



CONSTITUTION AND BYLAWS

**CANADIAN UNION OF PUBLIC EMPLOYEES
LOCAL 459**

November 2016

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DECLARATION

Whereas, without laws and regulations, no body of people can subsist, either with comfort to themselves or deputation among others;

And

Whereas, holding this as a fundamental principle of freedom and progress, and in order to promote the decorum and harmony in our association which is so necessary to the lasting welfare of any institution;

THEREFORE, we the Members of the aforesaid association have agreed to and adopted clause by clause, the following CUPE 459 bylaws for the good government of the association. It must be noted that no CUPE 459 bylaw is to conflict with the National Constitution of our National governing Body.

ARTICLE 1 – NAME

The name of the Local shall be “Local 459, Canadian Union of Public Employees.”

ARTICLE 2 – OBJECTS

The objects of this Union shall be safeguarding and developing the economic, social and educational interest of its Members, particularly the negotiation and application of Collective Agreements; and supporting the objects of Canadian Union of Public Employees (CUPE) as set out in ARTICLE II of its Constitution (CUPE National Constitution).

These bylaws are subordinate to the CUPE National Constitution at all times, and where a conflict arises between the CUPE National Constitution and these bylaws, the CUPE National Constitution will take precedence over these bylaws.

ARTICLE 3 – DEFINITIONS

- (a) Wherever the word “Departments” is used it shall refer to the five (5) departments as follows:

Clerical Department – consists of all Secretaries, Clerks, Receptionists, Library Assistants, Science Assistants, Work Experience Co-ordinators, Strong Start and Early Learning Co-ordinators, Central Call-in Co-ordinators, School Meals Co-ordinators and Workers, Home Economics Assistants, Kitchen Cook-Teachers, Supervision Assistants and After School Care Co-ordinators and Workers

Maintenance Department – consists of Trades, Grounds, Equipment Technicians, Information Technicians and any other maintenance personnel working from facilities and is not from the Transportation Department.

Transportation Department – consists of the Vehicle Technicians, Bus Drivers and Crossing-Guards.

Custodial Department – consists of all Custodians and Activity Supervisors.

Education Assistant Department – consists of Education Assistants, Interpreters, Youth and Family Counsellors, Aboriginal Education Support Workers, Wrap-around Co-ordinators, Early Childhood Educators, Communication Facilitators and Interveners.

ARTICLE 4 – MEMBERSHIP

Any workers employed within the jurisdiction covered by the Charter of the Union shall be eligible for Membership. Members must make application on the regular form provided for that purpose, and sign their name on it.

The application for Membership shall be forwarded to the Secretary-Treasurer of School District No. 62 (Sooke).

ARTICLE 5 – OBLIGATION

All candidates for Membership shall agree to the following obligation:

“I promise to support and obey the Constitution of this Union, to work to improve the economic and social conditions of other Members and other workers, to defend and work to improve the democratic rights and liberties of workers and that I will not purposely or knowingly harm or assist in harming another Member of the Union.”

ARTICLE 6 (Section 10) - NOMINATION, ELECTION AND INSTALLATION AND TERMS OF OFFICERS

(a) Nominations

1. Nominations will be received at the regular membership meeting held in the month of **October**.
2. Nominations will be accepted from members in attendance at the nomination meeting or from those members who have allowed their name to be filled in writing at the meeting, witnessed by another member.
3. To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing.
(Articles B.8.1., B.8.2. and B.8.3 *CUPE National 2015 Constitution*)
4. A member may accept nomination for a position while holding office in any position. If successful in the election, their resignation from their current position will take effect at that time.
5. No member will be eligible for nomination if they are in arrears of dues and/or assessments.

