

BY-LAWS

and

POLICIES

GOVERNING

THE CANADIAN UNION

OF PUBLIC EMPLOYEES

LOCAL 2974

(Review January 31, 2019)

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## **PREAMBLE**

In order to improve the social and economic welfare of its members without regard to sex, age, ancestry, colour, race, creed, ethnic origin, place of origin, disability, family status, marital status, gender identity, gender expression, sexual orientation, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, this Local of the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed.

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

## **SECTION 1 – NAME**

The name of this Local shall be: Canadian Union of Public Employees, Local 2974. Recognizing the Library as 2974.0, the County of Essex as 2974.1 and EMS as 2974.2 including subsequent units that CUPE and the Executive Board agree to add as members.

## **SECTION 2 – OBJECTIVES**

The Objectives of the Local are to:

- a) secure adequate remuneration for work performed and generally advance the economy and social welfare of its members and of all workers;
- b) support CUPE in reaching the goals set out in Article II of the CUPE Constitution;
- c) provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- d) encourage the settlement by negotiation and mediation of all disputes between the members and their employers.

## **SECTION 3 – INTERPRETATION AND DEFINITIONS**

Pronouns shall be understood to include all gender identities.

## SECTION 4 – MEMBERSHIP MEETINGS – REGULAR AND SPECIAL

- a) Regular membership meetings shall be held quarterly with dates, times and places to be posted/ emailed 10 calendar days in advance.
- b) Each Sub Unit of CUPE Local 2974 may hold their own sub unit meeting to discuss business and bring forward motions for voting at least one weeks' time prior to the local's quarterly regular meeting. If funds are needed or expenses need to be paid these issues shall be brought to the Local's quarterly regular meeting for approval. Sub-Unit Chairs must bring a report to the local's regular meeting to be heard from the membership to be submitted to the Recording Secretary.
- c) Special membership meetings may be ordered by the Executive Board or requested in writing by no fewer than ten (10) members
- d) If a Special Meeting is required for each Sub Unit it must follow the guidelines expressed below in Sec 4, Sub (g).
- e) A quorum for the transaction of business at any regular or special meeting shall be a majority of the Executive Board plus 1 member
- f) The current President of the local and/or their delegate must attend the meetings scheduled and posted as per the current bylaws for each Sub Unit Meeting.
- g) The Order of business at regular membership meetings is as follows:
  - a) Roll Call of Officers
  - b) Reading of the Equality Statement
  - c) Recognition of occupying Indigenous lands
  - d) Voting on new members and initiation
  - e) Reading of Minutes
  - f) Matters arising from the minutes
  - g) Secretary -Treasurer's Report
  - h) Communication and Bills
  - i) Executive **Committee Board** Report
  - j) Reports of Committee and Delegates
  - k) Nomination, Election, or Installations
  - l) Unfinished Business
  - m) New Business
  - n) Good of the Union
  - o) Adjournment

## SECTION 5 – VOTING OF FUNDS

- a) Except for ordinary expenses and bills as approved at membership meetings, no sum over two hundred and fifty (\$250) shall be voted for the purpose of a grant or contribution to a member of any cause outside CUPE, except by a notice of motion given in writing and dealt with at the membership meeting.
- b) The Executive Board may approve union related expenses up to \$5000 for the costs which may arise between general membership meetings. Such expenditures shall be reported at the next general membership meeting.

## SECTION 6 – OFFICERS

- a) The officers of the Local shall be the President, Vice-President, Sub-Unit Chairpersons (two from EMS, and one from each other Sub-Unit), Recording Secretary, Secretary Treasurer, Sergeant-at-Arms, and three Trustees.
- b) All officers shall be elected by the general membership, except the Sub-Unit Chair/Grievance Chairs, who shall be elected by the members for their Sub-Unit

## SECTION 7 – EXECUTIVE BOARD

- a) The Executive Board shall comprise all officers, except Trustees and Stewards.
- b) The Board shall meet at least eight (8) times per year.
- c) A majority of the sitting Board constitutes a quorum.
- d) The Executive Board Officers 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 any real estate without first giving notice and then submitting the proposition to a membership meeting and having it approved.
- e) 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.
- f) All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution.

Should any Board member fail to answer the roll-call for three consecutive regular membership meetings or four regular Board meetings without having submitted good reasons for those failures, their office shall be declared vacant and shall be filled by an election at the following membership meeting.

## SECTION 8 – DUTIES OF OFFICERS AND STEWARDS(see constitution B3 for additional duties)

- All Officers must give all properties, assets, funds and all records of the Local Union to their successors at the end of their term of office.
- All signing officers of Local 2974 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.

