

CUPE Local 788 Bylaws

As ratified by Membership at Local 788 General Meeting
Approved (with amendments) by CUPE National

PREAMBLE

In order to improve the social and economic welfare of its members without regard to gender, colour, race, creed or sexual orientation; to promote efficiency in public employment; and to manifest its belief in the value of the unity of organized labour, this Local 788 of the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed.

The following Bylaws are adopted by the Local pursuant to, and to supplement, Appendix "B" of the CUPE Constitution; to safeguard the rights of all members, to provide for responsible administration of the Local and to involve as many members as possible through the sharing of duties and responsibilities.

SECTION 1- NAME

The name of this Local shall be: Canadian Union of Public Employees, Local 788 (Gulf Islands School District #64).

SECTION 2- OBJECTIVES

The objectives for the Local are to:

- a) Secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers
- b) Support CUPE in reaching the goals set out in Article 11 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 their employers.

SECTION 3 – INTERPRETATION and DEFINITIONS

- a) Article numbers at the end of sections or sub-sections refer to relevant articles of the most recent CUPE Constitution, which should be read in conjunction with these by-laws.
- b) The term "majority" represents a vote of 50% + 1 of *eligible voters*.

SECTION 4 – MEMBERSHIP MEETINGS – REGULAR AND SPECIAL

- a) Regular membership meetings shall be held during the school year.
Members shall receive at least two weeks' notice of meetings.
The agenda and notification of time & place for the meeting shall be sent to the workplaces.
- b) Special Membership Meetings may be ordered by the Executive Board or requested in writing by no fewer than twenty percent (20%) of the membership. When such a request is presented, the President shall immediately call a Special Meeting and

notify members of the subject(s) to be discussed. No business shall be transacted at the Special Meeting other than that for which the meeting is called and notice given.

- c) Emergency Meetings may be called by the Executive Board without two weeks notice (eg. strike votes, ratification votes, etc.)
- d) A quorum for the transaction of business at any regular or special meeting shall be a minimum of twelve (12) members, including two (2) members of the Executive Board.

If there is no quorum at two (2) consecutive membership meetings, at the second meeting the Executive will have the authority to transact normal business of the Local, with provision that any decision made by the Executive Board will be reported back for ratification at the next membership meeting.

- e) The order of business at regular membership meetings is as follows:
 - 1) Roll Call of Officers
 - 2) Reading of the Equality Statement
 - 3) Initiation of new member(s)
 - 4) Reading and approval of minutes of previous meeting
 - 5) Matters arising from minutes
 - 6) Secretary-Treasurer's Report
 - 7) Correspondence
 - 8) Executive Board Report
 - 9) Committee and Delegate Reports
 - 10) Nominations, elections, installations
 - 11) Unfinished Business
 - 12) New Business
 - 13) Good of the Union
 - 14) Adjournment

SECTION 5 – VOTING OF FUNDS

With the exception of routine expenses and bills approved at membership meetings, no sum over three hundred (\$300.00) shall be allocated for any purpose, except by motion, duly approved by the membership at a regular or special membership meeting. Notice of Motion shall be given in writing at least two (2) weeks prior to the meeting at which the vote is to be taken. (App. B.4.4)

SECTION 6 – OFFICERS

The officers of the Local shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary and three (3) Trustees. All officers shall be elected by membership. (App B.2.1)

SECTION 7 - DUTIES OF OFFICERS

The President shall:

