

## **CUPE Local 2950 By-laws**

In order to improve the social and economic welfare of its members, without regard to gender, age, race, creed, colour, national origin, sexual orientation, marital status, or family status; and to promote its belief in the value of the unity of organized labour, this Local # 2950 of the Canadian Union of Public Employees (hereinafter referred to as "the Local") has been formed.

The membership directs the business of the Local through its regular meetings and such special meetings as may be called from time to time. Emergency situations are dealt with under By-laws Section 4 b). The Executive Committee (hereinafter referred to as the "Local Executive") directs the business of the Local between General Membership Meetings and reports to the membership.

Sections of these By-laws are to be read in conjunction with Articles of the CUPE Constitution. The following is 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.

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## **Section 1 - Name**

The name of this Local shall be: Canadian Union of Public Employees, Local #2950.

## **Section 2 - Interpretation and Definitions**

- a) The Canadian Union of Public Employees shall hereinafter be referred to as "CUPE".
- b) 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) & B.7.1.)
- c) A notice of motion shall be issued with a minimum of twenty-one (21) days notice to the membership at a membership meeting or in writing except where otherwise defined. A notice of motion made at a membership meeting shall be circulated in writing to the membership.
- d) Numbers to Articles at the end of sections or sub-sections refer to relevant articles of the CUPE Constitution which should be read in conjunction with these By-laws.
- e) Numbers to Sections refer to relevant sections of these By-laws which should be read in conjunction with the noted sections.
- f) When a member becomes unemployed or is on leave s/he shall retain full membership rights without paying dues in accordance with the lay-off and leave provisions in the Collective Agreement. A member ceases to be a member when s/he is no longer considered an employee of the University.
- g) Except where otherwise defined, quorum is fifty percent (50%) plus one (1) committee member.
- h) General Membership Meetings shall hereinafter be referred to as "GMM".

## **Section 3 - 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 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 members and the employer.

## **Section 4 - Meetings: Membership (Regular, Special), Local Executive and Committee**

- a) Regular membership meetings as agreed to in the collective agreement shall normally be held:
  - i. from 12:30 p.m. to 2:30 p.m.
  - ii. nine (9) times per year
- b) Regular GMMs shall normally take place on the last Thursday of the month. The normal meeting time may be changed by majority vote of any membership meeting. Written notice of the date, time and place of each meeting shall be given to each member at least one (1) week prior to the meeting.

- c) Special membership meetings may be held at any time by the call of the Local Executive, by petition of fifty (50) members of the Local, or by decision of a regular monthly meeting. Written notice of such special meetings will be provided to each member at least three (3) days prior to such a meeting where possible and such notice shall include 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 is given.
- d) The quorum for business at any regular or special membership meeting shall be twenty-five (25) members. (Article B.8.1, B.VIII)

The order of business shall be:

- 1. ROLL CALL OF OFFICERS
- 2. ADOPTION OF AGENDA
- 3. ADOPTION OF MINUTES
- 4. BUSINESS ARISING from the minutes
  - i. Nominations Remain Open For:
  - ii. Action List
- 5. UNFINISHED BUSINESS
- 6. EXECUTIVE REPORT
- 7. BUSINESS AGENT'S REPORT
- 8. TREASURER'S REPORT
- 9. COMMITTEE REPORTS
  - i. Chief Steward
  - ii. Communications
  - iii. Contract
  - iv. Diversity
  - v. Education
  - vi. Grievance
  - vii. Health & Safety
  - viii. Job Evaluation
- 10. NEW BUSINESS

- e) The Local Executive shall meet at least monthly at the call of the President or of any four (4) members of the Local Executive. The quorum for business at any Local Executive meeting shall be a majority of Local Executive members. (Article B.8.1)

The order of business shall be:

- 1. ADOPTION OF AGENDA
- 2. ADOPTION OF MINUTES
- 3. BUSINESS ARISING from the minutes
  - i. Action List
- 4. UNFINISHED BUSINESS
- 5. CORRESPONDENCE
- 6. PRESIDENT'S REPORT
- 7. BUSINESS AGENT'S REPORT
- 8. TREASURER'S REPORT
- 9. COMMITTEE REPORTS
  - i. Chief Steward
  - ii. Communications
  - iii. Contract
  - iv. Diversity
  - v. Education
  - vi. Grievance
  - vii. Health & Safety
  - viii. Job Evaluation
- 10. NEW BUSINESS

- f) Any member in good standing shall have the right to attend any committee meeting, on her/his own time, in which case the member shall have voice at the discretion of the Chair, but no vote. The exception to this

right to attend shall be during those discussions of a confidential nature concerning individual members (e.g. personal grievances), and/or situations where there is a personal conflict of interest.