(b) Elections

1. The Executive Officers as listed in Section 7 are elected annually for a one (1) year term.
2. At a membership meeting, at least one month prior to Election Day, the President will, subject to the approval of the members present, appoint an Elections Committee consisting of a Chief Returning Officer and assistant(s). The committee will include members of the Local Union who are neither Officers nor candidates for office. The Elections Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential. The National Representative assigned to the Local Union shall serve as an advisor to the committee when requested by the Local Union.
3. The Elections committee will determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Chief Returning Officer.
4. The Chief Returning Officer will be responsible for issuing, collecting, and counting ballots. The Chief Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.
5. The voting will take place at the regular membership meeting in December. The vote will be by secret ballot.
6. Voting to fill one office will be conducted and completed, and recounts dealt with before balloting may begin to fill another office.
7. A majority of votes cast will be required before any candidate can be declared elected, and second and subsequent ballots will be taken if necessary to obtain a majority.
8. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.
9. 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.
10. Any member may request a recount of the votes for any election and a recount will 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.
11. All election complaints by members will be submitted in writing to the Chief Returning Officer as soon as possible but in no circumstances will a complaint be valid if it is filed later than seven days after the election. The Chief Returning Officer in conjunction with the Elections Committee will investigate the complaint and issue a ruling as soon as practical and report the ruling to the very next regular membership meeting.

12. There is no limit to the number of terms Officers and Committee Members can serve in a position. No member can hold more than one (1) position on the Executive Board.

(c) Departmental and Representative Elections

- 1.) Nominations and elections for bargaining unit positions will take place after the elections outlined in Section 6 (b). Nominations and elections will be conducted for the following positions:
 - a) Department Shop Steward
 - b) Job Evaluation Representative
 - c) Health and Safety Representative
 - d) Pro-D Representative
 - e) Sick and Visiting Representative
- 2.) The voting will take place at a department membership meeting by secret ballot. A majority of votes cast will be required before any candidate can be declared elected, and second and subsequent ballots will 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 will be dropped.
- 3.) Members will participate in the departmental election of the department in which they hold a posted position. Members who hold a posted position in more than one (1) department will participate in the departmental election of the department in which they hold the posted position in which they work the most hours.

(d) Installation of Officers

1. All duty elected Officers shall be installed at the meeting at which elections are held and shall continue in office for one year.
2. The terms of office for Trustees shall be so that one serves for a period of three years, one for two years, and one for one year, as laid down in Article B.2.4. of the CUPE National Constitution. Each year thereafter, the Local Union shall elect one Trustee for a three year period. No member who has been a signing Officer for the Local Union is eligible to run for Trustee, until at least one full term of office has elapsed.
3. The Oath of Office to be read by the newly-elected Officers is:
"I, _____, promise to perform the duties of my office, as set out in the Constitution and laws of the Canadian Union of Public Employees, faithfully and to the best of my ability for my terms of office. As an Officer of the Union, I will always promote the harmony and dignity of its sessions by counsel and example. I also promise to turn over all property of the Union to my successor at the end of my term."

(Article 11.6(b) CUPE National 2015 Constitution)

(e) By-elections

Should an office fall vacant for any reason, the resulting by-election should be conducted as closely as possible in conformity with this section. The term of office for any position

filled through a by-election will be the term that the vacated position was initially elected to fulfill.

ARTICLE 7 – EXECUTIVE OFFICERS AND EXECUTIVE BOARD

(a) Executive Officers are:

President
1st Vice-President
2nd Vice-President
Recording Secretary
Secretary-Treasurer
Corresponding Secretary
Chief Shop Steward
Diversity Representative

(b) Executive Officers shall be elected for a one (1) year term.

(c) Executive Board

The Executive Board shall consist of the Executive Officers.

The Shop Stewards shall have voice but no vote at the Executive Board Meeting.

A majority of the voting Members of the Executive Board shall constitute a quorum. The Executive Board shall hold title to any real estate and/or any other assets of the Union as Trustees for the Local. The Executive Board shall have no right to convey, sell or encumber any real estate or other assets of the Local without giving notice of motion at least seven (7) days at a previous meeting, or at least sixty (60) days written notice to the Members, submitting the motion to a Membership meeting and having such motion approved.