### *The President:*

- Enforce the CUPE Constitution and these By-laws
- Preside at all membership, 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 their rulings) and in case of a tie vote in any matter, including except elections, have the right to cast an additional vote to break the tie
- Ensure that all officers perform their assigned duties
- Fill committee vacancies where elections are not provided for
- Automatically have a seat on all committees and will preside in the absence of the committee chair
- Introduce new members and conduct them through the initiation ceremony
- Authorize all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, By-laws, or vote of the membership
- Be allowed necessary funds to reimburse their or any officers for expenses, with expense sheets and supported by receipts, incurred on behalf of the Local.
- Have first preference as a delegate to all conventions
- Be entitled to take up to three day per month leave of absence from their regular employment to carry out their duties as described above. A day is defined as a regular work day for the classification held by the current President. The President may, at their option, delegate their union time off or extra union time to any Executive Board.

### *The Vice-President shall:*

- If the President is absent or incapacitated, perform all duties of the President

- If the office of President falls vacant, be Acting President until a new President is elected
- Render assistance to any member of the Board as directed by the Board and/or President

*The Sub-Unit Chair/Grievance Committee Chairperson shall:*

- Perform the same duties as the President, as may be required to efficiently manage the day-to-day affairs of their own Sub-Unit. He/She will also be responsible to ensure that proper minutes are retained for each Sub-Unit meeting over which he/she may preside.
- Serve as Chairperson of the Sub-Unit Grievance Committee.
- In the absence of the President and Vice-President, a Sub-Unit Chair/ Grievance Committee Chairperson shall be appointed by the President or Vice-President to preside over general membership meetings.
- A copy of each Sub-Unit Chair(s) reports will be submitted to the Recording Secretary prior to each general membership meeting.
- Shall appoint stewards for their own sub-unit at their discretion upon approval of the executive board.

*The Recording Secretary shall:*

- ~~Keep full, accurate and impartial account of the proceedings of all general or special membership and Board meetings, as set out in Section B.3.3 of the CUPE Constitution~~ 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 Trustees' reports.
- Record all alterations in the By-laws
- Answer correspondence and fulfill other secretarial duties as directed by the Board
- File a copy of all letters sent out and keep on file all communications
- Produce minutes from each Executive Board and General Membership meeting shall be signed off by both President and Recording Secretary, and submitted in writing to the Executive Board within 14 days, including any and all motions from those meetings
- Prepare and distribute all circulars and notices to members; have all records, including minutes to all meetings, ready on reasonable notice for members, auditors and/or Trustees
- Be empowered, with the approval of the membership, to employ necessary stenographic or other assistance to be paid for out of the Local's funds
- Be entitled to take up to one day per month leave from their regular employment to carry out their duties as described above. The employer will be reimbursed for wages and benefits in full



by the Union. for Union business outside their regular hours of work, not including time spent at meetings for which a per diem is paid. A day is defined as a regular work day for the classification held by the current Recording Secretary.

- On termination of office, surrender all books, seals and other properties of the Local to their successor.

### ***The Secretary-Treasurer shall:***

- Sign all cheques and ensure that the Local's Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union Bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- Be responsible for maintaining, organizing, safeguarding, and keeping on file all supporting documents, authorization, invoices, and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union.
- Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
- 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
- Ensure that all accounts have a minimum of two (2) signatures for authorization, and that all cheques also have dual signatures ensuring their validity
- Develop with the assistance of the Executive Board an annual budget to be approved by the Executive Board and the general membership
- Prepare all CUPE National per capita tax forms and remit payment no later than the 15th day of each month
- Record all financial transactions in a manner acceptable to the Board and in accordance with good accounting practices; make a financial report to the local union monthly, listing all transactions and the authorization for each disbursement in accordance with Section B 3.6 of the CUPE Constitution and with help of the CUPE accounting software; be bonded for not less than \$500.00 (or any greater sum as may be decided at a membership meeting, taking into account the assets of the Local and the amount of cash and cheques handled by the Secretary-Treasurer) through the master bond held by the National Office, and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office
- Pay no money unless supported by an expense sheet, with receipts and duly signed by the President or their delegate in their absence and one other member of the Board or any two other members of the Board, except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated
- Advance funds for warranted, foreseeable expenses to be incurred by Local members, the amount of which will be substantiated with expense sheets and receipts immediately after they

supply of services or materials for which the funds were required

- Make all books, or accounting software, available for inspection by the auditors and/or Trustees on reasonable notice and have the books audited semiannually
- Provide the Trustees with any information they may need to complete the trustee 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
- Notify all members who are one month in arrears and report to the Board all members two or more months in arrears in the payment of union dues
- Be entitled to take up to one day per month leave of absence from their regular employment to carry out their duties as described above. The employer will be reimbursed for wages and benefits in full by the Union. A day is defined as a regular work day for the classification held by the current Secretary-Treasurer.
- On termination of office, surrender all books, records and other properties of the Local to their successor.
- An audit shall be done whenever the office of the Secretary-Treasurer is vacated, be it by election or resignation

