

CUPE LOCAL 1974

Kingston Health Sciences Centre

BY-LAWS

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**APPROVED BY NATIONAL FEBRUARY 1, 2019**

**Amendments approved by membership - – JANUARY 26, 2019**

**INDEX**

[**PREAMBLE** 1](#_Toc165991)

[**BY-LAW AUTHORITY** 1](#_Toc165992)

[**SECTION 1: NAME** 1](#_Toc165993)

[**SECTION 2: OBJECTIVES** 1](#_Toc165994)

[**SECTION 3: INTERPRETATION AND DEFINITIONS** 1](#_Toc165995)

[**SECTION 4: MEMBERSHIP MEETINGS - REGULAR AND SPECIAL** 2](#_Toc165996)

[**SECTION 5: VOTING OF FUNDS** 3](#_Toc165997)

[**SECTION 6: EXECUTIVE OFFICERS** 3](#_Toc165998)

[**SECTION 7: EXECUTIVE BOARD** 3](#_Toc165999)

[**SECTION 8: DUTIES OF OFFICERS, COMMUNICATION OFFICE, HEALTH&SAFETY CHAIRPERSON, CUSTODIAN, AND NATIONAL REPRESENTATIVE** 4](#_Toc166000)

[**SECTION 9: OUT-OF-POCKET EXPENSES** 9](#_Toc166001)

[**SECTION 10: FEES, DUES AND ASSESSMENTS** 11](#_Toc166002)

[**SECTION 11: NON-PAYMENT OF DUES AND ASSESSMENTS** 11](#_Toc166003)

[**SECTION 12: NOMINATIONS, ELECTION AND INSTALLATION OF OFFICERS** 12](#_Toc166004)

[**SECTION 13: DELEGATES TO CONVENTIONS** 14](#_Toc166005)

[**SECTION 14: COMMITTEES** 14](#_Toc166006)

[**SECTION 15: AMENDMENTS** 18](#_Toc166007)

[**APPENDIX ‘A’ - RULES OF ORDER** 19](#_Toc166008)

[**APPENDIX “B”** 21](#_Toc166009)

# **PREAMBLE**

This Local of the Canadian Union of Public Employees is formed to fight for improvements of the political - economic and social welfare of all its members, to promote public service through organized public employment and to manifest its belief in collective labour activity.

This Local is founded upon the principles of democratic government by its membership, full administrative accountability and allegiance to the CUPE Constitution. Furthermore, this Local is unequivocally opposed to any form of discrimination on the basis of race, colour, culture, creed, sex or sexual orientation, political affiliation, age or physical disability.

# **BY-LAW AUTHORITY**

The following By-Laws are adopted pursuant and subordinate to the CUPE Constitution with specific reference to its Appendix "B".

# **SECTION 1: NAME**

The name of this Local shall be the Canadian Union of Public Employees, Local 1974**,** Kingston Health Sciences Centre.

# **SECTION 2: OBJECTIVES**

The Local shall steadfastly work toward the realization of the following objectives:

a) improvements of wages, benefits, job security and working conditions of its members through free collective bargaining;

b) organization of collective activity to defend the interests of CUPE Local 1974, its members, and the trade union movement in general;

c) building a favourable public image of public employees by improving service and efficiency on the job and being active in the community;

d) representing membership interests before the appropriate political and governmental bodies;

e) supporting the implementation of all democratically adopted policies of CUPE and its Local 1974;

f) involving as many members as possible in Local 1974 through the sharing of duties and responsibilities;

g) demanding a fully public, free and universal system of comprehensive health care in Ontario, including care for the chronically ill and elderly.

# **SECTION 3: INTERPRETATION AND DEFINITIONS**

Masculine pronouns shall be understood to include the feminine gender. Kingston Health Sciences Centre (KHSC) including; KGH site and all predecessor satellite locations, and HDH site and its predecessor satellite locations.

# **SECTION 4: MEMBERSHIP MEETINGS - REGULAR AND SPECIAL**

a) Regular membership meetings shall be held each month, except December, July, and August. The Executive Board shall give one (1) weeks’ notice seven (7) days of the date of the regular meeting and that adequate notice shall include posting on all approved bulletin boards at KHSC.

Quorum for the transaction of business at any regular or special meeting shall consist of at least three (3) members of the seven (7) Table Officers and minimum representation from the membership equaling the Table Officers representation plus eleven (11)members. All members must be in good standing. (Minimum quorum: 3 table officers + 11 members = 14 total).