The Executive Board shall meet at least once a month during the school term, prior to the Membership meeting to receive, discuss and debate all correspondence and any other general information which may be received. The Executive Board shall report to the Membership meeting and make whatever recommendations it considers necessary for the functioning of the Union.

The Executive Board shall do the work delegated to it by the Membership, and deal with all grievances of Members submitted to it in the reports of the Grievance Committee. The Executive Board shall be held responsible for the proper and effective functioning of the Grievance Committee.

The Executive Board is empowered to authorize expenditures for charitable donations in accordance with previous experience.

The Executive Board shall prepare an Expense Policy for approval by the Membership. The Membership shall amend this policy only on the recommendation of the Executive Board.

Any Executive Board member wishing to be absent from a Regular or Membership meeting must get prior approval from the President. Such approval shall not be unduly withheld. Should any Officer fail to answer roll call for three (3) consecutive meetings without having good and sufficient cause, that office shall be declared vacant and the position filled at the following meeting. This election shall be to complete the unexpired term of office.

It shall be the responsibility of the Executive Board to provide a suitable place to hold meetings; and it shall see that the Officers of the Local are supplied with the proper facilities and supplies for the proper performance of their duties.

ARTICLE 8 – DUTIES OF OFFICERS

Section (a) - President

In addition to the duties prescribed in the National Constitution the President shall:

Enforce the CUPE National Constitution and these CUPE 459 bylaws; decide all question of order and procedure (subject always to appeal of the Membership).

Assign to the First Vice-President and the Second-Vice President duties and responsibilities which will assist in the proper functioning of the Union;

Preside at all meetings of the Local Union; sign cheques on behalf of the Union only as authorised and ordered by the Membership or the Executive Board; appoint all committees not otherwise ordered; and transact such other business that may pertain to the office of President and which may be necessary for the proper functioning of the Local Union.

Be an Ex Officio Member of all committees;

On the termination of office, the President shall surrender all correspondence, files and other property of the Union to the successor.

Section (b) - First Vice-President

In addition to the duties prescribed in the National Constitution the First Vice-President shall:

Perform the duties of the President in the absence of the President.

In the case of the resignation or death of the President, the First-Vice President shall become President for the remainder of the President's term of office;

Preside when called upon by the President and at times when the President shall be temporarily unable to discharge their duties;

Preside at the Executive Board Meetings;

Sign cheques on behalf of the Union only as authorised and ordered by the Membership or the Executive Board;

Assist the President with all regular duties of that position for the proper functioning of the Union;

On the termination of office, the First Vice-President shall surrender all correspondence, files and other property of the Union to the successor.

Section (c) - Second Vice-President

In addition to the duties prescribed in the National Constitution the Second Vice-President shall:

Perform the duties of the First Vice-President in the absence of that Officer. In the event that both President and First Vice-President are unable to fulfil the duties of their office, the Second Vice-President shall assume their obligations;

Sign cheques on behalf of the Union only as authorised and ordered by the Membership or the Executive Board;

Assist the President and the First Vice-President with all regular duties of these positions as required for the proper functioning of the Union;

In the case of the resignation or death of the President or First Vice-President, the Second Vice-President shall become the First Vice-President for the remainder of the First Vice-President's term of office. An election shall then be held for the position of Second Vice-President for the remainder of the Second Vice-President's term of office;

On termination of office, surrender to the duly elected successor all correspondence, files and other property of the Union.