- g) Meetings of committees shall be at the call of the Chair of the committee, the President, or any three (3) members of the committee concerned. The quorum for business of any committee shall be a majority of committee members. Any committee member on an approved leave from a committee(s) shall not be included in quorum for a meeting of the committee(s).

## Section 5 - Rules of Order

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure (*Bourinot's Rules of Order*). These rules shall be considered an integral part of the By-laws and may be amended only by the same procedure used to amend the By-laws.

## Section 6 - Officers

- a) The Officers of the Local shall be the President, First Vice-President (Chair of Grievance Committee), Second Vice-President (Chair of Contract Committee), Treasurer, Chief Steward, Communications Committee Chair, Diversity Committee Chair, Education Committee Chair, Health & Safety Committee Chair, Job Evaluation Committee Chair, Recording Secretary, Sergeants-At-Arms (2), and Trustees (3).
- b) All Officers except Trustees shall be elected by the membership biennially in odd-numbered years in the month of November for a two (2) year term. No member may hold more than one elected position on the Local Executive. (Article B.2.4)
- c) Terms of office will begin January 1st and end December 31st of the appropriate year following the biennial election, two (2) years after assuming office in the case of Local Executive members and three (3) years after in the case of Trustees.
- d) At the first election of Officers of the Local the trustees shall be elected so that one 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 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. (Articles B.2.1, B.2.3, B.3.10)

## Section 7 - Duties of Officers (also see Section 8)

- a) President shall:
- enforce the CUPE Constitution and the By-laws;
  - chair all membership and Local Executive meetings;
  - decide all points of order and procedure (subject to appeal by the membership);
  - have a vote on all matters except appeals against her/his rulings, which shall be presided over by another officer of the Local;
  - be a member ex-officio of all Committees;
  - be responsible for the day-to-day running of the Local's office including supervision of the office staff
  - transact such other business as necessary for the operation of the Local. (Article B.3.1)
- b) First Vice-President - Chair of Grievance Committee shall:
- perform the duties of the President in the absence of that officer, and, in case of the vacancy of the President's position, shall perform the duties until such vacancy is filled as provided for in these By-laws;
  - preside when called upon by the President and at times when the President may be temporarily unable to discharge her/his duties;
  - chair the Grievance Committee meetings, ensure minutes are taken, and report that Committee's activities to the Local Executive and the membership.
  -

- c) Second Vice-President - Chair of Contract Committee shall:
- perform the duties of the President in the absence of the First Vice President and President;
  - preside when called upon by the President or First Vice-President when those officers may be temporarily unable to discharge their duties;
  - chair the Contract Committee meetings, ensure minutes are taken, and report that Committee's activities to the Local Executive and the membership.
- (Article B.3.2)
- d) Treasurer shall:
- be responsible for the administration of Local financial policy, as directed by the Local Executive and the membership, and for the financial management of Local funds;
  - liaise with the Trustees, accountants and auditors, and ensure that financial by-laws and policies are not contravened;
  - act in a research/advisory capacity in any decision regarding financial matters of the Local.
  - present financial reports at each GMM and each year shall submit the Local's books and all related papers to an auditor approved by the Local Executive. An annual audited financial report shall be presented to a GMM of the Local in June of each year;
  - oversee the financial accounts of the Local and payment of Local office expenses and payroll, oversee equipment leases and purchases, and prepare all per capita tax forms;
  - oversee maintenance of records and documents pertaining to the finances of the Local;
  - report extraordinary expenditures in excess of \$1,000, either in the newsletter or at the next membership meeting;
  - be responsible, with the assistance of the Local Executive, for the preparation and drafting of each yearly budget.
- (Articles B.3.4 to B.3.9; Also see Section 11a)
- e) Chief Steward shall:
- be an active Steward;
  - chair the Steward Committee meetings, ensure minutes are taken and meetings are held at least six (6) times yearly;
  - report that Committee's activities to the Local Executive and membership;
  - provide a training seminar for stewards, at least once yearly;
  - be a member of the Grievance Committee;
  - be responsible for overseeing and coordinating the training and education of stewards;
  - with the approval of the Executive Committee, temporarily suspend or terminate a steward from active duty. Appeals of such decisions are taken to the membership.
- f) Communications Committee Chair shall:
- chair Committee meetings and ensure minutes are taken;
  - report that Committee's activities to the Local Executive and membership.
- g) Diversity Committee Chair shall:
- chair Committee meetings and ensure minutes are taken;
  - report that Committee's activities to the Local Executive and membership.
- h) Education Committee Chair shall:
- chair Committee meetings and ensure minutes are taken;
  - report that Committee's activities to the Local Executive and membership.
- i) Health & Safety Committee Chair shall:
- chair Committee meetings and ensure minutes are taken;
  - report that Committee's activities to the Local Executive and membership.
- j) Job Evaluation Committee Chair shall:
- chair Committee meetings and ensure minutes are taken;
  - report that Committee's activities to the Local Executive and membership.