- Enforce the CUPE Constitution and these Bylaws;
- Preside at all Membership and Executive Board Meetings and preserve order;
- Ensure that all Officers perform their assigned duties;
- Decide all points of order and procedure (subject always to appeal to the Membership);
- Have a vote on all matters (except appeals against their rulings) and in case of a tie vote in any matter (including elections) have the right to cast an additional vote to break the tie;
- In consultation with the Executive Board, appoint members to fill committee vacancies *where such vacancies have not been filled through the election process*;
- Introduce new members and conduct them through the initiation ceremony (appendix BVIII 8.4)
- Be a signing officer and ensure that the Local's funds are used only as authorized or directed by the Constitution and By-Laws, or vote of the Membership;
- Have first preference as a delegate to CUPE BC, CUPE National, or any other affiliated convention or council meeting;
- On termination of office surrender all books, seals and other properties of the Local to their successor or the appropriate Executive Office;
- The President may, in order to fulfill the duties of the office, take up to three days per month release time. CUPE Local 788 will reimburse the school board for the full cost of any such time.
- Be bonded for not less than \$5000.00 through the master bond held by the National Office. Any President who cannot qualify for the Bond shall be disqualified from office.

The Vice-President shall:

- If the President is absent or incapacitated, perform all duties of the President
- If the office of President falls vacant, be Acting President until a new President is elected
- Render assistance to any member of the Executive Board when called upon as directed by the Executive Board
- Be a signing officer
- On termination of office surrender all books, seals and other properties of the Local to their successor or the appropriate Executive Officer
- In order to fulfill the duties of Vice President, up to one day per month release time will be provided if requested. CUPE Local 788 to reimburse the school board for the full cost of any such time..
- Be bonded for not less than \$5000.00 through the master bond held by the National Office, and any Vice-President who cannot qualify for the Bond shall be disqualified from office.

The Recording Secretary shall:

- Keep full, accurate and impartial account of proceedings of all Regular, Emergency, or Special Membership and Executive Board Meetings;
- Record all alterations in the by-laws
- Answer correspondence and fulfill other secretarial duties as directed by the Executive Board
- File a copy of all letters sent out and keep a file of all communications
- Prepare and distribute all circulars and notices to members
- Have all minutes and correspondence ready on reasonable notice for Auditors and Trustees
- Preside over Membership and Executive Board Meetings in absence of both the President and the Vice-President
- Be empowered, with the approval of the Membership, to employ necessary stenographic or other assistance to be paid for out of the Local's funds
- Be a signing officer
- In order to fulfill the duties of Recording Secretary, up to one day per month release time will be provided if requested. CUPE Local 788 to reimburse the school board for the full cost of any such time.
- On termination of office surrender all book, seals and other properties of the Local to their successor or the appropriate Executive Officer
- Be bonded for not less than \$5000.00 through the master bond held by the National Office. Any Recording Secretary who cannot qualify for the Bond shall be disqualified from office.

The Secretary-Treasurer shall:

- Receive all revenue, initiation fees, dues and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union
- Prepare all per capita tax forms of affiliates and remit payment promptly
- Record all financial transactions in a manner acceptable to the Executive Board and in accordance with recognized accounting practices
- Make a financial report to the local union at the membership meetings
- Make a financial report to the Executive Board once a month at the executive meetings.
- Be bonded for not less than \$5000.00 through the master bond held by the National Office. Any Treasurer who cannot qualify for the Bond shall be disqualified from office
- All payments to be supported by a voucher duly signed or initialed by the President and one other Executive Board member, with the exception that no voucher shall be required for payment of per capita fees to any organization with which the local is affiliated

- Have all books available for inspection by the auditors and/or Trustees on reasonable notice, and have books audited annually
- Provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE
- On termination of office surrender all book, seals and other properties of the Local to their successor or the appropriate Executive Officer
- In order to fulfill the duties of Treasurer, up to one day per month release time will be provided if requested. CUPE Local 788 to reimburse the school board for the full cost of any such time.
- Be a signing officer
- Be allowed a petty cash fund of one hundred dollars (\$100.00) to be replenished as required following submission of vouchers for expenses incurred on behalf of the Local.