Section (d) - Recording Secretary

In addition to the duties prescribed in the National Constitution the Recording Secretary shall:

Keep a full and correct and impartial record of the proceedings of each meeting of the Local and Executive Board in minute books which shall be supplied for that purpose; and these minutes shall be confirmed at the next meeting and signed by the President;

Notify the Membership of upcoming meetings by distributing, for posting, a Meeting Notice at each worksite at least five (5) days before the meeting date, with an agenda if possible;

Submit Leave of Absence forms for Members on Union business;
Ensure the Secretary-Treasurer receives a copy of all Leave of Absence forms;

Take over the duties of the Corresponding Secretary at the monthly meetings if the Corresponding Secretary is excused or ill.

On termination of office, surrender all correspondence, files and other property of the Union to the successor.

Section (e) - Secretary-Treasurer

In addition to the duties prescribed in the National Constitution the Secretary-Treasurer shall;

Preside at the Membership and Executive Board meetings in the absence of the President and both Vice-Presidents;

Be bonded through the master bond held by the National Office, and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office;

Keep all financial accounts of the Union, and shall maintain correct and proper accounts of its Members;

Receive the initiation fees, dues, assessments and fines from Members of the Union, and shall deposit the same in the name of the Union in such bank or credit union in such manner as the Union may direct;

Prepare all CUPE National per capita tax forms and remit payment not later than the last day of the following month;

Make a full financial report to the regular meetings of the Local's Executive Board, as well as a written financial report to each regular Membership meeting, detailing all income and expenditures for the period;

Prepare and sign cheques on behalf of the Union only as authorized and ordered by the Membership or the Executive Board;

Be responsible for the safekeeping of any bonds, securities or deeds that are the property of the Union, and shall deposit them in a safety deposit box at wherever the Union banks;

Be responsible for keeping the official digital copies of the Collective Agreements and these bylaws.

Be responsible for maintaining an inventory of insurable equipment;

The Secretary-Treasurer shall submit all books and records for audit to the Trustees once a year as required by National Office. (See B.3.12 (a) CUPE National Constitution).

The Secretary-Treasurer shall issue each Member in good standing a current Membership card.

At the end of the term of office, the Secretary-Treasurer shall turn over to the duly elected successor all properties and assets, including funds, books, equipment and records belonging to the Union or any of its Members.

Section (f) - Corresponding Secretary

The Corresponding Secretary shall;

Take over the duties of the Recording Secretary at the Membership and Executive Board meetings if the Recording Secretary is excused or ill;

Preserve in order all written motions, letters, papers and all other documents relating to the Union;

Be responsible for all correspondence. The Corresponding Secretary shall prepare any document or publications, which the Membership directs. The Corresponding Secretary shall forward to the National Office all information required;

Keep a correct list of names and addresses of the Union Members;

On the termination of office, surrender to the duly elected successor all correspondence, files and other property of the Union.

Section (g) - Chief Shop Steward

The Chief Shop Steward shall;

Conduct monthly shop steward meetings and keep record of all Grievances;

Report regularly at all Executive Board Meetings and to the Member at the Membership Meetings;

On termination of office, surrender all correspondence, files and other property of the Union to the successor.

Section (h) – Diversity Representative

The Diversity Representative shall:

Identify with and represent at least one (1) of the following groups: First Nations, Metis or any other racial and/or cultural minorities; homosexual, bisexual and/or trans-gender individuals; people with physical, mental or other challenges; or any other generally acknowledged minority group.

Bring to the attention of the Executive Board and the Membership issues and concerns of people in the above mentioned minorities.

Assist the Executive Board and the Membership address issues and concerns of people in the above mentioned minorities.

Perform other duties as may be assigned from time to time.

On termination of office, surrender all correspondence, files and other property of the Union to the successor.

Section (i) - Sergeant at Arms

The Sergeant At Arms shall:

Guard the inner door and admit no one but Members in good standing or Officers and officials of the Canadian Union of Public Employees except on the order of the President and by consent of the Members present;

Check all Members for valid CUPE Membership cards, or have the Members in question properly vouched for;

Maintain the record of Membership attendance at meetings of the Local on the official record to be kept in the charge of the Recording Secretary;

Perform such other duties as may be assigned from time to time.

