

# **BYLAWS**

**CANADIAN UNION OF PUBLIC EMPLOYEES**

**&**

**LOCAL 3936**

**LUNENBURG COUNTY HOME SUPPORT  
WORKERS**

September 5, 2012

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## **PREAMBLE**

In order to improve the social and economic welfare of its members without regard to sex, color, race creed, 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 Bylaws are adopted by the Local pursuant to, and to supplement Appendix "B" of the CUPE Constitution, to safeguard the rights of all members, to provide for responsible administration for 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 the Canadian Union of Public Employees, Local No. 3936 – Lunenburg County Home Support Workers.

## **SECTION 2 – OBJECTIVES**

The objectives of the Local are to:

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

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

- a) Numbers of articles at the end of sections or subsections refer to relevant articles of the CUPE constitution which should be read in conjunction with these bylaws.

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

- a) Regular membership meetings shall be held the first week of each month except July and August on alternating Mondays, Tuesdays and Wednesdays at 7:00 p.m. If a statutory holiday intervenes the Executive Board shall give a week's notice of any change in the date of the regular meeting.
- b) Special membership meetings may be ordered by the Executive Board or requested in writing by no fewer than 10 members. The President shall immediately call a special meeting when so ordered or requested 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 and notice given.
- c) A quorum for the transaction of business at any regular or special meeting shall be 10 members.
- d) The order of business at regular membership meetings is as follows:
  - 1. Roll call of officers
  - 2. Reading of the Equality Statement
  - 3. Voting on new members and initiation
  - 4. Reading of minutes
  - 5. Matters arising
  - 6. Treasurer's report
  - 7. Communication and bills
  - 8. Executive Committee reports
  - 9. Reports of committees and delegates
  - 10. Nominations, Elections or Installations
  - 11. Unfinished business
  - 12. New business
  - 13. Good of the Union
  - 14. Adjournment

*(Article B.VI)*

## **SECTION 5 – VOTING OF FUNDS**

Except for ordinary expenses and bills as approved at membership meetings, no sum over one-hundred (\$100.00) shall be voted for the purpose of a grant or contribution to a member or any cause outside CUPE, except by a notice or motion given in writing and dealt with at the following membership meeting.

*(Article B.4.4)*

## **SECTION 6 – OFFICERS**

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

*(Article B.2.1 & B.2.3)*

## **SECTION 7 – EXECUTIVE BOARD**

a) The Executive Board shall comprise of all officers, except Trustees and Sergeant-at-Arms.

*(Article B.2.2)*

b) The Board shall meet at least once every month, face to face or via teleconference.

c) A majority of the Board constitutes a quorum.

d) The Executive 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 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.

*(Article B.11.1 to B.11.5)*

- g) Should any Board member fail to answer roll call for three (3) consecutive regular membership meetings or three (3) consecutive executive board meetings without having submitted good reasons for those failures, her office shall be declared vacant and shall be filled by an election at the following membership meeting.

*(Article B.2.5)*

## **SECTION 8 – DUTIES OF OFFICERS**

- a) The President shall:

- enforce the CUPE Constitution and these bylaws;
- 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 her rulings) and in case of a tie vote in any matter including elections, have the right to cast an additional vote to break the tie;
- ensure that all officers perform their assigned duties;
- fill committee vacancies where elections are not provided for;
- introduce new members and conduct them through the initiation ceremony;
- sign all cheques and ensure that Local's funds are used only as authorized or directed by the Constitution; bylaws, or vote of the membership;
- be allowed necessary funds, not to exceed \$50.00 monthly, to reimburse himself or any officers for expenses supported by vouchers, incurred on behalf of the Local;
- have first preference as a delegate to the CUPE National Convention.

*(Article B.3.1)*

- b) 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.

*(Article B.3.2)*

c) The Recording Secretary shall:

- keep full, accurate records and impartial account of the proceedings of all regular or special membership and Board meetings, ensuring that these records include a copy of the full financial report presented by the Secretary-Treasurer;
- record all alterations in the bylaws;
- 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;
- prepare and distribute all circulars and notices to members;
- have all records ready on reasonable notice for auditors and Trustees;
- preside over membership and Board meetings in the absence of both the President and the Vice-President;
- be empowered, with the approval of the membership, to employ necessary stenographic or other assistance to be paid for out of the Local's funds;
- on termination of office, surrender all books, seals and other properties of the Local to her successor.

