
Constitution and Bylaws

Local Union 386

CUPE / *Canadian Union
of Public Employees*

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A few “Do’s and Don’ts” to test the sincerity of WE who are in the Union

- DO Study the constitution
- DO Study the Bylaws
- DO Study the Agreement
- DO Attend as many meetings as possible
- DO Get acquainted with the Shop Steward in your Department – learn the difference between a legitimate grievance and a complaint, whether such be frivolous or well founded
- DO Memorize the Order of Business and follow it when attending meetings
- DO Think before you vote
- DON’T Say, “Why doesn’t the Union . . .?” instead of “Why don’t we . . . ?”
- DON’T Stay away from meetings and gripe about “unwise” decisions afterwards
- DON’T Go “over the head” of your Steward
- DON’T Hesitate to bring to the attention of the meeting our problems, they are the Union’s too
- DON’T Leave this booklet at home – carry it at all times

INTRODUCTION

These Bylaws are designed to give proper balance to the administration of the Local Union.

Duties and responsibilities of elected officers and members of committees should be as widely dispersed as possible. It should not be left to the willing few to have to serve in multiple capacities. In other words, duties should be shared by the many rather than the few. While various committees have been designated as “Standing Committees,” this does not preclude the possibility of “Special Committees” being established from time-to-time as may be required and necessary in order to improve and maintain the social and economic welfare of its members without regard to sex, colour, race or creed. It promotes efficiency in public employment and to give clear evidence of its recognition of the units of organized labour, this Local has been formed and does now establish these Bylaws for its government.

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 of the Local and to involve as many members as possible through the sharing of the duties and responsibilities.

ARTICLE 1 – NAME

- 1.1 The name of this Local shall be Canadian Union of Public Employees, Local 386, Coquitlam, B.C.

ARTICLE 2 – PRINCIPLES AND OBJECTIVES

- 2.1.1 To place the various occupations of the Membership upon a high plan of efficiency and skill.
- 2.1.2 To promote the settlement of all disputes between the Members and Employers administration by mediation and arbitration.
- 2.1.3 To secure adequate remuneration for work performed.
- 2.1.4 To work towards Full-time employment for all members and by all legal and proper means to elevate morale, intellectual and social conditions of all workers in general and of the Membership in particular.
- 2.1.5 To support the Canadian Union of Public Employees in its objectives as set Out in Article II of the CUPE Constitution.

ARTICLE 3 – MEETINGS

3.1 General Meetings

- 3.1.1 Subject to subsection 3.1.2 hereof, meetings shall be held on the third (3rd) Tuesday of each month. In the event that the Tuesday is a Statutory Holiday then the meeting shall be held on the Wednesday. The meeting shall not exceed two (2) hours, unless by Motion to do so. A quorum for the transaction of business at any Regular or Special Meeting shall consist of at least ten (10) Members in good standing including at least three (3) Members of the duly elected officers.
- 3.1.2 General Meetings may be suspended for a maximum of two (2) consecutive months with a two-third's (2/3's) majority vote of the membership at any Regular Meeting.

3.2 Executive Meetings

- 3.2.1 The Executive Committee shall comprise all of the elected officers and any six (6) of the ten (10) Members shall constitute a quorum for the purpose of Executive Committee meetings. The Executive Committee shall meet at least once a month, preferably on the first (1st) Tuesday of every month, prior to the General Meeting or at any other time called by the President or a majority of the Members of the Executive Committee.

3.3 Shop Stewards' Meetings

3.3.1 Shop Stewards shall hold meetings as scheduled by the Chief Shop Steward.

3.4 Special Meetings

3.4.1 Special Meetings may be called by order of the Executive committee or by a written request of ten (10) Members, provided, however, that no business shall be transacted at such Special Meetings other than that for which the Special Meeting has been called. At least twenty-four (24) hours' notice of all Special Meetings must be given in writing to the Recording Secretary.

ARTICLE 4 – OFFICERS

4.1 Officers

4.1.1 The Officers of the Local shall consist of a President, Vice-President, Treasurer, Recording Secretary, Chief Shop Steward, five (5) Members-At-Large, (2 inside and 2 outside and 1 young worker under 30 years of age at time of election) who are Members of the Executive Committee, the Sergeant-at-Arms and three (3) Trustees, all of whom shall be elected by the Membership at the Annual General Meeting in November, in accordance with Article 6 of these Bylaws.