Regular membership meetings shall start at 6:30 p.m. on the last Monday of  February**,** April, June, September and November and at 10:00 a.m. on the last Saturday of January, March, May and October. When a regular membership meeting scheduled on a Saturday is rescheduled, it will be held on a Saturday, and when a regular membership meeting scheduled on a Monday is rescheduled, it will be held on a Monday.

b) Special membership meetings may be called by the Executive Board or requested in writing by no fewer than twenty-five (25) members. The President shall immediately call a special meeting when so ordered by request and shall see that all members receive at least twenty-four (24) hours' notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called.

c) The transaction of business at any regular meeting shall be decided by simple majority vote, unless otherwise specified in these By-Laws.

d) The order of business at regular membership meetings:

1. Roll Call of Executive Board Members**.**

 2. Reading of the Equality Statement

3. Initiation of New Members

 4. Reading of the Minutes.

 5. Matters Arising Out of Minutes

 6**.** Secretary-Treasurer’s Report

 7. Executive Reports

 8. Reports of Committees and Delegates

 9. Nominations, Elections or Installations

 10. Unfinished Business

 11. New Business

 12. Good of the Union

 13. Membership Draw

 14. Adjournment

# **SECTION 5: VOTING OF FUNDS**

Except for ordinary expenses and bills as approved at membership meetings, any grant or contribution to a member(s) or a cause(s) outside of CUPE greater than five hundred dollars ($500.00), a notice of motion must be made at a regular membership meeting and then approved at the following regular membership meeting before the grant or contribution can be paid out. In an emergency, a majority vote of the Executive Board will be considered an acceptable alternative to membership approval.

# **SECTION 6: EXECUTIVE OFFICERS**

1. The Officers of the local shall include three (3) trustees and Table Officers; President, 1st Vice-President, 2ndVice-president (elected from alternate sites), Secretary-Treasurer, Recording Secretary and two (2) Grievance Officers (elected from alternate sites). Table Officers shall be elected to a two (2) year term by the membership. Elections are held every second year at the March General Membership meeting. Trustees have voice but no vote.

b) All signing officers shall be bonded as prescribed under the By-Laws. The signing officers shall be President, 1st Vice-President and Secretary-Treasurer**.**

c) The Secretary-Treasurer and all other officers authorized to sign on behalf of the local shall be properly bonded pursuant to B.3.5 of the National Constitution.  If any officer is not qualified to be bonded by CUPE master bond, signing authority will become the responsibility of the 2nd Vice-President.

# **SECTION 7: EXECUTIVE BOARD**

1. The Executive Board shall comprise all (7) seven Table Officers. Membership Officer,and Communication Officer and Health & Safety Committee Chair, shall be considered members-at-large to the Executive Board, with voice but no vote.

b) The Board shall meet at least once every month.

c) A majority of the Table Officers constitutes a quorum.

d) All members of the Executive Board shall strive to attend all meetings of Local 1974 rather than outside non-union conflicting with such meetings.

e) No member may be elected to hold more than one (1) Union Office.

f) Should any Board Member fail to answer the roll call for three (3) consecutive regular meetings or three (3) consecutiveregular Board meetings, without having submitted good reasons for those failures, his office shall be declared vacant and shall be filled by an election at the following membership meeting as per section B.2.5 of the National Constitution.

g) The Executive Officer**s** shall hold title to any real estate of the Local as trustees for the Local. They shall have no right to sell, convey, or encumber such real estate without first giving notice and then submitting the proposition to the membership meeting and having it approved.

h) One trustee will be elected to a three (3) year term every March by the membership.

1. The Board shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees.

j) The Membership Officer shall:

* guard the inner door at membership meetings and admit only members in good standing or officers and officials of CUPE, except by the order of the President or designate and by consent of the members present;
* assist in maintaining the record of membership attendance at meetings;
* perform such other duties as may be assigned by the Board from time

to time.

# **SECTION 8: DUTIES OF OFFICERS, COMMUNICATION OFFICE, HEALTH&SAFETY CHAIRPERSON, CUSTODIAN, AND NATIONAL REPRESENTATIVE**

All newly elected Officers of the Union, and Stewards must attend the first available school or training sessions pertaining to their position within their first year of office.

1. The President shall:
* enforce the CUPE Constitution and these By-Laws;
* preside at all membership and Executive Board meetings and preserve order;
* decide all points of order and procedure (subject always to appeal to

 the membership);

* have a vote on all matters (except appeals against his rulings) and in case of a tie vote in any matter, including elections, 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;
* ensure that all officers perform their assigned duties;
* introduce new members and conduct them through the initiation ceremony;
* act as a signing officer of the Local and ensure that the Local's funds are used only as authorized or directed by the Constitution, By-Laws, or vote of the membership;
* have first preference as a delegate to the CUPE National Convention and other trade union conventions and conferences;
* on termination of office surrender all books, seals, credit cards, and other properties of the union to his/her successor;
* be empowered, with the approval of the membership, to appoint a member to assist where necessary and be paid accordingly.

b) The 1st Vice-President shall:

* if the President is absent or incapacitated, perform the duties of the President;
* if the office of President falls vacant, be Acting President until a new President is elected;
* render assistance to any member of the Board as directed by the Board;
* be an ex-officio member at all committees, including the Stewards' Committee;
* act as a signing officer for the Local;
* be responsible for new member orientation;
* on termination of office surrender all books, seals, credit cards, and other properties of the Union to his/her successor.
* be bonded through the master bond held by CUPE National. If the 1st Vice-President cannot qualify for the bond, he/she shall be disqualified from having signing authority.

c) The 2nd Vice-President shall:

* if the President and 1st Vice-President is absent or incapacitated, perform the duties of the President;
* if the office of President and 1st Vice-President falls vacant, be Acting President until a new President is elected;
* render assistance to any member of the Board as directed by the Board;
* be an ex-officio member at all committees, including the Stewards' Committee;
* be responsible for new member orientation in absence of 1st Vice President;
* on termination of office surrender all books, seals, credit cards, and other properties of the Union to his/her successor.
* If any officer is not qualified to be bonded by CUPE master bond, signing authority will become the responsibility of the 2nd Vice-President.

d) The Secretary-Treasurer shall:

* make a full financial report to meetings of the Locals’ Executive Board; as well as a written financial report at each regular membership meeting, detailing all income and expenditures for that period;
* receive all revenue, initiation fees, dues and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union;
* pay legal fees associated with retainers and/or legal proceedings as authorized by the membership and to pay operating expenses incurred by the local including, cell phone payment, Public utilities, building expenses, and WSIB contributions
* throughout his/her term, and on behalf of the Local Union membership, be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoice and/or vouchers for every disbursement made, receipts for all money sent to CUPE headquarters, as well as records and supporting documents for all income received by the Local Union;
* act as a signing Officer of the Local;
* prepare all CUPE National per capita tax forms and remit payments no later than the last day of the following month;
* prepare billings and collect outstanding balances
* record all financial transactions in a manner acceptable to the Board and in
* accordance with good accounting practices;
* 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 and a bi-election held;
* pay no money unless supported by a voucher. No voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated;
* make all books available for inspection by the auditors and/or Trustees on reasonable notice, and have the books audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees;
* provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE;
* be empowered, with the approval of the membership, to employ necessary clerical assistance to be paid for out of the Local’s funds;
* on termination of office, surrender all books, records, seals**,** credit cards and other properties of the Local to his successor;
* render assistance to any member of the Board as directed by the Board;
* issue membership cards or designate to all new members at the time of initiation

e) The Recording Secretary shall:

* take minutes at all conferences, conventions, and seminars, when in attendance and prepare report for General Membership meeting;
* take minutes at all Membership and Executive meetings;
* keep a record of all alterations in the By-Laws, and keep a separate record of same;
* give a verbal account, in point form, of the minutes of the last General Meeting, Executive Meetings and/or Special meetings at all General Meetings;
* answer correspondence and direct information immediately to appropriate Executive member, and fulfill other secretarial duties as directed by the Board;
* file a copy of all letters sent out and keep on file all communications;
* have all records ready on reasonable notice for auditors and**/**or Trustees;
* on termination of office, surrender all books, seals and other properties of the Local to his/her successor;
* maintain an up-to-date list of all union members;
* answer correspondence and fulfill other secretarial duties as directed by

 the Board;

* preside over Membership and Board meetings in the absence of ~~both~~ the President and the 1st and 2nd Vice-President
* be empowered, with the approval of the President, to employ necessary administrative support or other assistance which shall be paid from the Local’s funds.
* on termination of office, surrender all books, records, seals, credit cards and other properties of the Local to his successor;
* render assistance to any member of the Board as directed by the Board;
* keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustee reports.

f) Site Grievance Officers shall:

* co-chair and attend monthly Stewards Committee meetings;
* workload shall be shared equitably between the Site Grievance Officers.
* arrange and participate in educational programs for Stewards;
* assign case numbers and assign grievances and other duties to the elected Stewards;
* receive monthly written reports from Stewards on all complaints and grievances;
* follow-up, schedule meetings, and report on all grievances to the Local President, Grievance Committee, and National Representative within the time limits established in the collective agreement;
* keep current and secure all records pertaining to membership and grievances;
* handle all correspondence regarding grievances;
* maintain a file of all job postings, and identify discrepancies from known

 job duties;

* maintain a file of all classification changes, and positions which are created or eliminated;
* keep precise minutes of all monthly Stewards meetings with a copy to the Recording Secretary., including roll call.
* Should any steward fail to answer the roll call for three (3) consecutive steward meetings without having submitted good reasons for those failures, his office shall be declared vacant by the Grievance Officers.
* on termination of office, surrender all books, records, seals**,** credit cards and other properties of the Local to his successor;
* render assistance to any member of the Board as directed by the Board;

g) The Trustees shall:

* act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer and the Recording Secretary at least once each calendar year;
* present a written report of their findings to the first membership meeting following the completion of each audit;
* audit the Executive Board’s record of attendance;
* ensure that monies are not paid out without proper constitutional or membership authorization;
* ensure that complete financial reports are presented to the membership;
* 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 all findings to the membership;
* use audit forms supplied by the National Office and send a completed copy of each audit to 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;
* ensure that the Local Union’s funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct and proper manner.
* submit in writing to the President and Secretary-Treasurer, any recommendations and/or concerns they feel should be reviewed. Make application to the membership to demand an audit if they suspect wrongdoing or fraud.

h) Communication Officer shall:

* be Chairperson of the Communication Committee.
* review and revise all communications before submission to the Table Officers.
* all material must be approved by the Table Officers before presentation to the membership.
* attend monthly board meetings.
* post information appropriate to social media platform as directed by the board.
* prepare and distribute all circulars and notices to the members of the Local;
* be responsible for updating and maintaining the social media of the local.

i) Health & Safety Chairperson shall:

* be elected by general membership
* be a member of the Executive Board with voice but not vote.
* represent the Local on any joint Health and Safety Committees,
* ensure that worker representatives of the joint Health & Safety Committee meet separately from the employer to prepare for meetings with the employer.
* attend joint Health & Safety meetings at both sites alongside the site committee member and perform other duties as set out by statute, the collective agreements, and Union policies.
* report at every Executive Board Meeting and the General membership meeting on the activities of the Committee, including all reports received by the Committee, i.e., Hospital and Ministry reports. A copy of these reports shall be kept on file in the Local Union Office.

(j) Custodian:

 A custodian shall be elected alongside of committees. The position will fulfil cleaning and other duties at the request of Executive Board. The custodian is not on the executive board.

 The position will be paid at the hourly rate of pay used for Environmental Services Department.

(k) National Representative:

The assigned CUPE National Representative shall have voice but no vote on all committees and at all meetings. He shall be available to advise the Executive Board on all matters, when requested, and advise them of services provided by the National Union which could assist the Local.

# **SECTION 9: OUT-OF-POCKET EXPENSES**

1. An expense allowance shall be paid, without need of supportive vouchers, to elected officials of the Local as compensation for normal and miscellaneous out-of-pocket expenses.

This annual allowance is paid in November of each year. Individual requests for full or partial payment at a different time of year must be approved by the President. If persons do not complete their term of office, the out of pocket expenses will be prorated to reflect the time served. Anyone who has been paid their out of pocket expense but cannot complete their year of service will be asked to repay the prorated portion of the out of pocket expense.

President: $2500.00

 1st Vice-President: $2100.00

 2nd Vice-President $2100.00

 Secretary-Treasurer: $2100.00

 Recording Secretary: $1850.00

 Grievance Officer (s) $1850.00

 Stewards: while being trained: $ 300.00

 with qualifications completed & 6 months’ experience: $ 800.00

 Membership Officer $ 250.00

 Trustees $ 250.00

 Health & Safety Committee Members $ 250.00

 Communication Officer while being trained: $ 300.00

 With qualifications completed & 6 months experience $ 800.00

b) In addition, the following expenses shall be paid to any member who is elected or appointed as a delegate by the Executive or Membership accordingly, to a convention, conference, educational program, or other approved Union function:

 In-town: $35.00 per full day**,** (If meal is provided then no per diem is to be paid).

 Out-of-town: On Par with CUPE National per full day plus the costs

 of a hotel room and transportation.

In a situation where a member uses his own vehicle for Union business, as pre-approved by the local, the reimbursement rate shall be on par with CUPE rate, all parking fees will be paid for by the local. (The union will endeavor to use the most economical/efficient form of transportation).

c) Lost time expenses which arise from leaves of absence for Union activities during regularly scheduled work shifts, will be reimbursed.

d) i) Any member who has been elected or appointed to a Union position shall be paid an amount equal to one (1) day's pay if he is involved for a minimum of four (4) hours of his regularly scheduled rest day.

 ii) Other expenses may be approved by the Executive Officers subject to expense vouchers being submitted and approval being received from the membership at a regular meeting.

e) The office of President, including when filled in an acting capacity, shall be provided with a full-time leave as follows:

i) The office of President shall be a full-time position comprised of thirty-seven and one-half (37.5) hours per week;

ii) The President shall be paid by the Hospital/Paymaster at the rate of $30.79 (2018) per hour plus benefits and vacation as per the local’s Collective Agreement; Presidents wage rate will not be lower than their current pay band.

iii) Wage increases shall be the same as all negotiated increases for the local.

iv) The local will reimburse the Hospital or paymaster for the costs of the release time, subject to any fees, increases or reduction as a result of collective bargaining.

f) When any member is elected to a position with OCHU, CUPE National, CUPE Ontario, or HOOPP and union leave related to the duties of said position is required, said leave will be governed as follows:

i) The Local will cover the regular wages, benefits and vacation as per the local’s collective agreement subject to recovery of such amounts from OCHU, CUPE National, CUPE Ontario or HOOPP.

ii) Where the member on leave is the President, the amount of compensation shall be as per e) ii) above.

g) A qualified accountant or accounting firm will be hired by the local every 4 (four) years to audit its financial records and must report as set out in Article B.3.12 of the CUPE Constitution. If a Secretary-Treasurer is elected who is new to this office, an audit will be performed after elections. The Trustees of the Local union must still fulfill their duties to exercise general supervision over all property and assets of the Local Union and to make a written report to the membership. The Secretary-Treasurer must still respond to any concerns or recommendations made in the audit.