*(Article B.3.3)*

d) The Secretary-Treasurer shall:

- receive all revenue, initiation fees, and assessments, keeping a record of these, and deposit promptly all money with a bank or credit union;
- throughout his/her term, on behalf of the Local union membership, be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices 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;
- record all financial transactions in a manner acceptable to the Board, and in accordance with good accounting practices;
- make a full financial report to meetings of the Local's Executive Board, as well as a written financial report to each regular membership meeting, detailing all income and expenditures for the period;
- pay no money unless supported by a voucher duly signed by any two members of the Executive Board;
- 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;

- pay no money unless supported by a voucher duly signed by the president 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;
- 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 reasonable time, respond in writing to any recommendations and concerns raised by the Trustees;
- provide the auditors 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 and other properties of the Local to her successor.

*(Article B.3.4 to B.3.9)*

e) 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 at least twice every calendar year;
- make a written report of their findings to the first membership meeting following the completion of each audit;
- submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts being maintained by the Secretary-Treasurer in an organized, correct and proper manner;
- be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
- audit the record of attendance;
- inspect at least once a year any stocks, bonds, securities, office furniture and equipment, and titles or deed to property that may at any time be owned by the Local, and report their findings to the membership;
- Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
  - i. Completed Trustee Audit Program
  - ii. Completed Trustees' Report
  - iii. Secretary-Treasurer Report to the Trustees

- iv. Recommendations made to the President and Secretary-Treasurer of the Local Union
- v. Secretary-Treasurer's response to recommendations
- vi. Concerns that have not been addressed by the Local Union Executive Board.

*(Article B.3.10 to B.3.12)*

f) The Sergeant-at-Arms shall:

- Guard the inner door at membership meetings and admit no one but members in good standing and officers and officials of CUPE, except on orders of the President 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 9 – OUT OF POCKET EXPENSES**

The following expense allowance shall be provided **annually in the month of June:**

President	\$700.00
Vice-President	\$350.00
Secretary-Treasurer	\$500.00
Recording Secretary	\$350.00
Trustees	\$125.00
Sergeant-at-Arms	\$125.00
Shop Stewards	\$125.00

The President will be reimbursed the cost of a cell phone plan, fax machine and a long-distance plan upon provision of original receipts.

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

a) 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 two (\$2.00) dollars

which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected, the fee shall be returned.

*(Article B.4.1 & B.8.2)*

b) Readmittance Fee

The readmittance fee shall be \$5.00.

*(Article B.4.1)*

c) Monthly Dues

The monthly fee shall be 1.5 %.

*(Article B.4.3)*

Changes in the levels of the initiation fee, the readmittance fee, or the monthly dues can be effected only by the following procedure for amendment of these bylaws (see Section 16), with the additional provision that the vote must be by secret ballot.

*(Article B.4.1 & B.4.3)*

Notwithstanding the above provisions, if the CUPE Convention raises minimum fees and/or dues above the level herein established, these bylaws 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**

Any member in arrears for a period of three (3) months or more shall be automatically suspended and 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 readmittance 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, she shall pay the readmittance fee but may not be required to pay her arrears.

**SECTION 12 –**  
**NOMINATIONS, ELECTIONS, AND INSTALLATION OF OFFICERS**

a) Nomination

Nominations shall be received at the regular membership meeting held in the month of October. To be eligible for nomination a member shall have attended at least fifty percent of the membership meetings held in the previous twelve months or in the period he was a member, if less than a year, unless a valid reason, acceptable to the Union, has been given for non-attendance. No nomination shall be accepted unless the member is in attendance at the meetings, or has allowed to be filed at the meeting, his consent in writing, duly witnessed by another member. No member shall be eligible for nomination if he is in arrears of dues and/or assessments.

b) Elections

- 1) At a membership meeting at least one month prior to Election Day the President shall, subject to the approval of the members present, appoint an Election 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.
- 2) 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.
- 3) The Returning Officer shall be responsible for issuing, collecting, and counting ballots. She must be fair and impartial and see that all arrangements are unquestionable democratic.
- 4) The voting shall take place biennially at the regular membership meeting in October. The vote shall be a secret ballot.
- 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 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 ballots shall be dropped. In case of a final tie vote, the presiding officer may cast the deciding vote.
  - 7) When two (2) 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.
  - 8) An 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 (c).
- c) Installation
- 1) All duly elected officers shall be installed at the meeting at which elections are held and shall continue to hold office for two (2) years or until a successor has be elected and installed, provided however, that no term of office shall be longer than three (3) years.
  - 2) The terms of office for Trustees shall be as laid down in Article B.2.4 of the CUPE Constitution.