4.2 President

4.2.1.1 It shall be the duty of the President to preside at all meetings, except meetings which will be as provided for in Section 4.3.1 of these Bylaws.

4.2.1.2 The President shall preserve order and enforce the Constitution and Bylaws, as well as see that all Officers perform their respective duties, fill vacancies on Committees where elections are not provided for and decide all questions of order subject to an appeal by a Member of the Local but the President shall not vote on such appeal.

4.2.1.3 The President shall announce the results of all votes, shall enforce all fines and penalties and shall have the power to call Special Meetings and when requested pursuant to Article 3.4.1

4.2.1.4 The President shall have a vote on all matters, including election of Officers, and in the case of a tie vote, will also have the right to cast the deciding ballot.

4.2.1.5 The President shall ensure and instruct that all circulars and notices for issuance to the Members are posted and passed on to the Members.

4.2.1.6 The President shall sign all orders on the treasury for such monies as shall, by the Constitution and Bylaws, or by vote of the Local, be ordered paid, and shall sign all cheques and drafts drawn on the bank or credit union accounts and perform such other duties as the Constitution and Bylaws of the Local may require.

4.2.1.7 The President shall attend to all controversies between the Union and the Employer and engage in all legitimate means to adjust a settlement as soon as possible

4.2.1.8 The President shall be allowed, monthly, necessary funds to reimburse any Officers for expenses incurred on behalf of the Local upon submission of signed vouchers in accordance with Article 12 of these Bylaws. Such accounts approved in the regular manner shall be included with bills presented to the Membership at monthly meetings.

4.2.1.9 The President in office at the time of the conventions for CUPE National, CUPE BC, BC Federation of Labour, Canadian Labour congress or the CUPE Western Canadian Municipal Workers' Conference shall be an automatic Delegate for those Conventions.

4.2.2 The position of President shall be a full-time paid position as set by Executive Policy.

4.3 Vice-President

4.3.1 It shall be the duty of the Vice-President to assume the role and responsibility of the President in the President's absence. The Vice-President shall perform all duties pertaining to the Office of the President and render such assistance as may be required.

4.3.2 In the absence of the President for extraordinary circumstances, it may be necessary from time to time, to request the City's approval for the Vice-President to be booked off for short periods in order to assume the duties of the Office of President.

4.3.3 In the absence of the President the Local will request the City's approval for the Vice-President to be booked off in order to assume the authority and all responsibilities of the Office of President.

4.3.4 In the case of a vacancy in the Office of President, the Vice-President shall be booked off at the earliest convenience following notification of such vacancy to the Executive Committee and shall act as President until the Local elects a President to fill the vacancy and for a further period of two weeks to assist the newly elected President's transition into the Office of President.

4.4 Recording Secretary

4.4.1 The Recording Secretary shall keep full and accurate account of the proceedings of all Membership and Executive Meetings, record all Motions with the names of the Movers and Seconders in a Minute Book of the Local. The Recording Secretary or designate shall record all alterations in the Bylaws, answer correspondence and fulfill other secretarial duties as directed by the President, file a copy of all letters sent out and keep on file all communications, preside over Membership and Executive Meetings in the absence of both the President and Vice-President. The Recording Secretary in office at the time of the CUPE BC Convention and CUPE

National Convention shall have first preference after the President as Delegate to this Convention.

4.4.2 The Recording Secretary shall ensure that a current list of all Members and an up to date record of attendance is provided at each General Membership Meeting.

4.5 Treasurer

4.5.1 It shall be the duty of the Treasurer on behalf of the Local membership to be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or vouchers for every disbursement made, receipt for all monies sent to CUPE headquarters as well as records and supporting documents for all income received by the Local Union.

4.5.2 It shall be the duty of the Treasurer to keep all financial accounts of the Local and shall maintain correct and proper accounts of all its Members. The Treasurer shall receive all initiation fees, dues and assessments from Members of the Local and shall deposit same in the name of the Local in such bank or credit union as the Union may direct. The Treasurer shall make disbursements only for the purposes of the Local and these shall be made by cheque or other means and signed/authorized by two of these standing members of the Executive, the Treasurer, President, Vice-President or Recording Secretary.

4.5.3 The Treasurer shall be bonded in the amount not less than \$500.00 as per Section B 3.5 of the CUPE National Constitution. In the event the Treasurer cannot qualify for a bond, the Treasurer will be disqualified from Office.