# **SECTION 10: FEES, DUES AND ASSESSMENTS**

a) Initiation Fees

Each application for membership in the Local shall be directed to the Secretary-Treasurer and shall be accompanied by an initiation fee of one dollar ($1.00) which shall be in addition to monthly dues. If the application is rejected, the fee shall be returned.

b) Re-admittance Fee

The re-admittance fee shall be one dollar ($1.00).

c) The monthly dues shall be an amount equivalent toone point six five percent (1.65%) of gross pay per each employee, which shall be forwarded directly from the Employer to the Secretary-Treasurer of Local 1974**.** In the event the Local’s net worth (excluding property, equipment and other assets owned by the Local) falls below $180,000, the monthly dues will be increased to two percent (2%).

d) Changes in the levels of the Initiation Fee, the Re-admittance Fee, or the monthly dues can be affected only by following the procedure for amendments to these By-Laws, with the additional provision that the vote must be by secret ballot.

e) Special assessments levied in accordance with the CUPE Constitution shall be paid from Local funds.

f) The Local will maintain affiliation in the following organizations:

 - Eastern Great Lakes District CUPE Council

 - Kingston District Labour Council

 - Ontario Council of Hospital Unions

 - Ontario Division

 - Ontario Federation of Labour

# **SECTION 11: NON-PAYMENT OF DUES AND ASSESSMENTS**

Any member in arrears for a period of three (3) months or more shall be automatically suspended and his/her suspension shall be reported to the Executive Board by the Secretary-Treasurer. The Executive Board shall report to the next membership meeting with a recommendation. Any member under suspension wishing to be reinstated shall, upon application, pay the re-admittance fee, plus any dues and assessments in arrears. This money will be returned if the application is rejected. If a member has been unemployed or unable to work because of sickness, he/she shall pay the re-admittance fee but may not be required to pay his arrears. No member shall be eligible for nomination if he/she is in arrears of dues and/or assessments or is otherwise not in good standing.

# **SECTION 12: NOMINATIONS, ELECTION AND INSTALLATION OF OFFICERS**

a) Nominations

In an election year, nominations will be received at the regular membership meeting held in the month of February.

Nominations will be accepted from members in attendance at the nomination meeting or from those members who have allowed their name to be filed in writing at the meeting, witnessed by another member.

To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing.

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.

No member will be eligible for nomination if they are in arrears of dues and/or assessments.

b) Elections

 1) At a membership meeting at least one (1) month prior to Election Day, the President shall, subject to the approval of the members present, appoint an Elections Committee consisting of approximately (4) four members from each site, if insufficient members from a site, from the general membership with a Returning Officer, chosen from the committee**.** The Committee shall include members of the Local who are neither officers nor candidates for Office. It shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.

 2) The Table Officers shall determine the form of the ballot and ensure that sufficient quantities are made available to the Returning Officer prior to the election.

 3) The Returning Officer shall be responsible for issuing, collecting, and counting ballots. He/she must be fair and impartial and ensure that all arrangements are unquestionably democratic.

 4)The voting shall take place at the regular membership meeting in March of the Election year. The vote shall be by secret ballot with each candidate selecting their own scrutineer.

5) Voting to fill one office shall be conducted and completed, and recounts dealt with before balloting may begin to fill another office.

 6) A simple majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots shall be taken, if necessary, to obtain a majority. On the second and subsequent ballots, the candidate with the lowest number of votes shall be dropped.

In case of a final 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.

7) When two or more nominees are to be elected to any office by ballot, each member voting shall be entitled to vote for the full number of candidates to be elected, but the member's ballot will not be declared spoiled should he/she vote for fewer than the number to be elected.

 8) Any member shall request a recount of the votes for any election and a recount shall be conducted if the request is supported, by a simple majority vote.

9) Members must be in attendance at the elections to be eligible to vote. Proxy voting is not permitted.

 10) The positions of 2nd Vice-President position must be elected from the alternative site of the 1st Vice-President. Grievance Officers must be elected from alternate sites.

c) Installation

All duly elected Executive, Board and Committee Members shall be installed at the meeting at which elections are held and shall continue in office for three (3)years or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three years.

