

# BY - LAWS

LOCAL 1770 (1770-06 and 1770-07)

CANADIAN UNION OF PUBLIC EMPLOYEES

ADMINISTRATIVE SUPPORT EMPLOYEES

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School Administrative Assistant Group and School Board Office Administrative Support Group | PEI Teachers Federation Board Support Staff and Federation of Labour Support Staff



Approved by Membership:

**November 12, 2020**

Approved by CUPE National:

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## PREAMBLE

These By-Laws are designed to give proper balance to the Administration of Canadian Union of Public Employees, Local 1770.

Duties and responsibilities of elected Officers and members of committees should be as widely dispersed as possible. It should not be left to the willing few to have to serve in multiple capacities. In other words, duties should be shared by the many rather than the few.

While various Committees have been designated as “STANDING COMMITTEES”, this does not preclude the possibility of Special Committees being established from time to time.

In order to improve and maintain the social and economic welfare of members without regard to color, gender, race, **ability** or creed; to promote efficiency in Public Employment and to give clear evidence of its recognition of the UNITY of organized labour, Local 1770 has been formed and has established these By-Laws for its governance.

## ARTICLE 1 DEFINITION

- 1.01 This Organization shall be known as LOCAL UNION NO. 1770, CANADIAN UNION OF PUBLIC EMPLOYEES, PRINCE EDWARD ISLAND.

## ARTICLE 2 PRINCIPLES AND OBJECTIVES

- 2.01 The objectives of the Local are to:
- a) secure adequate remuneration for performed work and generally advance the economic and social welfare of its members and 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.
- 2.02 To support the CANADIAN UNION OF PUBLIC EMPLOYEES in its objectives as set out in Article ii of the Constitution of the Canadian Union of Public Employees.
- 2.03 Where these By-Laws may conflict with the “CONSTITUTION”, Canadian Union of Public Employees; or, where these By-Laws may fail to refer to or address certain issues, the “CONSTITUTION”, Canadian Union of Public Employees, will govern.

## ARTICLE 3 AFFILIATION

- 3.01 This Organization shall be chartered by the Canadian Union of Public Employees. It may affiliate with such other organizations provided such affiliation shall be in accordance with and not contrary to the Constitution of the Canadian Union of Public Employees and its By-Laws governing chartered Locals.

## ARTICLE 4 MEMBERSHIP

4:01 The membership of this UNION shall be composed exclusively of employees. Any employee employed by all or any of the School Boards established under the School Act of Prince Edward Island and any sub-division thereof or in any classification or field of work covered by the jurisdiction of the Canadian Union of Public Employees shall be eligible for membership in this UNION, provided **they are** not specifically disqualified by the Rules of this Union or by non-compliance with them or is not specifically disqualified by the Constitution, By-Laws or Rules of the Canadian Union of Public Employees.

4:02 New members shall be required to subscribe to the following obligation:

*"I solemnly promise and declare that I will support and obey the Constitution of this UNION; that I will strive to improve economic and social conditions for my fellow members and for working people generally; that I will defend and strive to extend the democratic rights and liberties of all working people; that I will not purposely or knowingly wrong, or assist others in wronging a member of the UNION."*

4.03 The initiation/readmission fee prerequisite to membership in this Union shall be \$1.00 to be submitted with the application form.

4.04 All members shall pay monthly dues at a rate of not less than 1.85% of gross monthly wages as of March 1, 2018. This amount is to include per capita tax to CUPE National and CUPE PEI. Dues and/or assessments shall be payable in accordance with check-off procedures as designated in the current working Agreement. Any addition to this amount will be presented and voted upon at an Annual Convention. Special assessments may be levied in accordance Article B4.2 of the National Constitution.

4.05 All members regularly employed and in Good Standing shall have equal rights within the Union and are charged with equal responsibility. Without limiting the generality of the foregoing, members shall, subject to the rules of the Union, be entitled to be present and have voice and vote in all annual meetings of the Union and shall be eligible to offer themselves as candidates for office in the Union.

4.06 All charges against members or officers must be made in writing and dealt with in accordance with the Trial Procedure provisions of the National Constitution.