- k) Sergeants-At-Arms shall:
- guard all inner doors at membership meetings and admit no one but members in good standing, Local office personnel, and/or officers and officials of CUPE, except on the order of the Local Executive;
  - assist in maintaining the record of membership attendance at meetings, if so required, and perform such other duties at membership meetings as may be assigned by the Chair or the Local Executive.
- l) Recording Secretary shall:
- be responsible for full, accurate and impartial minutes of regular or special membership meetings and Local Executive meetings;
  - include a copy of the full financial report presented by the Treasurer with all GMM minutes;
  - ensure the production and distribution of these minutes.
- (Article B.3.3)
- m) Trustees shall: (also see Section 11 c)
- not be a member of the Local Executive;
  - act as an auditing committee on behalf of the members and audit the books and accounts of the Treasurer, the Recording Secretary and the Standing Committees at least once every calendar year;
  - make a written report of their findings to the first membership meeting following the completion of each audit;
  - submit in writing to the President and Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local's funds, records and accounts are being maintained by the Treasurer in an organized, correct and proper manner;
  - 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 membership meeting attendance;
  - inspect at least once a year any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local, and report their findings to the membership;
  - send a copy of the following to the National Secretary-Treasurer of the CUPE, with a copy to the assigned servicing representative:
    - the completed audit report on the prescribed form provided by the National Secretary-Treasurer;
    - their report to the Local membership; and
    - their recommendations and/or concerns to the President and Treasurer along with the Treasurer's response.
- (Articles B 2.2, B.3.10 to B.3.13)

On termination of their office, Officers shall surrender all funds, books, records and other properties of the Local to her/his successor. Failing the existence of a successor these materials shall be surrendered to the Local Executive.

## **Section 8 - Committees**

Standing and Special Committees are working committees that conduct the business of the Local within their areas of responsibility. The elected Chair reports to and takes direction from the membership and Local Executive.

The number of members on a committee shall be set with the Local's annual budget (An exception to this may be the establishment of a special ad hoc committee by the Local Executive or membership. See Section 8 a). Any member in good standing is eligible for membership on a committee. With the exception of the Strike Committee and where otherwise noted, committee members shall be affirmed at a membership meeting. Training (within the Local's budget) for committee members shall be provided as needed. All committee members shall be affirmed at the biennial election.

Each Committee shall, within three (3) months of election of the Chair, meet to identify goals and objectives for the ensuing term, which must be submitted to the Local Executive for approval.

Committee Chairs shall be responsible for setting regularly scheduled meetings and liaising with the Local Executive and other committees. Committees shall act as a resource on issues, conduct research and present proposals pertinent to their committee to the Local Executive and the membership.

Any member can make a request in writing to appeal any decision of any committee to the Local Executive. This should be preceded by a request for reconsideration to the original committee. If the member is not satisfied with the findings of the Local Executive, the member may appeal to the membership at the next GMM. In order to do so, the member must submit a written request to the Union Office to have her/his item placed on the agenda for said meeting ten (10) days prior to the meeting. The Local Executive is bound to honour all such requests. The exception to this process is Grievance Committee appeal decisions made by the Local Executive, as the member may appeal to the Labour Relations Board. A decision made by the membership cannot be overturned by a committee.