The Trustees shall:

- Act as an auditing committee on behalf of the members and audit the financial records and accounts of the Secretary-Treasurer, Recording Secretary and the Standing Committees annually
- Report their findings to the first membership meeting following the completion of each audit
- Be responsible to ensure that monies are not paid out without proper constitutional or membership authorization
- Ensure that proper financial reports are made to the membership
- Audit the record of attendance prior to the election of officers.
- Inspect at least once a year any property and assets of the local and report their findings to the membership
- Use audit forms supplied by the National Office and submit a copy of yearly audit, in accordance with the provisions of CUPE Constitution (App. B.3.12(c))

Sergeant-at-Arms shall:

- Be appointed annually at the AGM by the Executive Board
- Monitor the inner door at membership meetings and admit no one but members in a good standing or officers and officials of CUPE, except on the order of the President and by consent of the Members present
- Assist in maintaining the record of membership attendance at meetings.

Workplace Reps shall volunteer in their workplace to:

- Provide communications and information from the members in the unit to the Executive and from the Executive to the members.
- Introduce themselves to new members in their workplace and encourage the new member's participation in union activity.

SECTION 8 – EXECUTIVE BOARD

- a) The Executive Board shall comprise all officers, except the Trustees. (App. B.2.2)
- b) The Executive Board shall meet at least once every month.
- c) A majority of the Executive Board constitutes a quorum.
- d) The Executive Board shall do the work delegated to it by the Local and shall be responsible for the proper and effective functioning of all committees.
- e) All charges against Members or Officers must be made in writing and submitted to the Executive, to be dealt with in accordance with the provisions of the CUPE Constitution Appendix B, Article XI.
- f) Should any Executive Board member fail to answer roll-call for three consecutive regular membership meetings or three consecutive Executive Board meetings, without having submitted good and sufficient reason, the office shall be declared vacant and shall be filled by election at the next Membership meeting.

SECTION 9 – OUT-OF-POCKET EXPENSES

A monthly expense allowance shall be provided to the President, Vice-President, Recording Secretary, and Secretary-Treasurer. These allowances will be reviewed on a yearly basis by the membership.

SECTION 10 – FEES, DUES AND ASSESSMENTS

- (a) Each new member shall pay a one-time initiation fee of \$5.00, in addition to the monthly dues. (App. B.4.1)
The new member will sign the authorization form supplied by the Union at the time of hire by the School Board and payment will be forwarded to the Treasurer of the Union with the regular payment of dues.
- (b) Monthly dues shall be levied over and above the % paid in CUPE National and CUPE BC per capita dues. Percent of monthly salary to be paid as Local dues will be approved by the membership.
- (c) Changes in the Initiation Fee or the Monthly Dues can be effected only by Notice of Motion in writing, with the additional provision that the vote must be by secret ballot (App B.4.1, 4.2)
- (d) Notwithstanding the above provisions, if the CUPE Convention raises the minimum fees and/or dues above the level herein established, these by-laws will be deemed to have automatically amended to conform to the new CUPE minima.
- (e) Special assessments may be levied in accordance with App. B.4.2 of the CUPE constitutions.

SECTION 11 – NOMINATION, ELECTION and INSTALLATION OF OFFICERS

A) Nominations:

- Nominations shall be received at the last regular membership meeting of each school year, held in the month of June.
- To be eligible for nomination a nominee must be a member in good standing of Local 788 and shall have attended at least fifty percent (50%) of the membership meetings held in the previous twelve (12) months.
- No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting their consent in writing, duly witnessed by another member in good standing.

B) Elections:

- Election of President and Treasurer on odd numbered years: Vice-President and Recording Secretary on even numbered years. All positions are two-year terms.
- At the Membership Meeting on Election Day the President shall, subject to the approval of the members present, appoint a Returning Officer and assistants. The Committee shall include members of the Local who are neither officers nor candidates for office. It shall have full responsibility for voting arrangements and shall treat information submitted to it as confidential.
- 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.
- The Returning Officer shall be responsible for issuing, collecting and counting ballots; be fair and impartial and see that all arrangements are unquestionably democratic.
- The election shall take place at last regular membership meeting of the school year provided there are 12 or more members present. The vote shall be by secret ballot.
- Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
- 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 the case of a final tie vote, the presiding officer shall cast the deciding vote when all other means of breaking the tie have been unsuccessful.
- A member may request a recount of the votes for any election. Recount shall be conducted, if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as laid down in Section 4.

