



CUPE459

BYLAWS

**CANADIAN UNION OF PUBLIC EMPLOYEES
LOCAL 459**

**APPROVED
July 1, 2021**

YOU ARE THE UNION!

A few **dos and don'ts** to test the sincerity of WE who are the Union ~

- Do** study the Constitution
- Do** study the By-Laws
- Do** study the Agreement
- Do** attend as many meetings as possible
- Do** get acquainted with the Shop Steward for your work site
- Do** learn the difference between a legitimate grievance and a complaint, whether such be frivolous or well-founded
- Do** memorize the Order of Business and follow it when attending meetings
- Do** think before we vote!

- Don't** say, "Why doesn't the Union ...?" instead of "Why don't WE...?"
- Don't** stay away from meetings and gripe about "unwise" decisions afterward
- Don't** go *over the head* of OUR Steward
- Don't** believe the Union is not vitally important to US
- Don't** hesitate to bring to the attention of the meeting YOUR problems
~ they are the Union's, too
- Don't** leave this booklet at home ~ carry it at all times

Equality Statement

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behaviour that creates conflict prevents us from working together to strengthen our union.

As unionists, mutual respect, cooperation and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile or offensive environment.

Discriminatory speech or conduct which is racist, sexist, transphobic or homophobic hurts and thereby divides us. So too, does discrimination on the basis of ability, age, class, religion, language and ethnic origin.

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a union.

Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society and in our union.

CUPE's policies and practices must reflect our commitment to equality. Members, staff and elected officers must be mindful that all persons deserve dignity, equality and respect.



MARK HANCOCK
National President



CHARLES FLEURY
National Secretary-Treasurer

TABLE OF CONTENTS

DECLARATION	1
ARTICLE 1 – NAME	1
ARTICLE 3 – DEFINITIONS	2
ARTICLE 4 – MEMBERSHIP	2
ARTICLE 5 – AFFILIATIONS	3
ARTICLE 7 – EXECUTIVE OFFICERS AND EXECUTIVE BOARD	5
ARTICLE 8 - NOMINATION, ELECTION, INSTALLATION	6
ARTICLE 9 – DUTIES OF OFFICERS	9
ARTICLE 10 – CONDUCT AND DISCIPLINE	15
ARTICLE 11 – STANDING COMMITTEES	15
ARTICLE 12 – AD HOC COMMITTEES	20
ARTICLE 13 – EXTERNAL DELEGATES	20
ARTICLE 14 – FINANCIAL	21
ARTICLE 16 – RULES OF ORDER	22
APPENDIX “A” to the BY-LAWS OF LOCAL 459, CUPE	23



CUPE459

DECLARATION

Local 459 of the Canadian Union of Public Employees has been formed to:

- uphold and enforce the spirit and the word of the Collective Agreement.
- Improve and safeguard the social, economic and educational well-being of all its members.
- Promote equality for all members and to oppose all types of harassment and discrimination.
- Promote the efficiency of public services.
- Express its belief in the unity of organized labour.
- The following bylaws are adopted by Local 459 in accordance with the CUPE National Constitution of our National governing Body, to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible. Duties and responsibilities of elected officers and members of committees should be as widely dispersed as possible through the sharing of duties and responsibilities.
- 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.
- CUPE Local 459 shall respect and apply the CUPE National Equality Statement to all the Local's activities.

ARTICLE 1 – NAME

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

ARTICLE 2 – OBJECTIVES

The objectives of Local 459 are to:

- Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members.
- Provide an opportunity for its members to influence and shape their future through free democratic trade unionism.
- Encourage the settlement by negotiation and mediation of all the disputes between the members and their Employers.

- Eliminate harassment and discrimination of any sort or on any basis; for the equality of treatment regardless of class, race, colour, nationality, age, sex/gender, gender identity, gender expression, language, sexual orientation, place of origin, ancestry, religious beliefs, or mental and physical disability; and the active opposition of discrimination of same wherever it occurs or appears.
- Establish strong working relationships with the public we serve and the communities in which we work and live.