## ARTICLE 5 OFFICERS

5:01 The Executive Board shall include all Officers, except Trustees **and Sergeant-at-Arms and past President.**

- President
- Four (4) Vice-Presidents, (one of whom will be selected as First Vice-President)
- Recording-Secretary,
- Treasurer
- Sergeant-at-Arms,
- Three (3) Trustees.
- Past President

The four (4) Vice-Presidents will be composed of:

- one (1) representative for School Administrative Assistants from the Three Oaks/Westisle/Kinkora/Kensington families of schools and members at the Public Schools Branch Office in Summerside
- one (1) representative for School Administrative Assistants from the (Montague/Souris/Morell) family of schools & members of the Public Schools Branch Stratford
- one (1) representative for School Administrative Assistants from the Charlottetown/Bluefield family of schools
- one (1) representative for members from the French Language School Board **and members of our sub locals**

- 5:02 The Officers, except for the First Vice-President, and the Past President shall be nominated, elected and installed in office at the Annual Convention of the Union. The First Vice-President is elected by ballot vote from the Executive Board members by the Executive Board. All Officers shall be elected for a two (2) year term, except Trustees who are elected for a three (3) year term.
- 5:03 No person shall be elected or appointed as an Officer or a delegate of the Union unless **they are** a member in good standing.
- 5:04 No nomination shall be accepted unless the member is in attendance at the Annual Convention or has allowed to be filed at such meeting, **their** consent in writing, duly witnessed by another member. No member may be elected to more than one (1) office.
- 5:05 A member, upon being installed as an Officer of this Union, shall respect the following obligation:
- “I, —, do most sincerely promise, upon my sacred honour, that I will truly and faithfully, to the best of my ability, perform the duties of my office, for the ensuing term, as prescribed in the Constitution and Laws of the Canadian Union of Public Employees, and as an Officer of the Union, will at all times endeavor, both by counsel and example, to promote the harmony and preserve the dignity of its sessions. I further promise, that at the close of my official term, I will promptly deliver all monies, books, papers or other property of this Union in my possession to my duly elected successor in office.”*
- 5:06 Should any Union Officer be absent from three (3) consecutive membership meetings or three (3) consecutive executive meetings without reasonable excuse, **their** office shall be declared vacant and an election shall be held to replace **them** at the next regular meeting or at a special meeting called for that purpose.
- 5:07 The Vice-Presidents shall be elected or selected at the Annual Convention by and from the members of the area in which they work.
- 5:08 The Executive board will receive copies and oversee the handling of all Local grievances and will prepare a report on the status of all grievances to be submitted to the National Representative, and to the membership. When a grievance is not settled in the initial steps provided for in the collective agreement, this committee will decide whether or not the grievance should proceed to arbitration.
- 5:09 **Once** per year (Fall **or** Spring) or as needed the four Education Sector Locals meet to coordinate work; the Executive board will determine who will attend these meetings with reports and updates from their Local.

Currently there are two committees; Calendar Committee and Employee Assistance Program Committee (EAP) that are initiated by the Employer that require an Education Sector

representative; who will represent CUPE Local 1145, 1770, 1775 and 3260. This representative will be elected at the fall Education Sector meeting. To be eligible for this election you must be a member in good standing and submit your name in person or in writing for the election meeting. All members of each Local will be given notice of this meeting for the election. The following are the duties and term of each committee;

Calendar Committee – three-year term; this committee consists of educational partners from Branch/Board, Teachers’ Federation, CUPE, Department of Education and the PEI Home and School Federation. The mandate of this committee is to approve calendars for school years and to identify guiding principles. The CUPE representative on this committee will meet as required/requested by the joint advisory committee, report back to each Local after each meeting to keep the Local updated and informed.

Employee Assistance Program (EAP) Committee – three-year term; EAP is a joint program between the Government of PEI, The Regional Administrative School Branch/Board, Union of Public Sector Employees, PEI Teachers’ Federation, Canadian Union of Public Employees (CUPE), PEI Nurses’ Union and International Union of Operating Engineers. The mandate of this committee is outlined in the Employee Assistance Program Handbook. The Representative will meet as required/requested by the joint advisory committee, report back to each Local after each meeting to keep the Local updated and informed, be knowledgeable about the program and the referral procedure, encourage members to use the EAP and maintain a strict level of confidentiality with all cases.

## ARTICLE 6 DUTIES OF OFFICERS

All Officers must give all properties, assets, funds and all records of the Local Union to their successors at the end of their term of office. All signing Officers of Local 1770 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.

6:01 PRESIDENT - The President shall function as the Chief Officer of the Union.