a) Special Committees

- i. A special ad hoc committee may be established for a specified purpose and period by the Local Executive or by the membership at a meeting.
- ii. The members of such committee may be appointed by the membership or the Local Executive.
- iii. Any Local Executive decision to establish a sub-committee will be reported at the next membership meeting and this must be ratified by a majority vote of those members present. Special Committees shall report their activities to the membership and Local Executive.

b) Strike Committee

The Strike Committee shall:

- i. be elected by the membership at a membership meeting and shall implement the strike strategy as directed by the Local Executive. A call for nominations of committee members shall commence concurrent with the biennial election (See also Section 12).;
- ii. serve a term of two (2) years in conjunction with the current Local Executive.

c) Standing Committees

Committee members, except Chairs, shall be affirmed, for the duration of the current term at a membership meeting. The Chair of each Standing Committee shall be elected (See Section 6 and 12). The Standing Committees are as follows:

i. *Executive Committee*

The Local Executive shall:

- include all Officers except Trustees; (Article B.2.2)
- direct the affairs of the Local between GMMs and meet at least once per month. The Local Executive shall report through the President to the membership and take direction from the membership at special and regular GMMs. (Article B.3.14)
- take such action and render such decisions as may be necessary to carry out fully the decisions and instructions of the membership. The Local Executive shall ensure the Local's funds are used only as authorized or directed by the Constitution, By-laws, or vote of the membership. The Local Executive Committee shall also be responsible for the administration of the affairs and activities of the Local, and for developing policies and programs.

Should any Local Executive member fail to attend three (3) consecutive regular GMM or three (3) consecutive regular Local Executive meetings without having submitted in writing good and sufficient cause acceptable to the Local Executive, her/his office shall be declared vacant and be filled by an election at the following membership meeting.

(Article B.2.5)

In the case of a vacancy of a Committee Chair, the President or Acting Chair shall report the committee's activities to the membership and Executive Committee.



ii. *Communications Committee*

The Communications Committee shall:

- be comprised of the Chair and members at large;
- co-ordinate and ensure the production of the Local newsletter. The newsletter should include reports by the President, Vice-Presidents, Treasurer, Committee Chairs, and Business Agent.
- encourage members-at-large to provide pertinent submissions for the newsletter and web site.

iii. *Contract Committee*

The Contract Committee shall:

- be comprised of the Chair (2nd Vice-President), four (4) elected members, the Business Agent, President, and CUPE Staff Representative;
- the four (4) members-at-large shall be elected fifteen (15) months prior to the expiry of the current Collective Agreement. A call for nomination of committee members shall commence two (2) months prior to this election;
- be responsible for soliciting, researching and preparing a draft of proposals for negotiations to be debated and approved at one (or more as necessary) membership meetings;
- with the assistance of the Local's Business Agent, Local's President and CUPE Representative assigned to the Local, negotiate the Collective Agreement.

iv. *Diversity Committee*

The Diversity Committee shall:

- be comprised of the Chair and members at large;
- research and educate the Local Executive and membership on issues of discrimination and harassment due to the areas listed under the human rights code;
- act as a resource on these issues.

v. *Education Committee*

The Education Committee shall:

- be comprised of the Chair and members at large;
- be responsible for educating and keeping the membership informed of various labour and union-oriented courses and seminars available.
- liaise with the Education Department(s) of CUPE, the CUPE Regional Education Representative, labour affiliates, and other organizations.

vi. *Grievance Committee*

The Grievance Committee shall:

- be comprised of the Chair (1st Vice-President), Chief Steward and other members. All members of the committee must be active Stewards;
- with the assistance of the Local's Business Agent and President oversee the processing of all grievances. It shall do this in order to protect the Collective Agreement and the rights of individual members. This Committee shall decide in conjunction with the Local Executive which cases are heard at arbitration and when to commit to third party consultations on cases or issues within its yearly budget.

vii. *Health and Safety Committee*

The Health and Safety Committee shall:

- be comprised of the Chair and other members who are stewards;
- represent the Local on the University Health and Safety Committee;
- encourage members to attend health and safety training courses and work to ensure a safe, healthy workplace for all members;
- advise members of their rights and responsibilities under the Occupational Health and Safety Regulation;
- represent individual members of the Local at meetings with the Employer regarding concerns arising from Article 24 (Collective Agreement). This Committee will refer to the Grievance Committee any concerns not resolved through the mechanisms of Article 24.

viii. *Job Evaluation Committee*

The Job Evaluation Committee shall:

- be comprised of the Chair and other members who are stewards;
- be responsible for the maintenance of the Job Evaluation Plan and Appeals associated with the plan;
- educate and make recommendations to members on job classification issues.

ix. *Steward Committee*

The Steward Committee shall:

- be comprised of the Chief Steward and all other Local stewards;
- discuss current problems, grievances, education and other matters of concern to the Local. This committee may make recommendations to the Executive;
- be responsible for current cases, referring cases for a grievance(s) to the Local Grievance Committee.