ARTICLE 3 – DEFINITIONS

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, Sanitization Custodians, and Activity Supervisors.

Education Assistant Department – consists of Education Assistants, Interpreters, Student Engagement Facilitators, Aboriginal Classroom Program Assistants, Wrap-around Co-ordinators, Early Childhood Educators, Communication Facilitators, Interveners, Youth Outreach Workers, Transcribers, and Health Care Assistants.

ARTICLE 4 – MEMBERSHIP

(a) 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.

(b) **Initiation Fee**

Payment of initiation fees is a tangible confirmation of the desire to become a member of your Local Union and the Canadian Union of Public Employees. Each application for membership in the Local Union will be directed to the Secretary-Treasurer and will be accompanied by an initiation fee of ten (10) dollars which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected, the fee shall be returned.

(c) **Oath of Membership**

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 5 – AFFILIATIONS

In order to strengthen the labour movement and work toward common goals and objectives, Local 459 shall be affiliated to and pay per capita fee to the following organization(s):

- CUPE British Columbia Provincial Division (CUPE BC)
- BC K-12 Presidents Council
-South Island Coordinated Bargaining Group
- British Columbia Federation of Labour (BCFED)
- CUPE Vancouver Island District Council (VIDC)
- Victoria Labour Council (VLC)

ARTICLE 6 – MEMBERSHIP MEETINGS

(a) Regular Membership Meetings

Regular membership meetings of Local 459 shall be held a minimum of six (6) times per school year on a Saturday at 9:00AM as scheduled by the Executive or on a Professional Development Day.

When a statutory holiday or a situation beyond the control of the Local Union arises which causes the cancellation of a regular membership meeting, the Executive Board shall reschedule the regular membership meeting, and will give members seven days' notice of the date of the rescheduled regular membership meeting.

(b) Quorum

A quorum at a Membership meeting shall be a minimum of fifteen (15) Members of which three (3) shall be President (or designate) and two (2) other Executive Officers.

(c) Special Membership Meetings

Special membership meetings of Local 459 may be required and shall be called by the Executive Board or may be requested in writing by no fewer than twenty-five (25) members.

The President shall immediately advise members when a special meeting is called, and ensure that all members receive at least twenty-four (24) hours' notice of the special meeting, the subject(s) to be discussed, the date, time and location. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

(d) Membership Meeting Agenda

The order of business at regular membership meetings is as follows:

1. Traditional Territory Acknowledgment:

CUPE 459 Sisters, Brothers and Friends,

We would like to welcome our guests, family, and friends. We would like to acknowledge the traditional territories of the Coast Salish, Esquimalt Nation, and Songhees Nation on which the school is built on. We at SD 62 work with Beecher Bay, T'Souke Nation and Pacheedaht Nation to the West. Thank-you for sharing this beautiful land and teaching us the history and making good relationship.

Hych'ka Kleco Kleco Marsee

2. Roll Call of Officers
3. Reading of the Equality Statement
4. Oath of New Members
5. Approval of Agenda
6. Approval of Minutes
7. Matters Arising Out Of The Minutes
8. Treasurer's Report
9. Communications Report
10. Executive Board Report
11. Committee Reports
12. Nominations, Elections, or Installations
13. Unfinished Business
14. New Business
15. Good of the Union
16. Adjournment

ARTICLE 7 – EXECUTIVE OFFICERS AND EXECUTIVE BOARD

(a) Executive Officers are the Table Officers of the Executive:

President	Elected in even years
1 st Vice-President	Elected in odd years
2 nd Vice-President	Elected in even years
Treasurer	Elected in odd years
Recording Secretary	Elected in even years
Communications Secretary	Elected in odd years
Executive Shop Steward	Elected in odd years
Diversity Representative	Elected in even years

(b) Executive Officers shall be elected for a two (2) year term.

(c) Executive Board

The Executive Board shall consist of the Executive Officers, Assistant Executive Shop Steward, Shop Stewards, and the Sergeant at Arms.

The Shop Stewards, Assistant Executive Shop Steward, and Sergeant at Arms shall have voice but no vote at the Executive Board Meeting.