Section (j) -Trustees

Three (3) Trustees are to be elected, each to serve for a three (3) year term.

One (1) Trustee is to be elected annually.

One (1) Trustee shall exercise general supervision over the property of the Union.

In addition to the duties prescribed in the National Constitution, the Trustees shall:

Act as an auditing committee on behalf of the Members and audit the books and accounts of the Corresponding Secretary, Secretary-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 Secretary-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 Secretary-Treasurer in an organized, correct and proper manner;

Be responsible to ensure that monies are not paid out without proper Constitutional or Membership authorization;

Ensure that proper financial reports are made to the Membership;

Audit the record of attendance;

Inspect at least 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 completed audit report (on the prescribed form provided by the National Secretary-Treasurer), as well as a copy of their report to the Local Union Membership along with a copy of their recommendations and/or concerns to the President and Secretary-Treasurer and the Secretary-Treasurer's response, to the National Secretary-Treasurer of the Canadian Union of Public Employees, with a copy to the assigned servicing representative;(Articles B.3.10 to B.3.12)

ARTICLE 9 – CONDUCT AND DISCIPLINE

- (a) With the exception of the first step in grievance procedure as set forth in the agreements with management, no Officer, Shop Steward, or Member shall meet with representatives of management or Members of management to negotiate an agreement or change in working conditions or wages, or discuss any grievance, or sit in any committee with management or its representatives to discuss any matter or matters which could concern any Members of this Local, unless he is accompanied by at least one (1) other Officer of this Local.
- (b) All charges against Members or Officers shall be made in writing and handled in accordance with Appendix B. XI of the National Constitution.
- (c) This clause shall not apply to any representative of CUPE or any agent who is not a Member of this Local and who has been engaged to negotiate with management, provided that such negotiations have previously been approved by the Members in meeting assembled.

ARTICLE 10 – STANDING COMMITTEES

Membership on all standing committees shall be appointed by the Executive Board or by election where stated. These committees will stand for a term of one (1) year.

All Committees must be accountable to the Executive Board and submit a written report. Unless otherwise stated, the President shall appoint a chairperson of a committee from amongst the members of the committee.

Section (a) - Liaison Committee

Consists of three (3) Members of the Executive Board and three (3) Members of the Board of Education. Purpose is to discuss unresolved issues of Labour Management.

Section (b) - Labour Management Committee

This committee shall consist of the Executive Board and the Shop Stewards. The Executive Board shall appoint members of this committee to serve as needed on the Labour Management Co-operation Committee established in Article 9 of the Collective Agreement. The Chairperson will be chosen from within this Committee.

Section (c) - Grievance Committee

This Committee will comprise of the Shop Stewards and the Chief Shop Steward. Shop Stewards are to be elected in-house on a departmental basis at the December election meeting. Each department shall elect one (1) Shop Steward.

The Chief Shop Steward shall be the chair of the Grievance Committee.

Section (d) - Constitution and By Laws Committee

Committee consists of not less than four (4) and no more than six (6) Members who will recommend amendments to the National Constitution and these CUPE 459 bylaws as required.

These Members will be appointed by the Executive Board.

Section (e) - Job Evaluation Committee (JEC)

The Job Evaluation Committee (JEC) shall consist of five (5) Members, one (1) from each of the five (5) departments and shall be elected in-house on a departmental basis.

JEC Members shall serve a (3) year term, and be elected in accordance with the following three (3) year cycle:

- in the first year, one (1) Member from each of the Clerical and Custodial Departments;
- in the second year, one (1) Member from the Maintenance Department;
- in the third year, one (1) Member from each of the Transportation and Education Assistant Departments.

