Board shall be fifty percent (50%) plus one member.

14.8 The Executive Board decisions shall be by majority vote of those present.

14.9 The Executive Board shall hold a meeting, if a quorum is present, immediately after a general composite membership meeting, where insufficient members have turned out to form a quorum. The Board shall deal with the business that would normally have been dealt with at the composite membership meeting, had it been constituted. The Board shall give a report of their activities at the next membership meeting for concurrence.
14.10 In cases of extreme emergency, the Executive Board may arrive at a course of action by telephone. Such action, so taken by the Board, shall constitute action of the Board, as though it were in formal session.

14.11 Special Executive Board meetings may be called by the President, or by a majority of the members of the Board. At least twenty-four (24) hours notice of all special meetings must be given to the Secretary.

14.12 No error or omission in giving notice of any regular or special meeting or any adjourned meeting, of the Executive Board shall invalidate such meeting or make void any proceedings taken thereat, and any member may ratify, approve and confirm all proceedings taken, at the next meeting. For the purpose of sending notice to any member for any meeting, the address of any member shall be her/his last address recorded on the Membership Roster.

14.13 No motions shall be entertained to allocate funds over which the Local has direct control, to any political party of candidate for office (federal, provincial or municipal), nor shall the Executive Board support same in any communication media.

14.14 The Executive Board shall meet when deemed necessary.

ARTICLE 15  PRESIDENT:

15.1 The President shall function as Chief Executive Officer of the Local. She/he shall exercise supervision over the affairs of the Local.

15.2 The President shall be signatory to all official documents and shall be co-signatory for all orders on the Treasury.

15.3 The President, or her/his appointee, shall be the only spokesperson for the Local with the communications media.

15.4 The President may appoint all committees, not constitutionally provided for, and she/he shall appoint an interim officer or standing committee member in the case of a vacancy until such vacancy can be filled as per Article 12.

15.5 The President shall have the authority to interpret these by-laws, and her/his interpretation shall be conclusive and in full force and effect, subject to an appeal by the membership.

15.6 The President shall have the right to all special meetings of the Executive Board.
The President shall preside at and open all regular and special composite membership meetings, at the appointed time. She/he shall see that all officers perform their respective duties, preserve order and conduct these meetings in the proper order of business and decide all points of order subject to an appeal by a member to the meetings. She/he shall not vote on such an appeal.

The President is ex officio member of all composite committees.

The President shall be the Chairman of the Negotiating Committee and the Co-coordinator of any Unit Negotiating Committee.

The President shall be a constitutional delegate to all conventions.

The President, when Chairman, in addition to her/his regular vote, shall cast the deciding vote at any meeting, in the event of a tie.

The President shall transact all such other business as may of right pertain to her/his office and which may be necessary for the proper functioning of the Local, and shall carry out all such other functions as directed by the Executive Board and/or membership.

ARTICLE 16

VICE PRESIDENT:

The Executive 1st Vice President shall, in the absence of the President, preside and perform the duties pertaining to the office of the President. She/he then shall be accorded all right, privileges and responsibilities of the President.

The Executive 1st Vice President shall render assistance to the President when required to do so.

The Executive 1st Vice President shall transact all such other business as may of right pertain to her/his office and which may be necessary to the proper functioning of the Local and shall carry out all such other functions as directed by the Executive Board and/or membership.

ARTICLE 17

SECRETARIES:

The Recording Secretary shall keep a correct, full and impartial record of the proceedings of each composite membership and executive board meeting.

The President shall receive all communications to the Local and shall send out all communications from the Local.
17.3 The Recording Secretary shall record all motions, resolutions and amendments as presented at composite meetings with the names of all movers and seconders.

17.4 The Recording Secretary shall be a signatory to all official documents.

17.5 The Recording Secretary shall prepare all circulars and notices for issuance to the members and pass same on to the membership in sufficient time to permit their attendance.

17.6 The Recording Secretary shall keep in a separate book, all original written notices of motion, whether such notices of motion are amendments to the Constitution or otherwise, and shall have in her/his possession, a master copy of the Constitution and By-laws.

17.7 The Recording Secretary shall also record all alterations to the Local’s By-Laws.

17.8 The Recording Secretary shall arrange for all bookings of halls and rooms for meetings.

17.9 The Recording Secretary shall perform all such other duties as may be incidental to their offices and fulfill that which the Executive Board or the Local is legally entitled to order them to perform.