### *The Trustees shall:*

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary and the Standing Committees, annually
- Make a written report of their Report their findings to the first membership meeting following the completion of each their audit
- Be responsible to ensure that monies are not paid out without proper constitutional and 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
- Use audit forms supplied by the National Office and send a copy of each annual audit to the National Secretary-Treasurer in accordance with the provisions of the CUPE Constitution
- Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct, and proper manner

*The Sergeant-at-Arms shall:*

- Guard the inner door at membership meetings and admit no one but members in good standing or officers and officials of CUPE, except on the order of the President and by consent of the members present
- Maintain the record of membership attendance at both Executive Board/Sub Unit and General Membership meetings
- Perform such other duties as may be assigned by the Board from time-to-time

*The Stewards shall:*

- Monitor and enforce the provisions of the collective bargaining agreement labor contract to ensure both the Corporation and the Union worker are not violating the terms of the agreement
- Ensure that the Corporation is in compliance with all Federal, Provincial and Municipal bylaws and regulations
- Represent and defend fellow workers whom the Corporation believes violated Corporate policy or the terms and conditions of the collective bargaining agreement, often through the grievance process and report back regularly to sub-unit chair(s).
- Communicate and disseminate official union policy, memos and directives to workers
- Popularize and promote union consciousness and values in the workplace

**SECTION 9 –EXPENSES**

- a) To qualify for reimbursement of Out-of-Pocket expenses, those receiving quarterly payment must be in attendance at all meetings and must provide reports and expense sheets as required, unless a reason, satisfactory to the membership, is given. Prorating of quarterly reimbursement will be implemented where deemed appropriate by the membership.
- b) Committee members must be in attendance at committee meetings to receive reimbursement. Each committee Chair will be required to maintain attendance records and to submit an expense sheet on behalf of the committee as required, at the time their report is given.
- c) The expense allowance schedule shall be approved annually by the general membership.

The following expense allowances shall be provided:

President	\$350.00 Quarterly
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Vice President	\$225.00 Quarterly
Sub-Unit Chairpersons	\$250.00 Quarterly
Recording Secretary	\$200.00 Quarterly
Secretary-Treasurer	\$200.00 Quarterly
Sergeant-at-Arms	\$75.00 Quarterly
Health & Safety Chairs	\$50.00 Quarterly
Stewards	\$125.00 Quarterly
Trustees	\$75.00 Annually

Any increases may be presented and voted on by both the Executive Board and the general membership during the annual budget deliberations.

***PER DIEM:***

Committee members for meetings of less than three hours shall be \$15.00, greater than three hours shall be \$25.00.

***PHONES:***

Elected Executive Board Officers will be paid no more than \$100 per month towards their cellular phone invoice.

***MILEAGE:***

Will be paid for all meetings attended in accordance with the current Revenue Canada standard to all Executive Board Officers, Stewards, or Committee members when a proper expense sheet is provided

Members of Standing and Ad Hoc Committees shall be reimbursed according to the expense allowance schedule approved by the general membership meetings outside normal working hours.

Where a committee works on Union business through any breakfast, lunch or dinner period, the President may give approval to the Committee Chair to submit a voucher to the Secretary-Treasurer for reimbursement of reasonable costs of meals.

***COMPLAINTS OR LITIGATION***

Reimburse all legal and other associated expenses (ex. Mileage, accommodations, wages, etc.) with expense receipts arising from complaints or litigations in the process of carrying out the duties of the Executive board or Stewards as described under the Constitution or By-laws will be paid upon the approval of the general membership.

**SECTION 10 – FEES, DUES, AND ASSESSMENTS**

***Initiation Fee:*** Each application for membership in the Local shall be directed to the Secretary-

Treasurer and shall be accompanied by an initiation fee of one (1) dollar which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected the fees shall be returned.

**Re-admittance Fee:** The re-admittance fee shall be one (1) dollar.

**Monthly Dues:** The monthly dues shall be 2% of gross wages, unless otherwise voted on by the membership.

Changes in the levels of the Initiation Fee, the Re-admittance Fee, or the Monthly Dues can be effected only by following the procedure for amendment of these By-laws (see Section 16), with the additional provision that the vote must be by secret ballot.