*Article B.2.4*

- d) By-Election
- 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 CONFERENCES, CONVENTIONS AND EDUCATIONALS**

- a) Except for the President's option (Section 8 (a)), all delegates to conferences, conventions and educationals shall be chosen by election at membership meetings.

- b) Delegates elected to the conferences, conventions, and educationals held outside the County of Lunenburg shall be paid transportation expenses (at economy, tourist or coach rates). If the member uses her personal vehicle, travel shall be paid in accordance with the CUPE National rate. There shall be a per diem allowance of \$74.00 for meals and expenses. The Union will reimburse the employer for any lost wages.
- c) Delegates to conferences, conventions and educationals held locally shall have no travel allowance. Members will receive a per diem allowance of \$20.00 for meals and expenses. The Union will reimburse the employer for any lost wages.
- d) Representation at conferences, conventions and educationals shall be on the recommendation of the Education committee, subject to final approval by the membership.
- e) Members attending weeklong schools shall receive a per diem allowance of \$20.00 for expenses.

#### **SECTION 14 – COMMITTEES**

a) Negotiating Committee

This shall be a special ad hoc committee established at least six (6) months prior to the expiry of the Local's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of the President and two (2) members. The two (2) members other than the President shall be elected at a membership meeting. The CUPE representative assigned to the Local shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the members.

b) Special Committees

A special ad hoc committee may be established for a specified purpose and period by the membership at a meeting. The members shall be elected at the same or another membership meeting or may, be 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.

c) Standing Committees

The chairperson of each standing committee shall be elected by the members at a membership meeting in October for a two (2) year term. The chairperson and the Executive Board may, with the concurrence of the membership, jointly appoint other members to service on a committee. The President and Vice-President shall be members, ex-officio, of each committee. There shall be five (5) standing committees as follows:

1) Grievance Committee

This committee shall process all grievances not settled at the initial stage and its 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 in the collective agreement. The committee shall comprise of the elected chairperson and two other members to be selected from among the shop stewards. The committee shall appoint its secretary from among its members.

2) Education Committee

It shall be the duty of this committee to:

- a) Arrange for representation of the Local at any appropriate and available conferences and educationals and submit recommendations accordingly to the Executive Board;
- b) Instruct delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file of these reports;
- c) The committee shall comprise between two (2) and four (4) members and shall appoint its secretary from among its members.

3) Social Committee

It is the function of this committee to arrange and conduct all social and recreational activities of the Local either on the committee's own initiative or as a result of decisions taken at membership meeting. The committee shall submit reports and proposals to the Executive Board or to the membership as required. A ceiling for the committee's net expenditures shall be fixed annually by the membership but, other than that, all social and recreational events and activities shall be Union supported. The

Executive Board shall be held responsible for the proper and effective functioning of this committee. The committee shall comprise between two (2) and four (4) members and may appoint a secretary-treasurer from among its members.

4) Labour Management Committee

There shall be a Labour Management Committee in accordance with the collective agreement. Union representation on the committee shall consist of two (2) members.

5) Joint Occupational Health and Safety Committee

There shall be a Joint Occupational Health and Safety Committee in accordance with the collective agreement. Union representation on the committee shall consist of three (3) members.

Nominations and elections for all committees (other than the Negotiating Committee) shall take place in the month of October. Members of all committees will serve a two (2) year term and must meet the nomination requirement under Section 12 (a).

### **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 bylaws as Appendix "A". These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws.

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 – AMENDMENTS**

- a) These bylaws 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 bylaws and the CUPE Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.

(Articles 9.2(c), 13.3, & B.5.1)

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

(Article B.5.1)

- c) No change in these bylaws 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.

(Articles 13.3 & B.5.1)

**APPENDIX "A"**  
**To the Bylaws of CUPE Local 3885**

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**RULES OF ORDER**

1. The President or, in his absence, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President and the Vice-President, the Recording Secretary shall act as President, and in his 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 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 chair.
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 to order, he shall cease speaking until the point is determined. If it is decided he is in 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 chair 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 the 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 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.

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 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 chair, 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 challenge. The Chairperson may then state briefly the basis for his 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.
23. 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.
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 and proceedings of meetings are not to be divulged to any persons outside the Local or the Canadian Union of Public Employees.