ARTICLE 18 SECRETARY TREASURER:

18.1 The Secretary Treasurer shall keep all financial accounts of the Local and shall maintain correct and proper accounts of all its members.

18.2 The Secretary Treasurer shall receive all initiation fees, dues, and assessments from the members of the Local and shall deposit same in the name of Local 3166 in such bank as the Local may direct.

18.3 The Secretary Treasurer shall make all distributions for the Local, as provided for in Article B.4.4 in the Constitution of the Canadian Union of Public Employees.

18.4 The Secretary Treasurer shall deposit all cash and cheques monthly, and a deposit book shall be kept showing all deposits and the reason for same.

18.5 The Secretary Treasurer shall have accounts/reports available Executive Meetings, and a report for the membership at each general meeting.

18.6 All securities of the Local shall be deposited for safekeeping with one or more bankers, trust companies, or other financial institutions approved by the
membership. Any and all securities, so deposited, may be withdrawn from time to time, only upon the written authorization of the Local, signed by such officer or officers, agent or agents of the Local, and in such manner, as from time to time, may be determined by RESOLUTION of the Executive Board and approved by the membership. Such authorization may be general or confined to specific matters.

18.7 The Secretary Treasurer shall have a petty cash account of five hundred dollars ($500.00).

ARTICLE 19 COMMITTEES:

20.1 The Local shall have the following Standing Committees:
   a) Stewards
   b) Negotiating
   c) Grievance Committee/Officer
   f) Political Action

ARTICLE 20 STEWARDS’ COMMITTEE:

21.1 The aim of the Stewards’ Committee is the continuing education of the Stewards, the dissemination of information and the discussion of the role of the Local.

21.2 The Stewards’ Committee can be comprised of all duly elected and/or appointed stewards.

21.3 The Stewards’ Committee shall meet when deemed necessary by the committee.

21.4 All questions should be decided by majority vote.

21.5 The Chairman(President) of the Stewards’ Committee shall communicate all resolutions and recommendations agreed upon at the meeting to the next Executive Board meeting.

ARTICLE 21 STEWARDS:

22.1 Local 3166 should have up to three (3) Stewards.

22.2 Stewards may be elected annually from each section of each department covered by the agreement, where there are more than ten (10) employees, except where amended by the Executive Board.
   a) It is recommended that a Steward stand for at least a two (2) year term.
22.3  A Steward who fails to answer the roll call for three (3) consecutive meetings of either the Stewards’ Committee and/or membership meetings, without submitting good and sufficient cause to the Secretary, prior to the meetings, shall have his/her office declared vacant by the Executive Board. The department and/or section shall be notified and requested to elect and/or appoint another Steward.

ARTICLE 22  GRIEVANCE COMMITTEE/OFFICER:

23.1  The Grievance Committee/Officer shall have a maximum of three (3) members.

23.2  The President shall appoint the Grievance Committee/Officer.

23.3  The Grievance Committee/Officer shall process through Executive President, all grievances according to the contract.

23.4  The Grievance Committee/Officer shall make its own decision as to the validity and course of action regarding grievances.

23.5  The decisions of the Grievance Committee/Officer are subject to appeal to the Executive Board and/or membership.

23.6  Any decision to take grievances to arbitration shall be recommended by the Executive Board and approved by the membership.

ARTICLE 23  NEGOTIATING COMMITTEE:

24.1  The Local shall have the right to elect a maximum of four (4) plus an alternative member to the Negotiating committee.

24.2  The President shall be the Chairperson of the Negotiating Committee.

24.3  The requisite number of members shall be elected prior to negotiation as per Article 12.

24.4  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.

ARTICLE 24  SPECIAL COMMITTEES:

25.1  All other committees shall have their number set by the Executive Board, and the President and/or Executive Board shall appoint members, subject to approval by the membership.
ARTICLE 25  COMPOSITE MEMBERS:

26.1 All regular composite membership meetings shall be held once a school term, at the discretion of the membership. A minimum of three (3) composite membership meetings shall be held in a calendar year.

26.2 Special membership meetings may be called at any time by the Executive Board or by a petition signed by 50% of membership. Forty-eight (48) hours notice must be given to the members affected, including the purpose of the meeting.