Notwithstanding the above provisions, if the CUPE Convention raises minimum fees and/or dues above the level herein established, these By-laws will be deemed to have been automatically amended to conform to the new CUPE minima.

Special assessments may be levied in accordance with Article B.4.2 of the CUPE Constitution

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

- a) Any member in arrears for a period of three months or more shall be automatically suspended and their 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 their arrears.
- b) Any member going through the grievance procedure, including arbitration, shall be subject to payback any unpaid Union dues or arrears.

## **SECTION 12 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS**

### ***Nominations:***

Nominations shall be received at the regular membership meeting held in the fall of each election year. The meetings shall be posted one month in advance. To be eligible for nomination a member shall have been sworn in as a member at least three months prior to nomination, and shall have attended at least fifty percent of the membership meetings held in the previous twelve months or in the period he/she was a member, if less than a year. These requirements may be waived for any position in which none of the nominees meets the minimum eligibility requirements.

No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting their consent in writing, duly witnessed by another member. No member shall be

eligible for nomination if he/she is in arrears of dues and/or assessments.

### ***Elections:***

At the regular general membership meeting held in the fall of every three (3) years, the President shall, subject to the approval of the members present, appoint an Elections Committee consisting of a Returning Officer and assistant(s). 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.

The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.

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

The voting shall take place at the regular membership meeting in the fall of every three (3) years, and be done by secret ballot.

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

A majority of votes cast shall be required before any candidate can be declared elected and second and subsequent ballots shall be taken, if necessary, to obtain a majority. On the second and subsequent ballots the candidate receiving the lowest number of votes in the previous ballot shall be dropped. In case of a final tie vote, the presiding officer may cast the deciding vote. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of the votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.

When two or more nominees are to be elected to any office by ballot, each member voting shall be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.

Any member may request a recount of the votes for any election and a recount shall be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as laid down in Section 4 ~~(e)~~ (e).

The Stewards shall be appointed by their respective sub-unit chair(s). All steward positions shall be held for a three (3) year term.

### ***Installation:***

All duly elected officers 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 terms of office for Trustees shall be as laid down in Article ~~B.3.10~~ B.2.4 of the CUPE Constitution.

## Swearing In of Officers:

President: "Brothers and Sisters, raise your right hand and repeat after me the following obligation":

I, \_\_\_\_\_, do most sincerely promise, that I will truly and faithfully, to the best of my ability, perform the duties of my office, for the ensuing term, as prescribed in the Constitution and Laws of the Canadian Union of Public Employees, and as an officer of this Union will at all times endeavour, both by counsel and example, to promote the harmony and preserve the dignity of its sessions.

I further promise, that at the close of my official term, I will promptly deliver all moneys, books, papers, or other property of this Union in my possession to my duly elected successor in office.

President: "Officers-elect, you are now under obligation to administer the duties of your office".

## *By-Elections:*

Should an office fall vacant pursuant to Section 7 (g) of these Bylaws or for any other reason, the resulting by-election should be conducted as closely as possible in conformity with this Section.

## **SECTION 13 – DELEGATES TO CONVENTIONS, CONFERENCES AND SEMINARS**

- a) Except for the President's option (Section 8), delegates to conventions, conferences and major educational institutes shall be chosen by election by the membership. To be eligible, convention delegates so elected shall have been installed as a member at least three months prior to nominations, and shall be in attendance at least half of the meetings in the preceding six months including the meeting at which approval is attained to send the delegates. Any convention delegates with less than six months membership shall have been in attendance for at least one-half of the meetings for which they were eligible. All delegates who attend any conventions, conferences and education seminars will also be present at the meeting immediately following the convention, conference, or education seminar in order to give a report. In addition, an alternate will be elected for all conventions and conferences.
- b) Delegates to the Windsor District C.U.P.E. Council shall be elected annually. An official reporter for these delegates shall be appointed annually by the President from among these delegates, and he/she shall be required to report at each membership meeting of the Local on proceedings at recent meetings of Council.
- c) Delegates to the Windsor District Labour Council shall be elected annually. An official reporter for these delegates shall be appointed annually by the President from among these delegates, and he/she shall be required to report at each membership meeting of the Local on proceedings at recent meetings of Council.
- d) All delegates elected to conventions, conferences and educational seminars held outside the county of Essex shall be paid transportation expenses or a mileage allowance equal to that specified in the collective agreement, a per diem allowance not to exceed \$75 for expenses,

unless for expenses, shall be approved by the membership as required. Single hotel accommodation and an amount equal to any loss of salary (exclusive of presumed overtime) incurred by attendance at the function. The mode of transportation shall be at the discretion of the Executive Board.