The local shall have three (3) trustees. One trustee is elected every March for a term of three (3) years, to preserve overlapping terms.

d) Bi-Elections

Should an office fall vacant, the resulting bi-election shall be conducted as closely as possible in conformity with this Section. Nominations and elections for the vacant office may be conducted at the next regular membership meeting as long as notice is posted fourteen (14) calendar days in advance.

Interim elections will fulfil the current terms of positions. The first term of executive board will hold office until March 2021. Interim elections will be held for all positions after approval of bylaws.

Nominations for all Executive Board positions will be accepted at a general membership meeting one month prior to the elections. (if no general membership meeting, nominations will occur at a special membership meeting). The 1st month following nominations, the elections will occur for the Executive Board Officer positions.

For the purposes of this interim election, nominations for the positions of stewards and committee members will be accepted from the floor. These positions cannot be elected before March 2019 as per CUPE constitution.

All interim elections will occur on a Saturday.

Stewards will be elected to a term ending March 2022. Going forward stewards and committees will be alternate years to the executive board.

Trustees will be elected to a one year, two year and three-year term.

# **SECTION 13: DELEGATES TO CONVENTIONS**

1. Except for the President's option (Section 8 [a]); all delegates to National Conventions, Ontario Division Conventions and OCHU shall be the Table Officers. If the full complement of delegates from the table officers is unable to attend the executive is not obliged to send a delegate unless it is deemed important by the membership to have full representation.
2. Except for the President's option (Section 8 [a]), Conferences, and other conventions shall be chosen by election at membership meetings.
3. Delegates to theEastern Great Lakes CUPE District Council and the Kingston District Labour Council shall be elected at a general membership meeting or appointed by the President. The delegate shall be required to report at each membership meeting of the Local on proceedings at recent meetings of the Councils and submit minutes.

d) Representation at educational courses and seminars shall be on the recommendation of the Education Committee, subject to final approval by the membership. Where short notice is given to the Local, Executive Officers may select representatives to attend.

e) Delegates attending any of the above events must provide a written report at the membership meeting immediately following the event.

# **SECTION 14: COMMITTEES**

a) **Negotiating Committee**

This shall be a special ad hoc committee established at least three (3) months prior to the expiry of the Local's collective agreements and automatically disbanded when new collective agreements have been signed. The function of the Committee is to prepare collective bargaining proposals and to negotiate the collective agreements. The CUPE National Representative assigned to the Local shall be a non-voting member of the Committee and shall be consulted at all stages from ratification by the membership where possible. The composition of the Committee shall be the President, 1st Vice-President, 2nd Vice-President, 2 Grievance Officers, Secretary-Treasurer, Recording Secretary, and two (2) elected members (one [1] from each site, with at least (1) one member being a non-full-time (i.e. part time, casual) member of a part-time bargaining unit, totaling nine (9).

b) **Grievance Committee**

The grievance committee shall consist of the President, 1st Vice-President, 2nd Vice-President, two (2) Grievance Officers and the Steward handling the grievance. The grievance committee, in consultation with the National Representative and/or legal counsel, will determine whether or not a grievance shall proceed to arbitration. When the committee determines that a grievance shall not proceed to arbitration, the grievor will be notified in writing and will be allowed the opportunity to appeal the decision at the next membership meeting. All votes regarding arbitration will be conducted by secret ballot.

c) **Education Committee**

Education Committee will consist of three (3) members elected by the membership to review educationals and training available. The Education Committee will make recommendations to the Table Officers and to the membership respectively. The Education Committee will also look at in- house training for members of the local.

d) **Retirees**

Members reaching retirement age or becoming incapacitated, whether in receipt of a pension or not, and providing they are in good standing and free from delinquency in the Local Union, can, on leaving employment, make application to the Treasurer of the Local Union for an Honorary Retiring Card. The application for an Honorary Retiring Card shall be voted on at a regular meeting of the Union, and, if passed as favorable, the Treasurer shall forward the name and address of the retiring member, and necessary particulars to the National Secretary-Treasurer of the Canadian Union of Public Employees who will issue the Retiring Card.

Should a member in possession of an Honorary Retiring Card resume his/her employment for any reason, the Retiring Card should be immediately deposited with or forwarded to the Treasurer of his/her Union. A member while holding such Retiring Card shall be exempt from all dues to the Local Union and per capita tax to the National Office of the Canadian Union of Public Employees.

A member possessing an Honorary Retiring Card shall be entitled to attend general membership meetings of the Local Union with voice but no vote. Retired members shall not be entitled to either voice or vote at conventions of the Canadian Union of Public Employees.

e) **Ad Hoc Committee**

An ad hoc committee may be established for a specified purpose and period by the membership. The members shall be elected at the same or subsequent membership meeting or may be appointed by the President, or the Executive Board. Two (2) members of the Executive Board  may sit on any ad hoc committee as ex-officio members.

f) **Standing Committees**

The Chair and the Executive Board may, with the concurrence of the membership, jointly appoint other members to serve on a committee. The 1st and 2nd Vice-President shall be a member, ex-officio to each committee.