4.5.4 The Treasurer will make full financial reports to meetings of the Local's Executive as well as present written financial reports to each Regular Membership Meeting, detailing all income and expenditures for the period. In the event the Treasurer is unable to attend a General Meeting, the financial report will be made by the Chair or designate. In the absence of the Treasurer for a period in excess of two (2) months, the President will appoint a designate to oversee the obligations of the Treasurer until their return or, if the Office of the Treasurer position has been vacated, until a new Treasurer has been elected.

4.5.5 The Treasurer shall submit books and records half yearly to the Trustees for audit and shall furnish the Trustees with a letter from the bank or credit union where the funds of the Local are deposited, attesting to the amount to the credit of the Local at such bank or credit union. The Treasurer must within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.

4.5.6 The Treasurer shall forward to the National Secretary-Treasurer on the official monthly report forms provided, not later than the 15th day of each month, the per capita tax owing on all dues received by the Local. The Treasurer shall also pay all per capita tax to any organization to which the Local is affiliated.

4.5.7 At the end of the term of office, the Treasurer shall turn over to the successor, all properties and assets, including funds, books and records belonging to the Local.

4.6 Trustees

4.6.1 The Trustees shall examine the books and records of the Treasurer and inspect or examine all properties, bonds and all other assets of the Local at least half yearly or every six (6) months. The Trustees shall report to the next regular meeting of the Local on the condition of the funds and accounts, the number of members in good standing, the number initiated, expelled or suspended, admitted or withdrawn, together with such other information they may deem necessary to the efficient and honest administration of the Local. They shall submit a copy of such report to the National Secretary-Treasurer of the Union.

4.7 Chief Shop Steward

4.7.1 The Chief Shop Steward shall:

- Be the Chairperson and official spokesperson of the Grievance Committee.
- Conduct or delegate all investigations and grievances.
- Maintain the grievance files and report the status of all grievances to the Executive Board at the regular monthly meeting and to the membership at the regular monthly meetings. Liase between Executive board and stewards.
- Supervise and assist the Shop Stewards as required, adhering to the policies of the Union. Chair steward's monthly meetings.
- Assist the National Representative and/or Legal Counsel in the preparation of all arbitration cases.
- Assume the duties of the President or Vice President in their absence.
- Be responsible for assisting in determining if a grievance exists, assign stewards, assist in preparation of grievances, keep records of grievances by number, type and outcome.
- Assist the President to carry grievances from Step 2 to resolution.
- Recruit, organize and arrange training for stewards.
- Prepare a written summary of grievances on a monthly basis.
- On termination of office, surrender all books and other properties of the Local to their successor or Union office.

ARTICLE 5 – COMMITTEES

5.1 Executive Committee

5.1.1 The executive Committee shall administer and carry out all work delegated to it by the Local and receive, consider and report on all Grievances made by Members as submitted by the Grievance Committee through the Chief Shop Steward. Grievances must in all cases be in writing on forms provided by the Union and be signed by the complainant or complainants or a Member of the Grievance Committee, as provided for in the Union Agreement.

- 5.1.2 Any charges against Members or Officials of the Local shall be done in accordance with Appendix B, Article VI, Section 6.1 through 6.5 of the CUPE National Constitution.
- 5.1.3 Should any Officer fail to answer the roll call for three (3) regular and consecutive meetings, without having submitted a good reason for such absence to the Executive Committee, the Office shall be declared vacant, and the same filled by an election upon the recommendation of the Executive Committee at the following meeting.

5.2 Bargaining Committee

- 5.2.1 The Bargaining Committee shall consist of four (4) Members, the President and three (3) Members who shall be elected by the General Membership having regard for the recommendations of the Executive Committee. One (1) Alternate shall also be elected by the General Membership and shall be a non-voting Member of the Committee unless one (1) of the other Members is absent or steps down for any reason. The CUPE 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.
- 5.2.2 In the event that the President chooses not to run or is defeated during an election while bargaining is in progress, the former President can remain a non-voting member of the Bargaining Committee if they choose. The Bargaining Committee would then consist of five (5) members for the duration of bargaining.
- 5.2.3 The current President will automatically act as Chairperson who would also be the Spokesperson. The Bargaining Committee may delegate the role of Spokesperson to a CUPE National Representative.
- 5.2.4 In the event of a tie vote, the President shall cast the deciding ballot.