- e) Delegates to conventions, conferences, educational seminars and council meetings held locally shall receive travel allowance. There shall be a per diem allowance of 50% of (d) and compensation for any loss of salary (exclusive of presumed overtime) incurred by attendance at the function.
- f) Representation at educational institutes and seminars shall be on the recommendation of the Education Committee, subject to final approval by the membership.
- g) Additional expense account policies are set out in Appendix "B" of the bylaws.
- h) It is understood that Delegates to Conventions, Windsor District CUPE Council, Windsor District Labour Council and any other Affiliation of the Local Union, are official representatives of the Local Union. Any views presented or positions taken by delegates on issues are subject to direction and/or input from the membership. Advance notices of resolutions to upcoming conventions shall be reviewed by the Executive Board or General Membership as practicable, for input and/or direction.

## **SECTION 14- COMMITTEES**

No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting their consent in writing, duly witnessed by another member. Email will only be accepted if received by the witness, the President and Recording Secretary. No member shall be eligible for nomination if he/she is in arrears of dues and/or assessments.

### ***Bargaining Committees***

The Bargaining Committee for the County staff shall consist of four members plus one alternate. The Bargaining Committee for the Library Staff shall consist of three members plus one alternate. The Bargaining Committee for the EMS staff shall consist of six members plus two alternates. The alternate shall be present at all meetings, except those at the bargaining table/arbitration, unless required by necessity.

The members on each committee shall include the sub-unit chair(s). The President or their alternate shall be appointed as chair of the committees. If a change in of sub-unit chair or President occurs during the bargaining or arbitration process the new incumbent will assume the departing sub-unit chair or President's position(s) on the committee.

The National Union Representative shall be a non-voting member of the Bargaining Committee. The various departments shall wherever possible be equitably represented, the qualifications of the persons serving on the Bargaining Committee being borne in mind.

These are special ad hoc committees and shall be established at least six months prior to the expiration of the sub-units collective agreement and shall be disbanded automatically when a collective agreement has been signed.



## *Special Committees*

A special ad hoc committee may be established for a specified purpose and period by the membership. Approval to use the locals' funds must be received from both the board and the membership. The members shall be elected at the same or another membership meeting or may, by specific authorization of the membership, be appointed by the President or the Executive Board. Two members of the Board May sit on any special committee as ex-officio members.

## *Standing Committees*

The Chairperson of each standing committee shall be elected by the members at a membership meeting.

The Chairperson and the Executive Board may, with the concurrence of the membership, jointly appoint other members to serve on a committee.

The President shall be a member, ex-officio, of each committee. Standing committees are as follows:

### — Grievance Committees

- These Committees shall process all grievances not settled at the initial stage and their reports shall be submitted first to the Executive Board, with a copy to the CUPE Representative and then to a membership meeting.
- Grievances must be in writing on the forms provided by the National Office and be signed by the complainant or complainants, as provided for the collective agreement.
- Committees shall comprise the elected Sub-Unit Chairperson and all Stewards. Stewards shall be selected from all departments or work areas. The Chairperson shall prepare a written report for presentation at Executive Board meetings and General Membership meetings.
- There may be one Grievance Committee for each Sub-Unit.
- Where a member has submitted an appeal to the Executive Board and the recommendation of the Board is to not proceed, the member shall have the right to appeal to the General Membership at the next regular scheduled meeting.
- A grievance, once submitted, may be withdrawn only with the consent of the grievor, or as directed by the membership at a general meeting or a special meeting for which proper notice has been given. The grievor shall be notified of the recommendation of the Grievance Committee and may attend the meeting to present their objection(s). A decision on the disposition of a grievance may be rendered by the membership in the absence of the grievor.

- The Grievance Committee shall inform a grievor in writing, using the form provided in Schedule "C" of the bylaws.
- No grievance may proceed to arbitration without the approval of the membership. Where time limits must be observed, the Grievance Committee may, subject to the approval of the Executive Board, refer a grievance to arbitration pending the approval of the membership at the next general or special meeting as appropriate.
- The Chair of each Committee shall ensure that up-to-date files of all complaints and grievances are maintained.