Three (3) Members shall be selected, from and by, the five (5) Members of the JEC, for the purpose of meeting with the three (3) management representatives at the Joint Job Evaluation committee (JJEC) Meeting, to evaluate CUPE positions, in accordance with the Maintenance Agreement of the Job Evaluation Plan

A new selection shall be made for each JJEC Meeting, and shall give priority to the JEC Member(s) from the Department(s) of the position(s) to be evaluated by the JJEC

Section (f) - Negotiating Committee

Any Negotiation Committee Member who steps down shall be bound by confidentiality and shall immediately turn over all notes and files to the Chairperson of the Negotiation Committee.

- (i) Consist of one (1) Member from each department, elected in-house at the December election meeting prior to the termination of the existing Collective Agreement and will serve until replaced by the newly elected committee.
- (ii) The function of the Committee shall be to prepare collective bargaining proposals and present to the Membership for approval or rejection and to negotiate Collective Agreements.
- (iii) The CUPE Representative is a non-voting Member of this Committee.
- (iv) All matters concerning the negotiating and application of the agreement between management and the Local shall be subject to the ratification by the Members in meeting assembled. This meeting shall be presided over by the President of the Union or by the Chairperson of the Negotiating Committee. Members shall be notified at least two (2) working days in advance of the vote to ratify of the details of the changes in the contract.
- (v) Only those Members present at the time of voting may cast a ballot.

Additional Sergeant at Arms may be appointed by the Executive Board for this meeting only to assist in maintaining security.

Section (g) - Health and Safety Committee

This committee is composed of at least one (1) Member from each department elected in-house on a departmental basis at the December election meeting.

Section (h) - Sick and Visiting Committee

This committee is composed of at least one (1) Member from each department elected in-house on a departmental basis at the December election meeting.

Section (i) - Professional Development Committee

- (1) This committee shall be comprised of one (1) Member from each Department elected in-house on a departmental basis at the December election meeting.
- (2) Along with Management, compile ideas for workshops or courses for Professional Development days.

- (3) Report at Membership Meetings and give articles to Newsletter Editor.

Section (j) - Political Action / Communications Committee

- (1) The Executive Board shall appoint chairperson.
- (2) The committee shall consist of at least (4) Members.
- (3) The committee shall be responsible directly to the Executive Board.
- (4) To bring about community awareness of Union's position through various medium.
- (5) Any reports or articles to be released must have the Executive Board's approval and the President's signature.

ARTICLE 11 – COORDINATORS, COUNSELLORS AND REPRESENTATIVES

(i) Union Education

- (1) The Executive Board may appoint a Member who shall compile and promote Union Education such as Conferences, Conventions and Seminars. The Member shall keep the Executive Board, the Membership and the Newsletter Editor advised of any courses that will be available.
- (2) The Executive Board shall approve any funding by the Union.

(ii) Union Counsellors

- (1) The Executive Board shall may appoint the Counsellor(s). Counsellor(s) must have had a Union recognized course in counselling.
- (2) Confidentiality between Counsellor and Counsellor must be honoured at all times.
- (3) May be required to refer Members to appropriate organizations for assistance.
- (4) Shall report directly to the President.

(iii) Pensions, Employment Insurance, WCB and LTD Representative

- (1) The Executive Board may appoint this Representative.
- (2) The Member shall keep the Membership informed on any changes to the above policies.
- (3) Report at Membership Meetings and give articles to the Newsletter Editor.

(iv) Newsletter Co-ordinator Editor

- (1) The Executive Board may appoint this position.
- (2) May consist of more than one (1) person.
- (3) Person compiles, edits, publishes, and distributes monthly Newsletter.
- (4) Responsible to the President.
- (5) Deadline for articles is to be established by the Editor.
- (6) Union supplies a computer, laser printer, camera and necessary supplies.

(v) Scholarship and Bursary Co-ordinator

- (1) The Executive Board may appoint this position.
- (2) Scholarship and Bursary Co-ordinator advises the Membership of Scholarships and Bursaries available and where to apply.
- (3) Scholarship and Bursary Co-ordinator shall send posters to each work site.