5.3 Shop Stewards' Committee

- 5.3.1 The Shop Stewards' Committee shall be comprised of the Chief Shop Steward and Area Stewards.
- 5.3.2 The Chief Shop Steward shall where necessary, have the authority to deploy Area Stewards.
- 5.3.3 The Chief Shop Steward shall act as Official Liaison between the Executive and the Shop Stewards, shall call regular shop Stewards' meetings, be kept informed of available courses and organize retraining that would be suitable for Shop Stewards.
- 5.3.4 Grievances that have not been resolved by the Area Stewards, at the immediate supervisory level, shall be referred to the Chief Shop Steward who will discuss the matter with the President or Vice-President and then to the representative of the Employer. If agreement is not reached within the time limits specified in the

collective Agreement, the matter shall be referred to the Grievance committee for appropriate action.

- 5.3.5 The Chief Shop Steward may, when necessary, to further the prosecution of a complaint and after consultation with the President or, in their absence, the Vice-President, write or cause to be written emergent letters to any one or more person(s). Such letters may be signed by the Chief Shop Steward, President, Vice-President or by the Recording Secretary. The contents of such letters may be reported at the next meeting of the Executive Committee of the Union with respect given to the confidentiality of the affected member.

5.4 Grievance Committee

- 5.4.1 Grievance Committee shall be comprised of the Chief Shop Steward, the Vice-President as chairperson of the committee or his or her delegate and the Shop Steward of the Grievor. This Committee will rule on, and deal with, all Grievances in accordance with the current Collective Agreement. Any Member, who is not satisfied with the decision of the Grievance committee, may appeal to the Executive Committee and/or Membership for further consideration.

- 5.4.2 “CUPE Local 386”, Under Article 5.4.1 of the Constitution and Bylaws of the Union, confirms the following process for Local Union Members who wish to exercise their right under this Article, to appeal a decision of the Grievance committee to the Membership.

It is agreed this appeal provision is not intended to provide a Member with an additional forum within which to discuss or debate the merits of any Grievance. Rather, it is intended as a vehicle to determine the Union’s conduct as a whole, and whether the Local Union Grievance Committee and/or Executive Committee has acted in a manner which is arbitrary, discriminatory or in bad faith. In this regard, the appeal process will focus narrowly on the following question only:

“Did the Grievance Committee or Executive Committee commit an error in law or an error in process when it came to its decision on a specific Grievance?”

In considering this question, an Appellant will be prohibited from presenting any verbal or written information, which may compromise the privacy or confidentiality of any member of the Union. In the event this occurs, the Appellant will be ruled out of order, and the appeal will be deemed concluded.

- 5.4.3 No Member shall withdraw a written Grievance while it is being processed without permission or recommendations of the Grievance Committee.

5.5 Special Committees

- 5.5.1 Special Committees may be set up either by election at any meeting, or by appointment of the President as directed by the meeting.

ARTICLE 6 – ELECTION AND TERM OF OFFICE

6.1 Terms of Office

- 6.1.1 For the term of two (2) years, elections for the positions of President, Treasurer, Chief Shop Steward, one (1) Inside Member-at-Large, one (1) Outside Member-at-Large and three (3) members of the Bargaining Committee; election to be held on the ODD numbered years.
- 6.1.2 For the term of two (2) years, Vice-President, Recording Secretary, one (1) Inside Member-at-Large, and one (1) Outside Member-at-Large, and one Young Worker; election to be held on the EVEN numbered years.
- 6.1.3 There shall be three (3) trustees elected at the first election; the one receiving the highest number of votes shall hold office for three (3) years from the date of such election; the one receiving the second largest number of votes shall hold office for two (2) years; and the one receiving the third largest number of votes shall hold office for one (1) year. To complete the full complement of trustees required by this section, in each year succeeding the first election, there shall be elected, one trustee for a term of three (3) years, to fill the place of the trustee whose term of office then expires. In the case of vacancies occurring, elect Trustees to fill only the unexpired terms in order to preserve overlapping terms of office.
- 6.1.4 In the event of a vacancy in any of the above offices, the Union upon giving notice at a General Membership Meeting one (1) month prior, shall conduct an election at the next General Membership Meeting for the purpose of electing an Officer to fill said vacancy for the unexpired term of office.
- 6.1.5 For the Office of President, Vice-President, Treasurer and Recording Secretary, eligible nominees must serve notice in writing of their intent to run for Office one (1) month prior to the commencement of election. For the case of filling a vacancy for the unexpired term of office, eligible nominees must serve notice in writing of their intent to run for office two (2) weeks prior to the commencement of election.
- 6.1.6 There shall be one (1) Shop Steward elected annually at the Annual General Meeting from each major employment division who will represent the interests of those employees or any employees within the bargaining unit. The Chief Shop Steward will be elected by the Shop Steward Committee within one month after the November AGM, the election shall be held on the ODD numbered years.
- 6.1.7 A Sergeant-at-Arms shall be elected annually at the Annual General Meeting. The President will appoint a designate to oversee the obligations of the Sergeant-at-Arms if the elected person is absent from any Membership Meeting.