**They shall:**

- enforce the CUPE Constitution and these By-Laws
- preside at all general membership meetings and preserve order
- decide all points of order and procedure (subject always to appeal from the membership)
- be bonded for not less than \$500 (or any greater sum as may be decided at a membership meeting)
- if any Local committee positions fall vacant, the President shall fill such vacancy or appoint an executive member until a new committee member is elected at the next Annual Meeting.
- have a vote on all matters (except appeals against **their** rulings) and in case of a tie vote in any matter have the right to cast the deciding vote
- enforce Board or membership decisions on fines and penalties
- 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
- have first preference as a delegate to the CUPE National Convention or the Canadian Labour Congress Convention.

- have the option to attend any convention to which the Executive decides to send delegates(s);
- on termination of office, surrender all books, records and other properties of the Local to **their** successor.

6:02 FIRST VICE-PRESIDENT shall:

- enforce the CUPE Constitution and these By-Laws
- if the President is absent or incapacitated, perform all duties of the President
- if the office of the President falls vacant, be Acting President until a new President is elected at the next annual convention
- assist the Treasurer and the Sergeant-at-Arms in recording attendance at general meetings
- render assistance to any member of the Executive Board as directed by the Executive.

6:03 FOUR VICE-PRESIDENTS shall:

- enforce the CUPE Constitution and these By-Laws
- be elected at the Annual Convention and selected from and by the members of their particular jurisdiction
- The **four** Vice-Presidents shall ensure that meetings within **their** jurisdiction are held on a regular basis
- act as Vice-President in their particular area ensuring that Vice-Presidents are fulfilling their obligations
- supply flowers, cards, etc. to members as needed. This money shall be reimbursed from the Local funds by the Treasurer
- render assistance to the President.
- attend Executive meetings regularly.
- prepare and distribute all circulars and notices to members

6:04 TREASURER shall:

- enforce the CUPE Constitution and these By-Laws
- receive all revenue, dues and assessments; keep a record of each member's payment and deposit promptly all money with a bank or credit union
- record all transactions in a manner acceptable to the Board and in accordance with good accounting practices
- sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- be bonded for not less than \$500 (or any greater sum as may be decided at a membership meeting), taking into account the assets of the Local and the amount of cash and cheques handled by the Treasurer, through the master bond held by the National Office
- pay no money unless supported by a voucher duly signed by the President or 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 and/or Trustees on reasonable notice and have the books audited semi-annually, and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
- provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE
- make a financial report to the Executive at each monthly meeting, detailing all income and expenditures for the period.

- make a financial report to the Membership at regular membership meetings and at the annual meeting, detailing all income and expenditures for the period.
- be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union.
- on the end of **their** term in office, surrender all books, records and other properties of the Local to **their** successor.

6:05 RECORDING-SECRETARY shall:

- enforce the CUPE Constitution and these By-Laws
- keep full, impartial and accurate account of the proceedings of all membership and Executive meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Treasurer. The record will also include Trustee's reports.
- record all motions, with the mover's and seconder's names, in the minute file of the Local
- record all alterations in the By-Laws
- answer all correspondence and fulfill other secretarial duties as directed by the President
- file a copy of all letters sent out and keep on file all communications
- have all books and papers ready on reasonable notice for Auditors and Trustees
- on termination of office, surrender all books, seals and other properties of the Local to **their** successor
- preside over membership and Executive meetings in the absence of both the President and the First Vice-President
- with the approval of the Executive, to employ necessary clerical assistance to be paid for out of the Local's funds.

6:06 PAST-PRESIDENT (1-year term) (ex-officio Executive Member) shall:

- enforce the CUPE Constitution and these By-Laws
- support the incoming Executive
- assist the new President in **their** duties
- attend the Executive Meetings.

6:07 SERGEANT-AT-ARMS shall:

- enforce the CUPE Constitution and these By-Laws
- 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 the First Vice-President and Treasurer in maintaining the record of membership attendance at meetings
- perform other duties as may be assigned by the Board from time to time.

6:08 TRUSTEES shall:

- enforce the CUPE Constitution and these By-Laws
- be elected at the Annual Convention from the general membership, there shall be three (3) Trustees.
- Each year one (1) Trustees shall be elected from the membership and **their** term of office shall be three (3) years.
- act as an Auditing Committee on behalf of the members and audit the books and accounts of the Treasurer, the Recording Secretary, and the committees at least once every calendar year.
- Meet twice yearly to audit the financial records of the Local



- Make a written report of their findings to the first membership meeting following the completion of each audit
- be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization
- ensure that proper financial reports have been made to the membership
- use audit forms supplied by National Office and send a copy of each yearly audit to the National Secretary-Treasurer in accordance with the conditions of the CUPE Constitution.
- Submit in writing to the President and 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 Treasurer in an organized, correct, and proper manner.
- 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 Union, and report their findings to the membership.