26.3 Reasons for calling a special meeting and the members to be notified shall be submitted, in writing, to the Recording Secretary.

26.4 No other policy decisions shall be taken at a special meeting, if it is outside the scope of the purpose for which it was called.

26.5 Members present plus three (3) Executive Board members shall constitute and form a quorum for the transaction of the business of the Local.

26.6 All issues shall be decided by a majority vote. A secret ballot shall be held, at the request of a member, provided that a majority of the members’ present agree.

26.7 No error or omission in giving notice of any regular or special meeting or any adjourned meeting, of the members of the Local, shall invalidate such meeting or make void any proceedings taken thereat, and any member may at any time ratify, approve and confirm all proceedings taken. For the purposes of sending notice to any member for any meeting, the address of any member shall be her/his last address recorded on the Membership Roster.

ARTICLE 26  ORDER OF BUSINESS:

27.1 The order of business for all meetings shall be as follows:

1. Call The Meeting to Order
2. Roll Call of Officers
3. Reading of the Equality Statement
4. New Members
5. Read and Approve the Minutes
6. Matters Arising
7. Secretary-Treasurer’s Report
8. Communications and Bills
9. Executive Board Report
10. Committee Reports
11. Nominations and Elections
12. Unfinished Business
13. New business
14. Good of the Union
15. Adjournment

27.2 The regular order of business may be suspended at any time by a simple majority of the members present.
27.3 An agenda shall be available to all members prior to a meeting.

ARTICLE 27 RULES OF ORDER:

28.1 Rules of debate and parliamentary procedure, as defined in the Canadian Labour Congress Booklet. “Point of Order” and Bourniot’s “Rules of Order” shall govern debate, except herein otherwise noted.

28.2 Every member, while speaking, shall adhere to the question under debate; avoid all personal, indecorous or offensive language, as well as any reflection on the Local or any member thereof.

28.3 No member, except the Chairman of a Committee or the mover and seconder of a resolution shall speak more than once on the same question.

28.4 The Presiding Officer shall have the same rights as other members to vote on any question. In case of a tie, he/she may give a casting vote, or if he/she chooses, refrain from voting, in which case the motion does not prevail and the decision is in the negative.

28.5 No member shall enter or leave a meeting during a vote.

ARTICLE 28 VOTING OF FUNDS:

29.1 Except for ordinary expenses, bills and vouchers, no sum exceeding five hundred dollars ($500.00) shall be voted for the purpose of a grant or contribution to any member or any cause outside the Local, except where such has been approved by the membership.

29.2 Committees seeking funds to carry out the duties and work of the committee shall make such request for funds to the executive board, which may make recommendations to the Membership Meeting for final approval of such funds.

29.3 The Chairman of a committee shall not expend, nor authorize the expenditure of any portion of the funds allotted her/his committee, except on the direction of the executive committee.
ARTICLE 39  
HONORARIUM

30.1  In addition to receipted expenses, the following annual expense allowances shall be provided:

- President: $500.00 (unless on full time Union release)
- Vice President: $400.00
- Recording Secretary: $300.00
- Grievance Officer: $200.00
- Secretary Treasurer: $300.00
- Steward: $100.00
- Trustee: $100.00
- Salary while doing union: Level 10 (or highest 3166 level salary)

A mileage allowance of $0.54 per/km, or the School Board rate if rate is higher than $0.54 per/km, will be paid for attendance at all union related activities between home or work location to the meeting location and return.

30.2  The President as per collective agreement will be granted full time leave and have up to 40 hours per week to perform the duties of the union.

30.3  The Secretary Treasurer can be granted a maximum of two (2) days per month to perform the duties of the union.

30.4  The President shall have the right within the current Collective Agreement to release any executive or committee member to perform the duties of the union.

ARTICLE 30  
DUES AND ASSESSMENTS:

31.1  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. If the application is rejected the fee shall be returned.

31.2  Re-admittance Fee
The re-admittance fee shall be one dollar ($1.00).

31.3  Monthly Fee
The monthly dues shall be 1.8% of regular wages.

Changes in the levels 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 (Article 33) 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 0.94%, these bylaws will be deemed to have been automatically amended by an equal amount.
Special assessments may be levied in accordance with Article B.4.2 of the CUPE Constitution.