6.2 Nominations for Election to Office

- 6.2.1 All those eligible for nominations shall have been Members for at least twelve (12) months and have attended at least three (3) General Membership Meetings within nine (9) calendar months prior to nominations for election. The exception shall be the President and Vice-President positions which shall be required to have been

a Member for at least twelve (12) months and have attended at least 50 percent of the General Membership Meetings within twenty-four (24) calendar months prior to nominations for election. No nomination shall be accepted unless the Member is in attendance at the nomination meeting or has allowed to be filed at such meeting, their consent in writing, duly witnessed by another Member. No Member may be elected to more than one (1) Office.

6.2.2 Nothing contained in Article 6.2.1 of this section shall be deemed to be in conflict with the provisions of the CUPE National Constitution (Appendix "B.II" Officers).

6.3 Nominating and Constitution Committee

6.3.1 The Membership, at its September General Membership Meeting, shall elect four (4) Members, two (2) Inside and two (2) Outside, to constitute the Nominating and Constitution Committee. The term of office is one (1) year.

6.3.2 In the absence of a quorum of Members present at the September General Membership Meeting or failure to elect Members at this meeting, the Executive shall appoint any or all Members needed to constitute the Nominating and Constitution Committee.

6.3.3 The duties of the Nominating and Constitution Committee consist of:

- (1) Selection of suitable names of Members for recommendation who meet criteria set out in the Bylaws and Executive Policies to fill all offices of the Union.
- (2) Review "Notice of Motions" submitted by the Membership to amend the Bylaws and make recommendation of concurrence or non-concurrence.

6.4 Elections

6.4.1 The Annual Elections shall be held on the day of the regular Membership Meeting in November of each year.

6.4.2 The form of ballot shall be decided upon by the Executive Committee, who shall be responsible for the preparation of sufficient ballots.

6.4.3 For the purpose of conducting the Annual Elections, the Presiding Officer subject to the approval of the Membership at the annual General Membership meeting, appoint a Returning Officer and a Balloting Committee. They shall be Members in good standing and not candidates for the office and shall be responsible for the issuing and receiving of ballots from the Members.

6.4.4 The Returning Officer and the Balloting Committee shall have responsibility for the conducting of elections as set out in these Bylaws and shall treat all information submitted to them in connection with each office as confidential. The Returning Officer shall make a report to the meeting only at the time appointed.

- 6.4.5 The method of election shall be by secret ballot. Each Candidate for office shall be entitled to appoint a Scrutineer to oversee the counting of ballots on their behalf. Any Scrutineer so appointed shall also treat the information overseen by them in connection with the ballot count as confidential. Immediately following the close of voting, the Returning Officer and/or the Balloting Committee and any Scrutineers shall proceed to count the ballots. Upon completion of the count, the Returning Officer shall notify the Presiding Officer and report the results immediately.
- 6.4.6 Any candidate may appeal to the Membership or the Presiding Officer for a recount of the votes for whichever office the Member was a Candidate. The Presiding Officer shall order a recount of any or all elections, only on receiving approval from the number of members in attendance equal to or greater than the quorum required for a Local meeting, in favour of such recount. Such recount shall be taken immediately and prior to election of any other office. A majority of votes cast shall be required before a Candidate can be declared elected and the second and subsequent ballots shall be taken, if necessary, to obtain such a majority of 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, the Presiding Officer may cast the deciding vote.

6.5 Installation of Officers

- 6.5.1 A duly elected Officer shall be installed at the meeting in which the elections are held and shall continue in office for two (2) years, with exception of the Sergeant-at-Arms which is a one (1) year term, or until such time as a successor has been elected and installed, provided, however, that no term of office shall be longer than three years.
- 6.5.2 In the event that any elective Office becomes vacant during the normal period between elections, an election shall be held to fill the vacancy at the next regular Membership meeting with the exception of the positions of President, Vice-President, Treasurer or Recording Secretary where prior written notice is required.
- 6.5.3 Installation of the newly elected Officer(s) shall take place in front of the President or Presiding Officer.