## Education Committee

It shall be the duty of this Committee to:

- Arrange for representation of the Local at any appropriate and available educational seminar or conference and submit recommendations accordingly to the Executive Board
- Instruct delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file of these reports
- Cooperate with the Education and Public Relations Departments of CUPE and with the regional Education Representative, in implementing both the local's and CUPE's policies in these fields. The Committee shall comprise between one (1) and three (3) members and shall appoint its secretary from among its members

## Health and Safety Committee

- Worker Representatives shall be appointed or selected upon recommendation of the sub-unit chair(s) and approved by the President/Designate as required by the Act. They shall avail themselves to Health and Safety Training for Certification through the CUPE Education Department or alternative acceptable to the Executive Board, in order to adequately serve the Membership.
- Committee members shall be familiar with and shall support CUPE Health and Safety Policies. They shall co-operate with the CUPE National Health and Safety Committee, and Windsor District CUPE Council in promoting awareness and educational programs.

## Job Security Committee

- This Committee shall represent the Local in all matters relative to Job Security

of its members.

- This Committee shall monitor all minutes and advertised tenders of the Employer(s) and keep members apprised of possible impact on Job Security, preparing and presenting briefs as necessary

### By-laws and Resolutions Committee

- It shall be the duty of this Committee to review and recommend revisions to the By-laws as required, subject to the approval of the Membership and the National President of CUPE

### Job Evaluation Committee

- As per each sub-units' negotiated terms of reference.

### Social Committee

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- The committee will arrange and conduct all social, cultural, and recreational activities of the local, either on the committee's own initiative or as a result of decisions taken at membership meetings. The committee shall submit reports and proposals to the Executive Board for approval then to the membership for approval.

A budget for the committee will be fixed annually by the membership but, other than that, all social, cultural, and recreational events and activities shall be self-supporting.

### Social Media Committee

The Social Media Committee will:

- Prepare press releases or other publicity material under the direction of the President.
- Endeavor to publish a local newsletter at least quarterly,
- Accept submissions for unedited publication from the Union Executive Board and Committee Chairpersons.
- Otherwise have the power to editorship providing the same is not in conflict with or contrary to the Constitution, Bylaws or policies of CUPE Local 2974 or the Canadian Union of Public Employees.
- Work with the National representative for assistance from the Communications Branch of the National Union to obtain any assistance needed and to ensure that no conflicts arise with the goals of the Union.
- Submit an annual budget for approval by the membership. No overruns may be permitted without the approval of the membership. An account of the previous years' expenditures must be included in the report of the committee at the time that a new budget is presented.

## **SECTION 15 – RULES OF ORDER**

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

In situations not covered by Appendix A, The CUPE Constitution may provide guidance, but, if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied.

## **SECTION 16 – AMENDMENT**

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.

These By-laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following seven (7) days notice given at a previous meeting or at least sixty (60) days written notice.

No change in these By-laws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President.

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## SECTION 17 – INITIATION RITES FOR NEW MEMBERS

President:

"Raise your right hand and repeat after me, the following obligation that we all have taken":

"I promises to support and obey the Constitution of the 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"

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## APPENDIX "A"

### *RULES OF ORDER*

1. The President or, in their absence, the Vice-President or Sub-Unit Chairperson shall take the chair at all membership meetings. In the absence of the President and Vice-President or Sub-Unit Chairperson, the Recording Secretary shall act as President, and in their 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 mover of a resolution, shall speak more than five 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 fifteen minutes, except with the consent of the meeting.
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 put.
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 chair.
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 present 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 two or more members rise to speak at the same time, the presiding officer shall decide

which one is entitled to the floor.

11. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous or offensive language, as well as any port reflection on the Local or member thereof.
12. If a member, while speaking, is called to order, he/she shall cease speaking until the point is determined, if it is decided he/she is in order, he/she may again proceed.
13. No religious discussion shall be permitted. The President shall take no part in debate while presiding, but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
14. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he/she may in addition give a casting vote, or, if he/she chooses, refrain from breaking the tie, in which case the motion is lost.  
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.
15. 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 amendments thereto (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.
16. A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
17. 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 minutes have elapsed.
18. 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 decision. A standing vote shall then, be taken and the Secretary shall count same.
19. If any member wishes to challenge (appeal) a decision of the chair he/she 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 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.
20. After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
21. 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 President.
22. The Local's business and proceedings of meeting are not to be revealed to any persons outside the Local or the Canadian Union of Public Employees.

## APPENDIX "B"

### POLICIES

#### *Policy - Recognition of Union Service*

In recognition of past loyal service to the members of this local, union activists may be presented with a gift at the end of their term in any specific position.

This shall include union Executive Board members as well as other activists who have volunteered their time to fulfill other union functions within this local. It can include health and safety representatives, stewards, ad hoc committee chairperson or members, etc., subject to the approval of the membership.

A gift valued at approximately \$25.00 for each year of service shall be present at the next general membership meeting following the end of the term in any particular function.