1. **Stewards Committee**
* The Stewards form a separate committee to advise or assist the Executive Officers. The Stewards should be elected by and from the membership.
	+ - * One (1) steward will be elected per (100) one-hundred members of the membership per site, in addition, one (1) steward from a satellite site will be elected to represent members from satellite units. Every effort will be made to fill the compliment of stewards with a maximum of five (5) part time stewards from KGH site and minimum of one (1) part time steward from the HDH site. If no part time members stand for election, then nominations for these positions will be open to full time members. If no full-time members stand for election, then nominations for these positions will be open to part time members.

Where a need is identified by the executive board an election may be called to elect further stewards,

**Duties of a Steward are**:

1. Completing mandatory basic and advanced steward training programs provided by the CUPE Education Department.

b) Generally knowing and policing the collective agreements and Provincial or Federal legislation affecting labour and a particular job.

c) Maintaining daily contact with the members to provide on-going union awareness and education.

1. Defining, detecting, preparing, and presenting grievances at the initial and secondary level.
2. Assisting constituent members with grievances or complaints, and keeping accurate records of all matters arising from the course of their duties.
3. Communicate to the Grievance Officer in a timely manner that a grievance is pending.
4. Prepare grievances in consultation with Grievance Officer.

Submitting a monthly written report to the Grievance Officers and/or designate

1. Providing communications and information from the members to the Executive Board and from the Executive Board to the members, including distribution of union literature.
2. Attending all monthly Membership~~,~~ ~~Executive Board~~ and Stewards Committee meetings.
3. Encourage participation of all members in union activities.

l) Exercising authority in accordance with the direction of the Executive Office, the Stewards' Committee, and subject always to the right of a member to appeal any decision to the membership.

NOTE: A Steward may be recalled in the event of member dissatisfaction. The Steward will be notified in writing of the dissatisfaction by the Executive Board and those he/she represents. A vote of the membership will be held to determine recall.

**2. Health and Safety Committee**

The Health and Safety Committee shall be composed of up to three (3) members (one (1) member from each site plus chairperson). The Committee shall represent the Local on any joint Health and Safety Committee, the Chairperson shall attend meetings at both sites alongside the site committee member and perform other duties as set out by statute, the collective agreements, and Union policies. A report shall be given at every general meeting on the activities of the Committee, including all reports received by the Committee, i.e., Hospital and Ministry reports. A copy of these reports shall be kept on file in the Local Union Office.

Will undergo yearly inspection of any and all buildings owned by Local 1974.

**3. By-Laws Committee**

The By-Laws Committee shall be comprised of no less than four (4) and no more than six (6) members and shall appoint a Chairperson from its members. At least one member must be elected from KGH and one from HDH site. The duties of the Committee are to review current By-Laws within six (6) months of the General Election. Recommendations for change are to be presented at a General Membership meeting with fourteen (14) days’ notice.

**4. Communication Committee**

* The Newsletter Communication Committee will be comprised of no less than three (3) members, one of which will be the Communication Officer who will be the designated chair.
* The Committee will:
* prepare monthly communications to members.
* Strategic planning of social media/campaigns.
* Provide assistance to the board and committees regarding communication.
* Prior to publishing ~~the~~ any communication, it will be reviewed by the Table Officers for approval.

**5. Social Committee**

 It is the function of this Committee to arrange and conduct all social and recreational activities of the Local as a result of decisions taken at membership meetings. The Committee shall submit reports and proposals to the Executive Board or to the membership as required. All expenses arising from social and recreational events and activities shall be approved by the membership in advance. The Executive Board shall be held responsible for the proper and effective functioning of this Committee. The Committee shall be comprised of no less than six (6) members (minimum (2) two members from each site) and the Chairperson may be chosen by its members. A maximum of (8) eight free Holiday dinner tickets will be provided to committee members.

**6. Election Committee**

Refer to Section 12 b).

# **SECTION 15: AMENDMENTS**

1. These By-Laws are always subordinate to the CUPE Constitution (including Appendix “B”) as it now exists or may be amended from time to time and in the event of any conflict between these By-Laws and the CUPE Constitution, the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.
2. These By-Laws shall not be amended, added to, or suspended except upon a majority vote of those present at a regular or special membership meeting brought about by either a) seven (7) days’ notice given at a previous meeting, or b) at least sixty (60) days written notice.
3. No changes to these By-Laws shall be valid or take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President.

# **APPENDIX ‘A’ - RULES OF ORDER**

1. President or, in his/her absence, the 1st Vice-President, shall take the chair at all membership meetings. In the absence of both the President ~~and~~, 1st Vice-President, the 2nd vice-president shall chair. In the absence of President and both Vice-Presidents the recording secretary shall chair membership meetings. In the absence of the President and both Vice-Presidents the Secretary-Treasurer shall act as President, and in his/her absence, a President pro tem shall be chosen by the Local.