ARTICLE 31 VOTING POWERS

32.1 All employees under the jurisdiction of the Local, who have become eligible voting members as per Article 3, shall have the right to cast a ballot on any issue, at the meeting at which she/he has become a member, except where specifically noted otherwise in these By-Laws.

32.2 All issues shall be decided upon by a simple majority, except where specifically noted otherwise in the By-Laws.

ARTICLE 32 RATIFICATION AND STRIKE VOTES OF THE MEMBERSHIP:

33.1 A vote on ratification of a contract or strike actions shall be by secret ballot.

33.2 Notice of either vote shall be sent to all eligible voters. In the case of limited time, all efforts shall be made to inform the membership.

33.3 Eligible voters shall be as per Article 3.

33.4 A two-thirds (2/3) majority vote of the ballots cast shall constitute approval of strike action and a simple majority vote of the ballots cast shall constitute approval for ratification of a contract.

ARTICLE 33 CONSTITUTIONAL AMENDMENTS:
34.1 These By-Laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following seven (7) days’ notice at a previous meeting or at least sixty (60) days written notice.

34.2 A Notice of Motion, specifying the proposed amendment(s) shall be read but not debated at the membership meeting preceding the meeting at which said amendment(s) will be dealt with.

34.3 The Notice of Motion shall be in writing with the signatures of both mover and seconder, and shall be delivered into the hands of the Secretary.

34.4 Amendments or additions to these By-Laws shall become effective after approval of the Canadian Union of Public Employees.

ARTICLE 34 CONVENTIONS AND CONFERENCES AND SEMINARS:

35.1 The Local shall participate in conventions, conferences and seminars, only when they are sponsored by the Canadian Union of Public Employees or by an organization to which the Local is an affiliate.

35.2 All Delegates to such conventions, except for the President and Recording secretary shall be elected through a motion brought forward at a Members Meeting.

35.3 In the case of conferences and seminars, the Executive Board shall make the recommendations to the membership for their approval.

35.4 In the case of rejection of the Executive Board’s recommendation, the membership shall nominate and elect the required number of delegates.

ARTICLE 35 DISSOLUTION:

36.1 The Local shall not be dissolved while there are twelve (12) members, in good standing, who desire to continue its existence.

36.2 The funds of the Local shall not be divided among individual members, and shall be utilized for valid union purposes.

36.3 Upon dissolution of the Local, all its properties and assets, including books and records and funds that are remaining in the Treasury, after all legitimate debts have been paid, but not including funds set up by the Local for pensions, superannuating or purposes outside the general routine business of the Local, shall become the property of the Canadian Union of Public Employees.
ARTICLE 36  INTERPRETATION:

36.1 In these By-Laws and in all other By-Laws of the Local hereinafter passed, unless the context otherwise requires, words importing the singular number of the masculine gender shall include the plural number of the feminine gender, as the case may be, and vice versa.

ARTICLE 37  SUBORDINATION TO NATIONAL:

37.1 These By-Laws shall, at all times, be subordinate and subject to the provisions of the Constitution of the Canadian Union of Public Employees, as such Constitution and By-laws exist, or may from time to time hereinafter be altered or amended; in the event of conflict, the Constitution of the Canadian Union of Public Employees shall prevail.

ARTICLE 38  TRUSTEE:

38.1 In accordance with B.3.10 of the CUPE Constitution, three (3) Trustees are to be elected for the purpose of auditing the books of the Treasurer, and shall exercise general supervision over the property of the Local Union. One Trustee shall serve for a period of three (3) years, one for two (2) years, and one for one (1) year. Each year thereafter the Local Union shall elect one Trustee for a three (3) year period, or in the case of vacancies occurring, elect Trustees to fill only the unexpired terms in order to preserve overlapping terms of office.

The Trustees shall examine the books and records of the Treasurer and inspect of examine all properties, bonds and all other assets of the Local every six months, and shall report to the next regular meeting of the Local Union following the end of each half year on the condition of the funds and accounts, the number of members in good standing, the number initiated, expelled or suspended, admitted or withdrawn together with such other information they deem necessary to the efficient and honest administration of the Local Union. They shall transmit a copy of such report to the National Secretary-Treasurer of the Canadian Union.