Where a member has filled a part term in any capacity, the value of the gift shall be determined by the Executive Board.

The nature of the gift will be determined by the Executive Board unless directed otherwise by the general membership. Appropriate gifts will include a plaque, certificate of recognition, or other memento displaying a CUPE logo.

#### *Policy - Job Defense Fund Regulations*

A special account shall be established for the job defense fund.

The initial deposit in this account shall be three thousand dollars. When funds are drawn from this account, the balance shall be allowed to deplete. No new funds shall be deposited in this account without the approval of the membership at a meeting for which proper explicit notice has been given regarding the intention to access new funds. Interest earned on this account shall remain with the job defense fund.

Before any funds may be drawn from this account, a project report shall be prepared laying out the scope of the proposal, which shall include a timetable and an estimate of the total funds required to complete the project, as well as the specific amount required for the withdrawal. Each project report shall be numbered in a manner similar to grievances.



No funds may be withdrawn from this account without prior approval of a majority of the Executive Board. Each member shall sign the report, indicating their approval or objection(s) to the proposal.

The details of any specific objections(s) by any Executive Board member shall be recorded in this report.

Whenever funds are withdrawn from this account, a special agenda item shall be clearly indicated on the notice of the next membership meeting, and the report shall be presented at the membership meeting, indicating all details of the activity. The membership may at this time, direct the Executive Board on any further activities within the scope of that particular project.

No amount in excess of \$300.00 may be withdrawn without the prior approval of the general membership.

Upon completion of a project, a final report shall be presented at the next membership meeting, outlining the total expenditure, the total budget approved, the specific activities and expenditures, and the success or outcome of the project.

This fund shall be used for projects which are essential to the preservation of jobs within this union. Projects may include advertising campaigns, printing or pamphlets, buttons, posters and/or media ads.

Projects may be in co-ordination with activities of CUPE National, Ontario Division or Windsor District CUPE Council, Windsor District Labour Council, Ontario Coalition for Better Childcare, or other affiliates of the local Union.

### ***Policy – Expenses for Schools, Conferences & Conventions***

It shall be the goal of the committee, when arranging transportation and accommodations for delegates to schools, conferences, conventions, seminars, and meetings, etc., to achieve the lowest practical financial burden for the local, taking into consideration the distance travelled, availability, scheduling, reimbursement of wages, and urgency.

A maximum of two hundred and fifty dollars (\$250) shall be permitted for requests of donations made at conventions.

### ***Accommodations***

The committee will arrange accommodation at the most economic rates.

When the function is not located at the same site as the lodging, daily travel expenses will be considered when determining fiscal viability.

Delegates who choose to share a room which has been provided by the local with non-delegates (such as a spouse, etc), must pay the amount in excess of a single room rate. This option does not apply to delegates who choose not to avail themselves to a double room which has been provided by the local, and which is therefore being used by only one delegate.

Delegates who opt out of double accommodations provided by the union to share a room with non-delegates are entitled to reimbursement only for the difference between single and double occupancy rates which the union would have paid had they shared a union provided room.

A non-smoking policy is in effect.

### ***Per Diem for Week Long Schools***

In recognition that personal expenses are incurred over and above meal allowances, where meals are provided for delegates to seek long schools, a daily per diem of \$10.00 shall be paid. In addition, a full day per diem shall be paid for travel days to and from the school, if appropriate.

### ***Transportation***

The Local shall pay the most practical, economical rates, keeping in mind number of delegates, availability of various modes of transportation, scheduling, lost time (wages), per diems, etc.

A delegate who has been provided with bus fare may elect to take their personal vehicle for personal reasons with no additional compensation.

Where two or more delegates are travelling to the same function, trip mileage will be paid to only one delegate, unless it is not practical to share a vehicle. Mileage rates shall be paid as per the current Revenue Canada rate.

Notwithstanding the above, local mileage may be paid for travel required to facilitate car pooling or to access public transportation, etc.

Incidental parking expenses shall be paid by the local.

Fines for traffic violations will not generally be paid by the local. In some cases, parking fines may be covered at the discretion of the local. Application in writing must be made to the secretary of the local, and approval of the membership is required.

Air fare shall be covered where the length of the trip and/or scheduling will otherwise result in lost time payments to the employer, which exceed the cost of air travel. Generally, trips within Southern Ontario should be made by land transportation.

A rental vehicle may be supplied by the local, where appropriate.

Any delegate wishing prepayment of authorized expense reimbursements must submit a voucher to the President for approval not later than 5 days prior to departure for any event. Payment for late submissions may be deferred until after the delegates' return.