C) Installation:

- All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for two years, or until a successor has been elected and installed. No term of office shall be longer than three years without re-election. (Article BII 2.4)
- Trustees shall be elected so that one shall serve for a period of three years, one for two years, and one for one year. Each year thereafter the Local shall elect one Trustee for a three year period, or in the case of vacancies occurring, elect Trustee to fill only the unexpired terms in order to preserve overlapping terms of office (App. B.2.4)

D) By-Elections:

- Should an office fall vacant pursuant to Section 7(f) 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 (11).

SECTIONS 12 – DELEGATES TO CONVENTIONS

- A) Except for the President's option, (Section 8) all delegates to conventions shall be approved by a vote at a membership meeting.
- B) All delegates elected to attend conventions held off-island shall be paid transportation expenses, a per diem allowance (at the current CUPE National approved rate) for expenses, and an amount equal to any loss of salary incurred by attendance at the convention, plus overnight accommodation (when necessary) and mileage allowance as per the current Board of Education Policy.
- C) Representation at educational institutes, training courses, schools and seminars, for periods of longer than two days, shall be on the recommendation of the Executive Board, subject to final approval of the Membership. Union sponsored two-day educational workshops shall be on the recommendation of the Executive Board.

SECTION 13 – COMMITTEES

A) Special Committees:

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

1) Bargaining Committee:

This shall be a special ad hoc committee duly elected by the Membership; established at least six (6) months prior to the expiry of the Local's collective agreement, and automatically disbanded when a new collective agreement has been signed. The function of the Committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The Committee shall consist of the President as Chair, and the following representation from the Local: minimum of one member from each classification – Clerical, Operations, and Education Assistants, preferably including representatives from remote District sites. The CUPE National Representative assigned to the Local shall be a non-voting member of the Committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the Membership.

B) Standing Committees:

Members of Standing Committees shall be elected by the membership at a regular or special meeting. The Chairperson of each committee shall be elected by the members of the committee. The President and the Executive Board may appoint other members to serve on a committee where the election process has not been successful in filling committee vacancies. The President shall be a member, ex officio, of each committee. Standing Committees will hold meetings on a regular basis at a time and place convenient to the majority of the active members of the committees. Each Committee Chair to provide a written report at each regular membership meeting.

1) Grievance Committee:

The Grievance Committee shall comprise all Shop Stewards and the Executive Board. The elected Chairperson of this Committee will fill the role of Chief Shop Steward.

Shop Stewards are to be elected by the Membership and shall:

- Be prepared to take a CUPE Shop Steward course within a year of assuming office.
- Define, investigate, prepare and present grievances at the initial level in consultation with the Chief Shop Steward.
- Generally know and monitor the application of the collective agreement and Provincial or Federal legislation affecting labour standards and practices.
- Make themselves and the role of the Shop Steward known to members in the workplace.
- Upon request, accompany a member to a meeting with management where issues of discipline may be raised.

It shall be the function of the Grievance Committee to examine all grievances. Grievances must be in writing on the forms provided by the National Office and be signed by the complainant(s) as provided for in the collective agreement. This Committee shall meet when necessary.

(2) Lay-Off and Recall Committee:

This committee to be elected at a membership meeting and consist of at least three members, one from each classification within the local. The function of this committee is to monitor layoff and recall procedure and a recall list.

a) Education Assistants Selection Day Committee:

This special sub-committee shall consist of the President or designate and two Education Assistants, at least one to be a sitting member of the Layoff and Recall Committee. It is the function of this committee to meet with the Joint Selection Day Committee to review Education Assistant positions for the following school year, and to support members through the selection day process.