2. No member, except the Chairperson of a committee making a report or the movers of a resolution, shall speak more than five (5) minutes or more than once on the same question without the consent of the members or until all who wish to speak have had an opportunity. Chairperson and movers of a resolution shall be limited to five (5) minutes, except with the consent of the members.

3. The President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask: "Is the Local ready for the question?" Should no member rise to speak, the question shall then be called.

4. A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the Chairperson.

5. A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment or amendment to an amendment, which is a direct negative of the resolution, shall be in order.

6. On motion, the regular order of business may be suspended by a two-thirds vote of those present to deal with any urgent business.

7. All resolutions and motions other than those named in Rule 17, 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. At the request of any member and upon a majority vote of those present, a question may be divided when the sense will admit of it.

9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.

10. When a member wishes to speak on a question or to make a motion, he shall rise in his place and respectfully address the presiding officer, but, except to state that he rises to a point of order, or on a question of privilege, he shall not proceed further until recognized by the Chairperson.

11 When two or more members rise to speak at the same time, the presiding Officer shall decide which one is entitled to the floor.

12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous or offensive language, as well as any poor reflection on the Local or member thereof.

13. If a member, while speaking, is called or ordered, he shall cease speaking until the point is determine; if it is decided he is order, he may again proceed.

14. No religious discussion shall be permitted.

15. The President shall take no part in debate while presiding, but may yield the Chairperson to the Vice-President in order to speak on any question before the Local, or to introduce a new question.

16. The presiding Officer shall have the same rights as other members to vote on any question. In case of a tie, he may in addition give a casting vote, or if he chooses, refrain from breaking a tie, in which case the motion is lost.

17. When a motion is before the Local, no other motion shall be in order except (1) to adjourn, (2) to put the previous question, (3) to lay on the table, (4) to postpone for a definite time, (5) to refer, (6) to divide or amend, which motions shall have precedence in the order named. The first three of these shall be decided without debate.

18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be now put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendment thereto (if any) according to the priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.

19. A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.

20. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen (15) minutes have elapsed.

21. After the presiding Officer declares the vote on a question and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.

22. If any member wishes to challenge (appeal) a decision of the Chairperson, he must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for his decision, following which the Chairperson shall immediately and without debate put the question: "Shall the decision of the Chairperson be sustained?" A majority vote shall decide except that in the event of a tie, the Chairperson is sustained.

23. After a question has been decided, any two (2) members who have voted in the majority may, at the same or next meeting, move reconsideration thereof

24. No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of Officers, or the taking of a vote; and no member shall be allowed to leave without the permission of the Vice-President.

25. The Local's business, the proceedings of meetings, are not to be divulged to any persons outside the Local of the Canadian Union of Public Employees.

# **APPENDIX “B”**

BASIC POLICIES ENFORCEABLE UNDER THE BY-LAWS

1. Signing Officers

There will be three (3) signing officers (President, Vice-President, and Secretary-Treasurer), however each cheque must be signed by two signing officers, one of which must be the Secretary Treasurer, excluding cheques made out to a signing officer which must be signed by the other two signing officers.

2. Bonding

The signing officers will be bonded in accordance with the CUPE Constitution, up to a maximum of $20,000.00 each (done by National, paid by Local).

3. Auditors

In April of each year, the Local Executive shall request the Trustees to conduct a thorough audit of all the Local’s books and accounts. If Trustees are not available then an auditor may be hired who is registered under the Public Accounting Act. His/her report shall be given at a regular membership meeting.

4. Budget

A budget should be prepared yearly by the Executive Officers and submitted to the membership for approval in April of each year. It should be based on the known income from dues and known expenses, such as per capita tax to all affiliations, hall rentals, supplies, delegates to seminars, conferences, conventions, negotiations, etc.

The General Funds should be placed in a chequing account. However, once a budget is approved and monthly expenses determined, the balance should be placed in a savings account where it will accumulate interest. If necessary, money can be transferred from this account to the chequing account.

5. Records for Social Functions

Admission tickets to social functions should be printed and numbered so that an accurate account can be made of all tickets sold and all tickets returned to the convener.

All receipts and disbursements should be accurately recorded and itemized. An accurate record should be kept of all sales of beer and liquor at any social function. All monies from the social functions shall be turned over to the Secretary-Treasurer seven (7) days from the date of the function.

6. Receipts and Invoices

All receipts and invoices should be kept in an orderly filing system by month or by quarter in order of date paid with the cheque number indicated on the invoice.

Any expenses unsubstantiated by an invoice or receipt should be clearly explained on the cheque stub and in the ledger.

cl:cope491 – Feb. 4, 2019