### ***Policy – Municipal Retirees Organization of Ontario (MROO)***

Upon retirement from work, any member in good standing shall be enrolled in MROO. The Local Union shall pay the registration fee on behalf of the retiree.

## *Policy – Time off Work on Union Business*

Officers and other members of the Local Union, when acting in an official capacity on behalf of the membership, shall be entitled to take time off work to perform their duties, without loss of wages or benefits.

- Attendance at Labour/Management Meetings

Any member required to take time from work to attend a meeting with the employer shall submit an appropriate application to the employer, endorsed by the President, with a copy to the Secretary.

- Health & Safety Representatives

The Occupational Health and Safety Act and Regulations provide authorization for Health and Safety Representatives to take time from their regular duties to fulfill their responsibilities. Written consent is not required for time from work to attend meetings, investigate incidents, attend testing, etc.

- Stewards

Collective agreements grant the right to Union Stewards to take time from their regular duties to investigate grievances and complaints without loss in pay or benefits: it is not necessary to apply for permission in writing to leave the work site. A record of all requests and time spent should be maintained. Requests to attend grievance meetings beyond step “A1” must be in writing on the appropriate form.

- Leave of Absence to attend a Union Function

When a member requires a leave of absence from work to attend a Union function such as a conference, school, convention, meeting, workshop, or any other purpose on behalf of the membership for which the Local Union will reimburse the employer, prior approval must be obtained from the membership at a regularly scheduled or special meeting. The proposal must be clearly noted on the agenda for the meeting at which the issue will be decided.

In an emergency situation, where it is not possible to obtain prior membership approval because of time constraints, the application shall be reviewed by the Executive Board. The Executive Board may, by majority vote, grant interim approval for the time off work: the issue shall then be placed on the agenda of the next membership meeting for a final decision by the membership.

In all leave of absence cases, the appropriate application form must be submitted to the employer, approved by the President, with copies to the Recording Secretary and Treasurer.

### *Policy – Donations to Strike Appeals and Personal Appeals*

Each individual appeal shall be addressed and answered on its' own merit, and in accordance with the decision of the membership.

### *Policy – Social Committee: Flowers and Donations*

- Illness, Accident, Hospitalization:

When a member of the Local Union suffers from a loss of life, a major illness or accident, a gift of flowers, a plant, fruit basket or other appropriate gift may be sent on behalf of the membership.

- Funerals:

Should a member of the Local Union suffer the loss of a parent, spousal partner, child, step-child, brother or sister, the Union may send flowers, a plant, or a donation as appropriate.

No donation or gift is exceed a total of one hundred (\$100) dollars, unless otherwise voted on by the membership







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## Appendix C

### CUPE NATIONAL EQUALITY STATEMENT

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behavior 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 behavior that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile, or offensive environment.

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



## Appendix D

### Code of Conduct

Local 2974 is committed to ensuring that all of its meetings and activities are safe environments where members are encouraged to speak. Existing members are encouraged to welcome, mentor and support new members and equity-seeking members.

Local 2974 strives to promote core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.

Local 2974 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 2974 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 2974 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local 2974 sets out standards of behavior for members at meeting, and all other events organized by Local 2974. It is consistent with the expectations outlined in the Equality Statement, CUPE National Constitution and these bylaws. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As members of Local 2974 we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

- Abide by the provisions of the Equality Statement;
- Respect the views of others, even when we disagree;
- Recognize and value individual differences;
- Communicate openly;
- Support and encourage each other;
- Make sure that we do not harass or discriminate against each other;
- Commit to not engaging in offensive comment or conduct;
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating; and
- Take responsibility for not engaging in inappropriate behavior due to abuse of alcohol or other drugs while participating in union activities, including social events.

Harassment is objectionable behavior which may include actions, language, gestures, and/or written material, and which the harasser knows or ought to reasonably know is abusive and unwelcome. Bullying is a form of harassment which is serious ongoing behavior which targets an individual or group and which threatens that person or persons' mental and/or physical well-being.

A complaint regarding this Code of Conduct will be handled as follows:

1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behavior contrary to the Code, by asking the person to stop such behavior. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.
2. Once a complaint is received, a designated Officer of the Local Union will work to seek a resolution.
3. If this fails to resolve the matter, the designated Officer of the Local Union shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious

or persistent offenses.

This Code of Conduct is designed to create a safe, respectful and supportive environment within CUPE. It is meant to enhance the rights and obligations outlined in the Bylaws of the Local 2974, the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

The Code of Conduct does not replace a member's right to access the trial provision of the CUPE National Constitution.