## ARTICLE 7: OUT-OF-POCKET EXPENSES

7:01 The following unreceipted Out-of-Pocket expenses shall be provided:

President	\$800 per year
Recording-Secretary	\$600 per year
Treasurer	\$600 per year
1st Vice-President	\$450 per year
Board Vice-Presidents	\$400 per year
Past President	\$200 per year

These expenses shall be increased on a regular basis as determined and voted on at an Annual Convention. Unreceipted out-of-pocket expenses will be paid twice a year in March and September.

If the First Vice-President is called upon to fulfill the duties of the President, two (2) more times during **their** term, **they** shall receive an additional \$100.00

The Local will pay **\$50.00** per month annually in March to assist with the cost of the President's phone and internet charges.

Mileage will be paid at **the set rate of \$0.45 per kilometer while using a personal vehicle on Local business** for all executive and member expenses.

Receipted meal expenses will be reimbursed as per the CUPE PEI Constitution \$15 – breakfast, \$21 – lunch, and \$30 – dinner to a maximum of \$66 per day, while on Local 1770 business.

Childcare expenses, to a maximum of fifty dollars (\$50) (CUPE PEI & CUPE National rate) will be reimbursed to members for childcare expenses incurred for childcare outside of the member's regular working hours. Receipts must be provided.

## ARTICLE 8: COMMITTEES

8:01 NEGOTIATING COMMITTEE

Shall be a special ad hoc Committee established at the Annual Convention 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 members, all elected at an Annual Convention. 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. The committee shall consist of President and three (3) representatives of Local 1770.

8:02 SPECIAL 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 First Vice-President shall be a member, ex-officio, of each Committee.

There may be Standing Committees as follows:

8:03 PROFESSIONAL DEVELOPMENT COMMITTEES

These Committees shall consist of (consultation with the Employer will be required):

- three (3) administrative assistants plus Employer representation from the Public Schools Branch
- three (3) Board based support staff plus Employer representation from the Public Schools Branch.
- French Language School Board

The Professional Development Day will be jointly planned by the Employer and the above Committees. The Professional Development day will coincide with the PEI Teachers' Federation Professional Development Day.

8:04 GROUP INSURANCE TRUST COMMITTEE

This Committee shall consist of two (2) members elected from Local 1770 for a five (5) year term who will act as Trustees to represent the interest of the Local with respect to life, disability, accidental death and dismemberment and medical health care and medical services of every kind. The Trustees shall give a report at the Annual meeting on the status of the Insurance Plans.

Two trustees shall be elected by Local 1770; one person representing **The East area of the Public Schools Branch** and one person representing **The West area of the Public Schools Branch** /French School Board for a five (5) year term. Election will take place at the Annual Meeting, every 5 years. Trustees are eligible for re-election at the end of their term. Any Trustee may resign as Trustee by giving thirty (30) days written notice to the Trust Committee Chairperson.

Prepare minutes and reports to send to the Executive after each Group Trust Meeting. Executive representative for this task will be chosen after the Annual Meeting.

Trustees will answer questions members may have and if unable to provide an answer will contact the appropriate people for the information.

The Local 1770 Trustees will not be permitted to enhance the benefit package if it will result in an additional cost to the membership.

Prior to each Committee Meeting Education Sector Local representatives shall meet with the President of their Locals to discuss the upcoming agenda and resources/information required for the upcoming meeting. The purpose of this meeting is to be organized, prepared and unified

when meeting with Employer and Department representatives on this joint committee.

8:05 BURSARY COMMITTEE

This Committee shall consist of four (4) members, two from the **East area of the Public Schools Branch** and two (2) from the **West area of the Public Schools Branch /French School Board**. This is a two (2) year commitment. This Committee will meet before the end of the school year to determine if the application form, evaluation form, criteria etc. needs to be revised and/or updated. A Chairperson can also be appointed at this meeting. The deadline for applications is September 15<sup>th</sup> each year. Meetings will be held prior to the Annual meeting to determine the successful applicants. The Committee will present cheques and prepare a brief report to the Annual meeting. Any applicant can receive this bursary two (2) years in a row, but must sit out the third year before they can apply again.