The Executive Shop Steward will schedule monthly Grievance Committee meetings and report to the Executive.

A simple majority of the voting Members of the Executive Board shall constitute a quorum.

Education and Training be organized for our first time executive members and executive members in new positions.

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 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 shall amend, as required, the Local's Expense Policy for approval by the Membership.

The Executive Board must obtain approval from the membership in order to spend more than one thousand dollars (\$1000.00) on items not previously approved in the budget.

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. If an Officer fails to attend three (3) consecutive membership meetings or three consecutive executive meetings without good and sufficient-reason, their office will be declared vacant and filled at the next meeting.

A notice of motion to fill the vacant position shall be given and the position will be 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 - NOMINATION, ELECTION, INSTALLATION

(a) Nominations

1. Nominations for Executive Officers (refer to Article 7a) will only be received at the regular membership meeting held in the month of **October**.

Any positions that are not challenged will be acclaimed and sworn in at the December Annual General Meeting.

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, not less than forty-eight (48) hours prior to Nominations meeting.
3. If there is more than one (1) member who has accepted a nomination for a given position, there will be an election for the position at the December Annual General Meeting.
4. To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing.
5. 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.

(b) Elections

1. The Executive Officers as listed in Article 7 are elected for a two (2) 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 Chair of the Elections Committee 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 Chair of the Elections Committee.
4. The Chair of the Elections Committee will be responsible for issuing, collecting, and counting ballots. The Chair of the Elections Committee 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 simple 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.
8. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a simple 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. A recount will be conducted if the request is supported by a show of hands of 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 Chair of the Elections Committee 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 Chair of the Elections Committee 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 8 (b). Nominations and elections will be conducted for the following positions:
 - a) Department Shop Steward (2-year term, odd years)
 - b) Job Evaluation Representative (3-year Term per Article 10 – Section (e))
 - c) Health and Safety Representative (2-year term, odd years)
 - d) Pro-D Representative (2-year term, odd years)
 - e) Good and Welfare Representatives (2-year term, odd years)
- 2.) The voting will take place at a department caucus meeting at the December annual general membership meeting, by secret ballot. A simple 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 simple 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. Any vacancies will be appointed by the Executive Board to fulfil the remainder of the term.

(d) Installation of Officers

1. All duty elected Officers shall be installed at the December Annual General Meeting at which elections are held and shall continue in office for the defined term of the position.
2. Each year, 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 their 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.”

(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 article. The term of office for any position filled through a by-election will be the term that the vacated position was initially elected to fulfil.

ARTICLE 9 – DUTIES OF OFFICERS

(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 questions of order and procedure (subject always to appeal of the Membership as defined in Appendix A #21).
- 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.
- Be responsible for keeping the official digital copies of the Collective Agreements and these bylaws.
- On the termination of office, the President shall surrender all correspondence, files, and other property of the Union to the successor.

(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.
- 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.

(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 perform the duties of both officers.
- 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.
- Be responsible for the coordination and oversight of union education.
- 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.

(d) – Treasurer

In addition to the duties prescribed in the National Constitution the 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 Treasurer who cannot qualify for the bond shall be immediately disqualified from office, and a new Treasurer replacement shall be elected.
- Keep and secure all financial accounts of the Union and shall maintain correct and proper accounts of its Members.
- Receive all monies, 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, except where the cheque is addressed to the Treasurer, in which case other signing authorities are required.
- 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.
- Act as the Good and Welfare Committee Chair, in accordance with Article 11(g).
- Act as the Bursary Chair, in accordance with Article 11(j)
- Be responsible for maintaining an inventory of insurable equipment.
- Submit all books and records for audit to the Trustees once a year as required by National Office.
- Maintain records of members in good standing.
- At the end of the term of office, the 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.