ARTICLE 12 – AD HOC COMMITTEES

A special ad hoc committee may be established for a specified purpose and period of time by the Membership at a meeting, or may, by specific authorization of the Membership, be appointed by the President or Executive Board. The Chairperson of any AD HOC committee is responsible for submitting a written report to the Executive Board on a regular basis.

ARTICLE 13 – EXTERNAL DELEGATES

Section (a) – Victoria and District Labour Council (VLC)

Delegates to the Victoria and District Labour Council shall be appointed by the Executive Board and the delegate(s) shall report on the proceedings of the Council to the Membership meeting.

Section (b) – CUPE Vancouver Island District Council (VIDC)

Two (2) delegates to the Vancouver Island District Council shall be elected annually. Additional delegates may be appointed by the Executive Board.

Should a delegate be on the Executive of the Vancouver Island District Council, they may remain a delegate.

The delegates shall report on the proceedings of the council to the Membership meetings.

Section (c) – Affiliated bodies

Delegates, appointed by the Executive Board, to all other affiliated bodies, or who represent the Union on any other body, whether elected or appointed, shall do so for a set period not to exceed one (1) year and, at the end of that period, must either be re-elected or re-appointed if they are to continue to act in that capacity.

Section (d) – Conventions and Conferences

The Executive Board shall appoint delegates to Conventions and Conferences. The Local shall compensate delegates for loss of wages and shall pay all necessary expenses according to the provisions of the Expense Policy. The President is to be first delegate at her/his option.

Section (e) – Education

Representation at education institutes, training courses, schools and seminars shall be on the recommendation of the Executive Board.

ARTICLE 14 – FINANCIAL

Section (a) - Initiation Fees and Monthly Dues

The initiation and readmission fee shall be the maximum authorized in the National Constitution. The regular monthly dues shall be established or altered by the Local Union only at a regular or special Membership meeting, provided that at least seven (7) days notice at a previous meeting or at least sixty (60) days written notice has been given.

Notwithstanding, if National raises the per capita tax, the Local dues will automatically lift to match the National lift.

The dues shall be 1.65% of each Member's gross salary, per pay, but in no case shall they be less than \$5.00 (five dollars) per pay.

The dues shall not be changed except upon a majority vote of those present and voting at a regular meeting or special meeting in accordance with the timelines stated above and with Section B 4.3 (c) of the National Constitution.

Section (b) – Assessment

No assessment of any kind can be made except as voted on by a secret ballot by a two third (2/3) majority of the Membership in meeting assembled, at a regular meeting or a special meeting provided that at least seven (7) days notice at a previous regularly scheduled meeting or at least sixty (60) days written notice has been given. Such assessment shall be subject to the approval of the National President of the Canadian Union of Public Employees.

Section (c) – Disbursement of Funds

- (1) All disbursements of the Local's funds shall be by cheque.
- (2) The President, First-Vice President, Second-Vice President and the Secretary-Treasurer shall be authorised to sign cheques on behalf of the Union. If the President, First Vice-President or Second Vice-President do not qualify for a bond, the Executive Board shall appoint one (1) of the other Executive Officers to be a signing Officer.
- (3) All cheques will be signed by two (2) of the authorised signing Officers.
- (4) When possible, signing Officers will not sign cheques made out to themselves.

ARTICLE 15 – AMENDMENT

- (a) These CUPE 459 bylaws are always subordinate to the CUPE National 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 CUPE 459 bylaws and the CUPE National Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.
- (b) These CUPE 459 bylaws 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.
- (c) No change in these CUPE 459 bylaws shall be valid and take effect until approved by the National President of CUPE. The amendments will become valid on the date the National President writes the letter of approval.

ARTICLE 16 – ORDER OF BUSINESS/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 CUPE 459 bylaws as Appendix "A." These rules shall be considered as an integral part of the CUPE 459 bylaws, and may be amended only by the same procedure used to amend these CUPE 459 bylaws be decided by the Chairperson in accordance with the National Constitution of the Canadian Union of Public Employees but, if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied.