8:06 EDUCATION SECTOR PLAN PENSION COMMITTEE

This committee shall consist of eight (8) members. Each of the Education Locals have one (1) representative and the representative must be a member of the plan. Non-bargaining employees appoint one representative who must also be a member of the plan. Two (2) members are appointed by the Department of Education and one (1) member is appointed by the Public Service Commission.

The Representative on the Pension Committee shall be elected by the membership at the Annual meeting for a three (3) year term. An alternate representative shall also be elected by the membership at the Annual meeting for a three (3) year term. The Representative on this Committee shall give a Pension Report at the Annual Meeting each year. The Pension Representative will provide a report for each Executive meeting; this report shall be shared with the alternate representative to keep **them** updated on Pension issues.

Prior to each Committee Meeting Education Sector Local Representatives will meet with the President of their Locals to discuss the upcoming agenda and resources/information required for the upcoming meeting. The purpose of this meeting is to be organized, prepared and unified when meeting with Employer and Department representatives on this joint committee.

8:07 MEMBERSHIP ENGAGEMENT COMMITTEE

This committee shall consist of one (1) member elected from the executive to sit on the Education Sector Membership Engagement Committee for a 2-year term on an even year in September at the Executive Meeting. The committee member will work with the representatives from the other three (3) education sector locals to engage members, build participation and strengthen our union. The committee member shall report monthly at local executive meetings. The committee member will work with Education Sector local communicators in the various worksites of the Public Schools Branch and French Language School Board to define their roles and assist.

## ARTICLE 9: ANNUAL CONVENTION

9:01 The Membership shall convene for the purpose of transacting business on a Fall day as determined by the Executive Committee. This meeting shall be determined to be the Annual Convention of the Union. At this Convention, the election of Officers shall be held.

9:02 Notice of the Annual Convention shall be given at least two (2) weeks prior to the meeting. Notice shall be given by the most efficient manner.

9:03 The Executive shall be responsible to have the Agenda of the Annual Convention prepared well in advance of the meeting. This shall entail contacting all Vice-Presidents to ensure that each

Vice-President shall have opportunity to place any concerns, recommendations or resolutions on the Agenda well in advance of the meeting. Notice of the Agenda shall be given at least one (1) week in advance of the Annual Convention so as to give time to the membership to study and be prepared to speak for or against the subjects of discussion or debate as they arise. This does not prevent additional subjects from being placed on the Agenda as long as they are placed at the opening of the meeting and agreed to by the membership.

- 9:04 A Special Meeting may be called by the Executive of the Union or upon request of ten (10) members in good standing submitted in writing by them to the President or First Vice-President, if the President is not available. The request shall state clearly the purpose or purposes for which the meeting is desired and no other business shall be transacted on the occasion.
- 9:05 A quorum at all Annual Membership meetings shall consist of forty (40%) percent of the voting members, excluding the President but including at least two (2) Executive members, providing however, that a properly called meeting for which no quorum was available may be deferred to another date.
- 9:06 The ORDER OF BUSINESS shall be:  
At the opening of the Convention, the President or First Vice-President in the absence of the President, shall take the Chair and shall conduct the business in the following order:
1. Approval of the Agenda
  2. Roll Call of Officers
  3. Reading of Equality Statement
  4. Sergeant-at-Arms Report
  5. New Members Initiation
  6. Minutes of Previous Annual Convention
  7. Matters Arising from the Minutes
  8. Treasurer's Report
  9. Trustees Report
  10. Committee Reports
  11. Unfinished Business
  12. New Business
  13. Nominations and Election of Officers
  14. Good of the Union
  15. Adjournment
- 9:07 RULES OF ORDER  
All meetings of the Union 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 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.
- 9:08 VOTING OF FUNDS  
Except for ordinary expenses and bills as approved at Executive meetings, no sum over (\$250) two hundred and 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 a general membership meeting.
- 9:09 NOMINATION  
A Nominating Committee of two (2) members in good standing, one from each Board, shall select for approval, by a clear majority of all members present, nominations for all elective offices. Nominations for all elective offices will be received from the floor at the Annual Convention, or

from those members who have allowed their name to be filed in writing at the meeting, witnessed by another member, as well as those selections made by the Nominating Committee. Members of the nominating Committee shall not be candidates for office.