(3) Hospitality Committee:

This committee shall be elected by the Membership and consist of not less than two and not more than five members to arrange and conduct any social and recreational activity of the Local. The Committee shall be responsible for the administration of the CUPE Local 788 Hospitality Fund bank account at Island Savings Credit Union; the records to be available for Trustee inspection and audit. The Committee shall submit a verbal and written report of all activity to each regular membership meeting.

(4) CUPE Education Committee:

This committee to be elected at a membership meeting and comprise at least two members of the local.

It shall be the function of this Committee to:

- Distribute union education literature re workshops, etc. to the workplaces.
- Assist delegates in preparation of reports to the Membership on seminars and conferences and maintain a reference file of these reports.
- Cooperate with the Education and Public Relations Department of CUPE, and with the Regional Education Representative in applying both the Local's and CUPE's policies in these fields.
- Give a verbal and written update to membership at regular membership meetings.

(5) Pro D Committee:

This committee to be elected at a membership meeting and comprise at least three members of the local.

SD 64(Gulf Islands), and CUPE Local 788 contribute to the fund which is administered by the Joint Committee in accordance with a jointly developed policy [CA 26.06(b), 26.06(c)].

It shall be the function of this Committee to:

- Approve a list of Professional Development activities
- Review all applications/requests for funding for professional development activities; approve applications and recommend payment to members as appropriate, within the annual funding allocation.
- Give a verbal and written update to membership at regular membership meetings.

(6) Labour Management Committee:

This committee (*CA Article 9*) to be elected at a membership meeting and comprise the President and/or Vice-President, and a representative from each classification within the local. The Committee will meet with Management to discuss issues which are of concern to both parties in order to try and resolve matters in a fair and equitable way.

(6) Job Evaluation Committee:

This is a joint committee with representatives of School District 64 (*CA Article 28.05*). The CUPE members of this committee to be elected at a membership meeting, and shall include one member of the Executive Board (excluding the President) and three representatives, one from each classification within the local.

The working committee will meet with Management to evaluate or re-evaluate, through the use of a gender-neutral plan, all positions within the Collective Agreement as necessary. Committee members will be elected for a two (2) year term, retaining a minimum of one (1) member from the previous Job Evaluation Committee, for continuity. The Committee will receive all requests for reclassification, review the requests and take the steps necessary to ensure continuing parity and gender neutrality.

(7) Scholarship Committee:

This committee shall comprise not less than two and not more than four members, to receive and review applications and select the recipient of the annual Local 788 Bursary.

(8) Occupational Health and Safety Committee:

This committee shall comprise at least two members.

This committee to recommend initiatives to improve health and safety in the workplace, act as an information exchange for local members and to report H & S concerns to the District H & S Committee. At least one member of the Local 788 H & S Committee shall sit on the District O H & S Committee

Workplace H & S Site Reps: Members of the H & S Committee shall recruit a Site Representative in each work site and maintain a list of these reps.

(9) Supplemental Benefit Bank Committee:

This committee shall comprise at least three members including at least one Executive Board member. It is the function of the committee to receive and review all applications for Supplemental Benefit Bank benefits according to the current guidelines.

SECTION 14 – RULES OF ORDER

All meetings of the local shall be conducted in accordance with the basic principles of Canadian Parliamentary Procedure. Some of the more important rules to ensure free and fair debate are appended to these by-laws as Appendix A. These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the by-laws.

If situations arise which are not covered by Appendix A, the CUPE Constitution may provide guidance, but, if the situation is not dealt with there, “Bourinot’s Rules of Order” shall be consulted and applied.

SECTION 15 – AMENDMENT (APP. B.7.1)

- a) These by-laws are always subordinate to the CUPE Constitution (including Appendix B) as it now exists or as it may be amended; and in the event of any conflict between these by-laws and the CUPE Constitution and the latter shall govern.
Constitutional interpretation, including determination of conflict, is the prerogative of the National President.
- b) These by-laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special Membership meeting following seven (7) days notice at a previous meeting or at least sixty days written notice.
- c) No change in these by-laws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President.

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