### **Section 9 - Local Office Personnel**

- a) The Local shall employ a full-time paid President, Business Agent and Office Administrator and other personnel as directed by the membership. In the case of the President, the position must be elected from the membership.
- b) The President's salary shall be paid at the band directly below the highest occupied band. If that highest band becomes unoccupied the President's wages will be red circled. No President will be paid less than their current salary, with benefits entitlement as per the Collective Agreement. The President shall be a dues-paying member during her/his term.

*The new language as follows:*

- b) *The President's salary shall be paid at **top step of the top pay grade**. No President will be paid less than their current salary, with benefits entitlement as per the Collective Agreement. The President shall be a dues-paying member during her/his term*
- c) The hiring of the Business Agent and full-time office personnel, as well as the duties and conditions of employment shall be approved by the membership at a regular meeting and shall be inscribed in the minutes of the meeting at which they were approved. Duties and conditions shall be approved at a membership meeting and shall be consistent with the provisions of the CUPE Constitution and Local By-laws.

Notwithstanding any other provision of the Constitution, the Business Agent may have voice, but no vote at any meetings of the Local, and will not be a delegate to District Council meetings, Provincial Division and/or National Conventions.

(Articles B. 3.15)

- d) All full-time Office Personnel shall be recommended by a Hiring Committee composed of three (3) members of the Local Executive and two (2) members-at-large elected at a membership meeting.

### **Section 10 - Finances, Fees, Dues and Assessments**

- a) Application for membership in the Local shall be made in writing at the time of the Local orientation meeting and will be accepted by an officer or designated authority. Each person signing an application for membership and paying the initiation or re-admittance fee will thereby agree to comply with the aims, principles and policies of the Local. Upon acceptance of such application, the applicant shall be entitled to full membership status. The initiation fee of the Local shall be ten dollars (\$10) for each person.

(Article B.4.1)

- b) If a member is severed from employment but returns to employment within six (6) months no initiation or re-admittance fee will be required. After six (6) months, a required re-admittance fee shall be the same as the initiation fee.  
(See also Section 2 f; Article B.4.1)
- c) Monthly dues shall be 1.73% of gross income payable for each member of the Local. Dues shall be payable each month.  
(Article B.4.3)
- d) Changes in the levels of the initiation fee, re-admittance fee or the monthly dues can be effected only by following the procedure for amendment of these By-laws (See Section 19).  
(Articles B.4.1 & B.4.3 (c))
- e) Special assessments may be levied in accordance with Article B.4.2 of the CUPE Constitution.  
(See also Section 16 c)
- f) Notwithstanding the above provisions, if the CUPE Convention raises minimum fees and/or dues, and/or implements assessments, above what the Local already pays, these By-laws will be deemed to have been automatically amended to incorporate these additional amounts.

## Section 11 - Expenditures

### a) Budgeting

The Treasurer shall be responsible, with the assistance of the Local Executive, for the preparation and drafting of each yearly budget. The draft budget must then be approved by the Local Executive. The projected budget shall be presented and debated at a GMM no later than the end of March. This draft shall be printed and distributed to the membership so as to allow no less than two (2) weeks examination prior to the date of that GMM. After the budget has been approved by the membership, any major change in the categories or amounts outlined in the annual budget must be reported and receive approval at a membership meeting (for which a Notice of Motion has been given to the membership).

(See also Section 7 d)

### b) Spending

- i. The Local Executive shall make decisions on the disbursement of all monies, including expenditures of committees. The decision to make expenditures can be overturned by the membership. The decision of the membership to make expenditures cannot be overturned by any committee.
- ii. No sum over \$500 shall be donated to any cause outside CUPE, except by a Notice of Motion given in writing and dealt with at the following membership meeting prior to the spending.  
(Article B.4.4)
- iii. The Local shall pay the Employee & Family Assistance Program (EFAP), Income Replacement Program (IRP) and Group Life premiums for those members who qualify for benefits and are on unpaid medical leave of absence for a period of up to six (6) months.
- iv. There must be two (2) signatures on all cheques issued on behalf of the Local. The signing authorities shall be: the President, First Vice-President, Second Vice-President and the Treasurer. Any additional signing authorities shall be approved by the Local Executive. All signing authorities shall be bonded and any signing authority who doesn't qualify for bonding shall be disqualified from office.  
(Article B.3.5)

- v. No Local office personnel shall be involved in the administration of Local finances except as directed by the Treasurer.