(e) Recording Secretary

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

- Keep a full, correct, and impartial record of the proceedings of each meeting of the Local and Executive Board and these minutes shall be adopted at the next meeting.
- Preserve in order all written motions, letters, papers, and all other documents relating to the Union.
- Submit Leave of Absence forms for Members on Union business;
- Ensure the Treasurer receives a copy of all Leave of Absence forms.
- On termination of office, surrender all correspondence, files, and other property of the Union to the successor.

(f) – Communications Secretary

- The Communications Secretary is responsible for communications with members and the National office and they shall:
- Take over the duties of the Recording Secretary at the Membership and Executive Board meetings if the Recording Secretary is excused;
- Notify the Membership of upcoming meetings by distributing, a Meeting Notice to members at least five (5) days before the meeting date, with an agenda if possible.
- Prepare Grievance responses as requested by the Executive Shop Steward and or the President.
- Receive any communication from members to be brought to the Executive.
- Be responsible for all communication with members including maintaining and posting to social media platforms and keeping the website updated.
- Prepare any document or publications, which the Membership directs.
- Forward to the National Office all information required.
- Keep and maintain an updated list of names, addresses, and personal emails of the Union Members.
- On the termination of office, surrender to the duly elected successor all correspondence, files, and other property of the Union.

(g) - Executive Shop Steward

The Executive Shop Steward shall:

- Conduct monthly shop steward meetings and keep record of all Grievances.
- Report regularly at all Executive Board Meetings and to the Members at the Membership Meetings.
- Serve as the Chair of the Grievance Committee.
- On termination of office, surrender all correspondence, files, and other property of the Union to the successor.

(h) – Assistant Executive Shop Steward

The Assistant Executive Shop Steward shall:

- Be elected by the general membership in even years to support the Grievance Committee and Executive Shop Steward in their duties.
- Perform the duties of the Executive Shop Steward in the absence of the Executive Shop Steward.
- In the case of the resignation or death of the Executive Shop Steward, shall become Executive Shop Steward for the remainder of the Executive Shop Steward's term of office.

(i) – Diversity Representative

The Diversity Representative shall Self-Identify with at least one (1) of the following equity seeking groups: Indigenous workers, LGBTQ2+, workers of colour, workers with disabilities; or any other generally acknowledged marginalized group, and shall:

- Represent the above Equity Seeking groups.
- Chair the Diversity Committee.
- Bring to the attention of the Executive Board and the Membership issues and concerns of people in the above-mentioned equity seeking groups and assist in addressing those issues and concerns.
- Ensure the membership is aware of seasonal celebrations, annual events and special occasions.
- Assist the Executive Board and the Membership to address issues and concerns of people in the above-mentioned equity seeking groups;

- 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.

(i) - Sergeant at Arms

The Sergeant At Arms shall:

- Be elected by the general membership in the even years
- 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.
- Confirm all Members on the current membership list 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.
- Ensure that the members present are in good standing and have been sworn in.
- Maintain the numbers of those in attendance during voting and maintain the count to report quorum to the President and/or Chair of the Elections Committee.
- Perform such other duties as may be assigned from time to time.

(k) - 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.

The Trustees 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 Communications 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 Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Treasurer in an organized, correct and proper manner.

- 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,
 - a copy of their recommendations and/or concerns to the President,
 - and Treasurer, and the Treasurer's response to the trustees,
 to the National Secretary-Treasurer of the Canadian Union of Public Employees, with a copy to the assigned servicing representative.

ARTICLE 10 – CONDUCT AND DISCIPLINE

- (a) With the exception of the first step in grievance procedure as set forth in the Collective Agreement, no Officer, Shop Steward, or Member shall meet with representatives of management to negotiate an agreement or change in working conditions or wages, discuss any grievance, or sit in any committee with management or its representatives to discuss any matter which could concern any Members of this Local, unless they are 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 the Trial Procedure in 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 11 – 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 two (2) years, except otherwise stated.

All Committees must be accountable to the Executive Board and submit a report.

Unless otherwise stated, the President shall appoint a chairperson of a committee from amongst the members of the committee.

(a) - 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 Committee.
- The purpose of such meetings shall be to discuss and settle, if possible, all matters of mutual concern.
- The Chairperson will be chosen from within this Committee.