#### ELECTIONS

1. 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.
2. The Chairperson shall be responsible for issuing, collecting and counting ballots. **They are** to be appointed from a member of the Executive Board who has not fulfilled **their** term of office. **They** must be scrupulously fair and impartial and see that all arrangements are unquestionably democratic.
3. The voting shall take place at the Annual Convention and shall be by secret ballot.
4. Voting to fill one office shall be conducted and completed and recounts dealt with before balloting may begin to fill another office.
5. When two or more nominees are to be elected to any office by ballot, each member voting will be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
6. A majority of votes cast shall be required before any candidate can be declared elected; a 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.
7. 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 the By-Laws of the Union.

#### INSTALLATION

All duly elected Officers shall be installed at the Convention at which elections are held and shall continue in office for two (2) years or until a successor has been elected and installed; provided however, that no term of office, except for Trustees, shall be longer than two (2) years.

The terms of office for Trustees shall be as laid down in Article B.2.4 of the CUPE Constitution.

#### BY-ELECTIONS

Should any office fall vacant pursuant to the terms 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.

## ARTICLE 10: STRUCTURE OF THE UNION

GENERAL MEMBERSHIP  
(Provincial)

EXECUTIVE BOARD  
(President, First Vice-President, Recording-Secretary,  
Treasurer, Vice-Presidents)

REGIONAL BOARDS  
(Public Schools Branch, French School Board, **Sub Locals**)

## ARTICLE 11: DELEGATES TO CONVENTIONS

- 11:01 Except for the President's option, all delegates to Conventions shall be voted by and from the Executive Board.
- 11:02 All delegates to Conventions held outside the Province shall be paid transportation, accommodations and registration expenses, a per diem allowance of \$82.00 for meal expenses and incidentals and an amount equal to any loss of salary necessitated by attendance at the Convention. Mileage expenses shall be paid as per the provincial rate.
- 11:03 Delegates to Conventions held locally shall have travel allowance paid at the rate of the Provincial scale. There shall be a per diem allowance of \$20.00 and compensation for any loss of salary necessitated by attendance at the Convention.

## ARTICLE 12: AMENDMENT

- 12:01 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.
- 12:02 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.
- 12:03 No change in these By-Laws shall be valid and take effect until approved by the National President of the Canadian Union of Public Employees. The validity shall date from the letter of approval of the National President.

## APPENDIX 'A' – RULES OF ORDER

1. The President or in **their** absence, the Vice-President shall take the chair at all membership meetings. In the absence of both the President and the Vice-President, the Recording-Secretary shall act as President, and in **their** absence, a President pro-temp shall be chosen by the Local.
2. No member, except the Chairman 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. Chairmen 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, of 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 it.
9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
10. When a member wishes to speak on a question or to make a motion, **they** shall rise in his place and respectfully address the Presiding Officer, but, except to state that **they** rises to a point of order or on a question of privilege, **they** shall not proceed further until recognized by the Chair.
11. When two or more members rise to speak at the same time, the Presiding Officer shall decide which one is entitled to the floor.
12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as, any poor reflection on the Local or member thereof.
13. If a member, while speaking, is called to order, **they** shall cease speaking until the point is determined; if it is decided **they are** in order, **they** may proceed.
14. No question of a sectarian character shall be discussed
15. The President shall take no part in debate while presiding but may yield the Chair to the Vice-President in order to speak on any question before the Local or to introduce a new question.

16. The Presiding Officer shall have the same rights as other members to vote on any question. In case of a tie, **they** may in addition give a casting vote or if **they** choose, refrain from breaking 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 (3) of these shall be decided without debate.
18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be now put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
19. A motion to adjourn is in order except
  - (1) when a member has the floor, and
  - (2) when members are voting.
20. A motion to adjourn, having been put and lost, shall 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, **they** must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for **their** challenge. The Chairman may then state briefly the basis for **their** decision, following which the Chairman 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 had been decided, any two (2) 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.



## YOU ARE THE UNION

A few “DO’s” calculated to test the sincerity of WE who are the Union:

- DO Study the Constitution.
- DO Study the By-Laws.
- DO Study your Collective Agreement.
- DO Attend as many meetings as possible *and voice your concerns. Your concerns are the Union’s concerns too.*
- DO Get acquainted with the Area Vice President in your area *and make this person your first contact.*
- DO Learn the difference between a legitimate grievance and a complaint; whether such be frivolous or well-founded.
- DO Memorize the Order of Business and follow it when attending meetings, (when in doubt, ask).
- DO Think before WE vote.
- DO Say, *“Why don’t WE....” instead of “Why doesn’t the Union....”*
- DO Believe the Union is vitally important to *each one of us.*