(See also Section 7 d)

### c) Reporting & Monitoring

All committees shall report through their Chairs to the Local Executive at regular meetings of the Local Executive and to the membership at GMMs (See Section 4). These reports shall be minuted, along with all other Local Executive business, and these minutes shall be available for the members' viewing in the Local's office. To view Local Committee minutes, a written request must be made to the Local's Privacy Coordinator to ensure protection of privacy of members' information under the BC Privacy Act.

The Treasurer shall:

- regularly make a full financial report to meetings of the Local Executive;
- either in the newsletter or at the next membership meeting report any extraordinary expenditure in excess of \$1,000;
- present financial reports at each regular GMM;
- present an annual audited financial report at the June GMM.

The Trustees shall:

- report yearly on the financial condition and assets of the Local to the National Union, Local Executive and membership.

(See also Section 7 m)

## **Section 12 - Nominations, Elections and Installation of Officers**

### a) Nominations

- i. A nominee for any office must be a member of the Local in good standing.
- ii. The nomination of Local Officers shall commence at a regular monthly meeting in September. Nominations from the floor will be called for. Other nominations will be in writing to the Local Union Office signed by the nominator by the close of nominations in October. At the November GMM, all nominees will be asked if they will stand. Those not present must, if they wish to stand, have given their acceptance in writing prior to the meeting to be considered as candidates.

If no nominations for a position have been received by the close of nominations in October, this position will remain open for nomination until such time as a nomination(s) is received. At each monthly GMM, the Chair will call for nominations for the vacant positions. When a nomination is received, the nominations will close at the next GMM and an election will be held if the position is not acclaimed.

### b) Elections

- i. Local members running for office may submit a statement of no more than 250 words to the Union Office that will appear with the election ballot or in the Local's newsletter.
- ii. Elections shall take place biennially in the month of November in odd-numbered years. At the October GMM (in the election year), the Local Executive shall, subject to the approval of the members present, appoint a Local Elections Committee consisting of an Election Officer, Returning Officer and two (2) assistants. The term of the Local Elections Committee members shall commence one (1) month prior to this election;
- iii. The Local Elections Committee shall:
  - not include members of the Local who are nominees for office;
  - have full responsibility for voting arrangements, except for those responsibilities of the Returning Officer;
  - maintain the necessary levels of confidentiality to conduct a fair and unbiased election;
  - determine the design of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.

(Article 11.4)

- iv. The voting shall take place at the regular GMM in November in the odd-numbered year. The vote shall be by secret ballot. Where a member's work location is beyond a radius of fifty (50) km from the Point Grey campus, referendum voting will be arranged to enable all members to participate in

elections. A mail-in ballot for these members will be sent a minimum of five (5) calendar days prior to the day of the election. This ballot must be received twenty-four (24) hours prior to the day of the election.

- v. The Returning Officer shall be responsible for issuing, collecting, and counting ballots. Each candidate shall be allowed one (1) scrutineer at the ballot count.
- vi. Voting to fill one (1) office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office. Where only one (1) member stands for an office, that candidate shall be declared acclaimed and balloting does not need to be conducted.
- vii. 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 tie, the voting must be reconducted.
- viii. Any member may request a recount of votes for any election and a recount shall be conducted if the request is supported by a quorum of members present as defined in Section 4 (c).
- ix. Any protest alleging an election irregularity must be presented in writing to the Returning Officer within seven (7) days of the results of the election being announced. Upon receipt of such protest, the Election Committee shall meet and if the allegation is upheld, another election shall be conducted. All ballots and voting lists shall be held by the Returning Officer until the time of the next GMM. A motion to destroy the ballots shall be considered at the next GMM following the completion of the election if no protest is under consideration.

c) Installation

- i. All duly elected officers shall be installed at the GMM in November with their term commencing in January of the following year. (See also Section 6[c])

(Article B.2.4)

d) By-Elections

Should an office fall vacant pursuant to Section 13 of these By-laws or for any other reason, the resulting by-election shall be conducted as closely as possible in conformity with this Section. When a nomination for a vacant position is received, nominations for the position shall be closed and voted on at the next regular GMM (no sooner than twenty eight (28) days).