(b) - Grievance Committee

- This Committee will comprise of the Shop Stewards, Assistant Executive Shop Steward, and the Executive 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-Executive Shop Steward shall be the chair of the Grievance Committee.

(c) - Constitution and By Laws Committee

This 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 at least every three (3) years and be supported by the Local's National Representative.

Report at Membership Meetings regularly.

(d) - Job Evaluation Committee (JEC)

JEC is a joint committee established to

- a) Monitor the effectiveness of the Joint Job Evaluation Plan and make recommendations to the parties for improvements to the plan.
- b) Conduct ongoing job evaluation and audits.
- c) Review the JE ratings for new positions.
- d) Review any requests for reconsideration of a job rating.

- 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.
- JEC members shall support members in navigating the Job Evaluation process.
- Report at Membership Meetings regularly.

(e) – Bargaining Committee

- 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.
- The function of the Committee shall be to survey the membership, prepare collective bargaining proposals and present to the Membership for approval or rejection the proposed bargaining package.
- The CUPE National Representative is a non-voting Member of this Committee who provides support and guidance.
- The tentative agreement shall be subject to ratification by the Members at a meeting for that purpose. This meeting shall be presided over by the President of the Union. 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.
- 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 checking in, counting votes, and maintaining security.
- Any Bargaining Committee Member who steps down shall be bound by confidentiality and shall immediately turn over all notes and files to the President of the Local.
- Report at Membership Meetings regularly.

(f) - 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.

- The Union Executive will send elected members to the BCFED OH&S training as soon as possible and the Union will cover all costs of the required training.
- Committee members are required to provide a record of their training to the Local.
- Report at Membership Meetings regularly.
- 2 year term elected in odd years

(g) – Good and Welfare 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.

- This committee works with the treasurer to recognize members within the policy guidelines.
- Report at Membership Meetings regularly.
- 2 year term elected in odd years

(h) - Professional Development Committee

- This committee shall be comprised of one (1) Member from each Department elected in-house on a departmental basis at the December election meeting. Due to the size of the department, the EA department shall have two (2) members.
- Along with Management, compile ideas for workshops or courses for Professional Development days.
- Report at Membership Meetings regularly.
- 2 year term elected in odd years

(i) - Communications-Committee

- The communications secretary shall be the chair of the committee..
- The committee shall be responsible for updating the website and utilizing the Social Media sites to promote CUPE while maintaining integrity of the members and the Local
- The committee shall consist of at least (2) Members.
- The committee shall be responsible directly to the Executive Board.
- To bring about community awareness of Union's position through various medium.
- Any Reports or articles to be released must have the President's approval.
- Report at Membership Meetings regularly.

(j) - Bursary Committee

- The Treasurer shall be the chair of the committee.
- The Executive Board will appoint members to the committee.
- Bursary committee advises the membership of local, regional, and provincial scholarships and bursaries available and where to apply.
- The committee shall review all bursary applications and make recommendations to the Executive Board.
- Communicate results to all applicants.

(k) - Diversity Committee

The Diversity Committee shall consist of no less than three (3) and no more than six (6) members.

- Members shall identify as being from an equity seeking group.
- The Diversity Representative shall be the chair of the committee.
- Upon recommendation of the Diversity Chair the Executive shall appoint committee members.

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

(a) – Victoria Labour Council (VLC)

Two (2) delegates to the Victoria Labour Council shall be elected annually.

Should a delegate be on the Executive of the Victoria Labour Council they may remain a delegate.

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

(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.

(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.

(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 their option.

(e) – Education

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

ARTICLE 14 – FINANCIAL

(a) - Initiation Fees and Monthly Dues

The initiation and re-admission 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 two-third (2/3) 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.

(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.

(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 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 two-third (2/3) 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 – 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. Any interpretation of these Rules of Order shall 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.

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 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 designate) 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. Chairpersons 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 resolutions 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 or raise their hand 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, rude, 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 made and defeated, 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 Recording 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 motion 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, and the doors shall be closed, during 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 9 (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.



CUPE459