ORDER OF BUSINESS

The order of business shall be as prescribed in the National Constitution.

APPENDIX "A" to the BY-LAWS OF LOCAL 459, CUPE

RULES OF ORDER

- (1) The President or, in their absence, the First Vice-President, shall take the chair at all Membership meetings. In the absence of both the President and First Vice-President, the Second Vice-President or Secretary-Treasurer (in same order) shall act as President. The President may appoint the First or Second Vice-President to chair a meeting from time to time.
- (2) A quorum at a Membership meeting shall be a minimum of fifteen (15) Members of which three (3) shall be President (or delegate) and two (2) other Executive Officers.
- (3) No Member, except the Chairperson of a committee making a report or the mover of a resolution, shall speak more than three (3) 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 five (5) minutes, except with the consent of the meeting.
- (4) A motion to be entertained by the presiding Officer must be moved and seconded.
- (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 2/3 vote of those present, to deal with urgent business.
- (7) All resolution and motions other than those named in Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding Officer, be presented in writing before being put to the Local.
- (8) Any Member having made a motion can withdraw it with consent of the seconder except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
- (9) When a Member wishes to speak on a question or to make a motion, they shall rise in their place and respectfully address the presiding Officer but, except to state that they rise to a point of order or on a question of privilege, they shall not proceed further until recognized by the chair.
- (10) When two (2) or more Members rise to speak at the same time, the presiding Officer shall decide which one (1) is entitled to the floor.
- (11) 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 of the Local or Member thereof.

- (12) If a Member, while speaking, is called to order, they shall cease speaking until the point is determined; if it is decided the Member is in order, they may again proceed.
- (13) No religious discussion shall be permitted.
- (14) The President shall take no part in debate while presiding, but may yield the chair to a Vice-President in order to speak on any question before the Local, or to introduce a new question. The President may resume the chair once the issue in question is completed or resolved.
- (15) The Chairperson shall have the same rights as the other Members to vote on any question. Unless otherwise noted, for a motion to pass, it must receive a simple majority of votes cast. Any motion that fails to receive the number of votes necessary for passage shall be defeated. The chairperson shall not have a deciding vote.
- (16) When a motion is before the Local, no other motion shall be in order except (1) to adjourn; (2) to end debate; (3) to postpone for a definite time; (4) to refer; (5) to divide or amend, which motion shall have precedence in the order named. The first four (4) of these shall be decided without debate.
- (17) A motion to end debate when regularly moved and seconded shall be put in this form; "Shall the debate cease?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments (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.
- (18) 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.
- (19) A motion to adjourn is in order except (1) when a Member has the floor; and (2) when Members are voting.
- (20) After the presiding Officer declares the vote on a question, and before the Local proceeds to another order of business, a show of hands shall be made, unless the vote is close - then a standing vote shall be taken and the Corresponding Secretary shall count same.
- (21) If any Member wishes to challenge (or appeal) a decision of the chair, the Member must do so at the time the decision is made. If the challenge is seconded, the Member shall be asked briefly the basis for their challenge. The chairperson may then state briefly the basis for their decision, following which the chairperson shall immediately and without debate put the question: "Shall the decision of the chair be sustained?" A majority vote shall decide except that, in the event of a tie, the chair is sustained.
- (22) After a question has been decided, any two (2) Members who have voted in the majority may, at the same meeting or next meeting, move reconsideration thereof.
- (23) 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.

- (24) The Local's business and proceeding of meetings are not to be divulged to any person outside the Local or the Canadian Union of Public Employees.
- (25) Notwithstanding Article 8 (i), a dependant of a Member in good standing may attend a meeting with that Member.

ANY ITEMS NOT COVERED IN THESE CUPE 459 BY-LAWS ARE COVERED BY THE NATIONAL CONSTITUTION.