### Section 13 - Recall of Union Officers

Any Officer or any other member elected or affirmed at a membership meeting, or appointed by the Executive Committee can be recalled according to the following procedures:

- a) Following receipt of a petition for recall signed by twenty-five percent (25%) of the Local membership, and listing the specific complaints against the officer or member, the Local Executive shall send written notice to all of the members. This notice will include a copy of the text of the petition/complaint with the names of the complainants or petitioners, a response written by the Officer or member concerned, and an announcement of a Local membership meeting to consider the recall. This notice shall be served two (2) weeks prior to the meeting. At that meeting, the Officer, member and/or representative designated by her/him shall have a right to respond to the petition.
- b) The vote on recall shall be by secret ballot at the same membership meeting referred to above. This shall be conducted by a Returning Officer and assistants as in Section 12.
- c) The Officer or member is recalled if the motion for recall is approved by a majority of votes cast.

## **Section 14 - Discipline of Members**

Any charges by a member of the Local against members or officers of the Local shall be made in writing to the Union Office and dealt with in accordance with the provisions of the CUPE Constitution.

(Articles B.6.1 to B.6.7)

## **Section 15 - Delegates to Conventions and Other Bodies**

- a) The President shall attend all conventions that the Local chooses to participate in. Where the President is unable to attend, the Local Executive may appoint a Local Executive member in her/his place. All other delegates to conventions shall be elected at membership meetings. Their mandate is for the term of the convention.
- b) In the case of bodies that meet regularly throughout the year, the delegate(s) term is for a minimum of one (1) year.
- c) All delegates must report back to the membership of the Local or submit a written report in the Local's newsletter, as soon as possible after a convention or a meeting of a body to which they are a delegate. Delegates will attend all business sessions of the convention.
- d) Delegates elected to represent the Local at conventions or meetings that occur during work time will be booked off the job with pay to attend.
- e) Delegate's expenses shall be paid in accordance with the Local's expense policy.

## **Section 16 - Strikes and Lockouts**

- a) The Local shall not strike without the approval of the membership. Voting shall be by secret ballot at a membership meeting and a majority of votes cast shall be necessary for a strike to take place.  
  
A returning officer and assistants shall be elected at the same meeting.
- b) Members are required to honour picket lines in the event of a strike, and contact the Local's office on the first day.
- c) In the event a portion of the membership (less than fifty percent [50%]) is unable to report to work as a result of a picket line recognized by the Local, the Local will pay sixty five percent (65%) of gross wages. This wage replacement will be paid from Local funds and replaced by an assessment on all members through payroll deduction at a later date. (See Section 10 e)

## **Section 17 - Approval of Contracts**

- a) All collective agreements and relevant letters of agreement must be approved by a majority of votes of the membership cast by a secret ballot. This ratification vote shall be conducted at a meeting for which at least seven (7) days written notice has been given, held at times and places so as to give a majority of members an opportunity to attend. In the event a member's work location is beyond a radius of fifty (50) km from the Point Grey campus, voting will be arranged to enable all members to participate. A mail-in ballot for these members will be sent to them so that the ballot is received twenty-four (24) hours prior to the day of the vote.
- b) In the event of an arbitrated collective agreement, a vote (ratification) will not be taken by the membership.
- c) In the event of a strike or lockout, notice periods may be waived and the ratification vote conducted at a membership meeting, held at a time and place so as to give a majority of members an opportunity to attend.

## **Section 18 - Changes to Existing Labour Agreements**

No agreement shall be entered into by anyone on behalf of the Local which changes any terms or provisions of any existing agreement unless approval has been granted for such action by the membership of the Local.

## **Section 19 - Amendments**

- 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), 13.3 & B.7.1)
- b) These By-laws shall not be amended or suspended except upon a majority vote of those present at a regular or special membership meeting following seven (7) days notice at a previous meeting or at least sixty (60) days written notice.  
(Article B.7.1)
- c) The Local Union Office shall submit recommended changes to these By-laws in a timely manner to the CUPE National office. 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 13.3 (c) & B.7.1)