Fellow Members, repeat after me the following obligation:

I, _____, sincerely pledge that I will truly and faithfully and to the best of my ability, perform the duties of my office for the ensuing term as prescribed in the Constitution and Bylaws of this Union. And as an officer of this Union, I will at all time endeavour both by my counsel and example, to promote the harmony and preserve the dignity of its sessions. I further pledge that at the close of my official term, I will promptly deliver any monies or property of the Union in my possession to my successor in office.

ARTICLE 7 – INITIATION, FEES AND DUES

7.1 Initiation Fee

7.1.1 The initiation fee shall not be less than ten dollars (\$10.00). Upon receipt by the Local Office of Application for Membership into the Local, every individual candidate shall pay the sum of ten dollars (\$10.00) initiation fee by way of payroll deduction. Such initiation fee shall be in addition to bi-weekly dues. In the event a former Member applies for re-admittance into the Local, the Local may charge a re-admittance fee of no more than ten (\$10.00) dollars.

7.1.2 No initiation fee shall be charged to any applicant for Membership in this Union if the said applicant has a transfer or withdrawal card and is a paid-up Member of any CUPE Local or other Union that is chartered by the Canadian Labour Congress.

7.2 Dues

7.2.1 The dues shall be not less than the dollar amount that is arrived at by applying a factor of 0.02106 to the bi-weekly gross earnings.

Any changes in the Local Union dues can be made only at a Regular or Special meeting, provided that at least seven (7) days' notice at the previous meeting or at least sixty (60) days written notice has been given, except where the minimum dues are raised by an Amendment to the CUPE National Constitution.

7.2.2 Members on leave of absence, other than for Union business, shall not be required to pay dues to maintain their Membership in good standing. Members on leave of absence for Union business shall pay dues as per Section 7.2.1.

7.2.3 Members who are temporarily removed from service due to injury or illness and are not in receipt of wages from the city shall not be required to pay dues in order to maintain their Membership in good standing.

7.2.4 The Executive Committee is to review dues and assessments annually.

7.2.5 Employees wishing to return to the Bargaining Unit from an excluded position shall pay back all Union dues to a maximum of \$500.00

7.3 Initiation of New Members

7.3.1 The President will bring forward new applicants for Membership.

7.4 Oath

Fellow Members, repeat after me the following obligation:

I, _____, of my own free will and accord, in the Presence of these witnesses, do hereby pledge that I will abide by the Constitution and Bylaws of this Union and will not divulge the proceedings of its meetings and will pay all dues and assessments levied in accordance with the Bylaws. That I will be orderly at its meetings, respectful in words actions, charitable in my judgement of my fellow members, and will never, from selfish motives, wrong another member or see them wronged if in my power to prevent it.

7.5 Withdrawal Cards

- 7.5.1 The Local shall grant a withdrawal card to Members in good standing when leaving their place of employment to take up an occupation elsewhere or in another shop or industry in the jurisdiction of another affiliated or chartered Union of the Congress.

ARTICLE 8 – RULES AND ORDER OF BUSINESS

8.1 Order of Business

- 8.1.1 Roll Call of Officers
- 8.1.2 Voting on new Members and initiation
- 8.1.3 Reading of Minutes of previous meeting
- 8.1.4 Matters arising out of the Minutes
- 8.1.5 Treasurer's report
- 8.1.6 Correspondence and bills
- 8.1.7 Executive report
- 8.1.8 Reports of Committees and Delegates
- 8.1.9 Nominations, Elections or Installations
- 8.1.10 Unfinished Business
- 8.1.11 New Business
- 8.1.12 Good and Welfare
- 8.1.13 Adjournment

8.2 Rules of Order

- 8.2.1 The President, or if the President is not available, the Vice-President, shall take chair as the Presiding Officer at the time specified at all regular and special meetings. In the absence of both the President and Vice-President, a President Pro-term shall be chosen by the Executive or appointed by the President.
- 8.2.2 The Presiding Officer shall state every question coming before the Local and before allowing debate thereon and immediately before putting it to a vote, shall ask, "Is the Local ready for the Question?" Should no Member rise to speak and the Local indicates readiness, the Question shall be put. After the Presiding Officer has risen, no Member shall be permitted to speak upon the Question.

- 8.2.3 A Motion to be entertained by the Presiding Officer must be moved and seconded and the Mover, as well as the Secunder, must rise and be recognized by the Chair.
- 8.2.4 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 Motion shall be in order.
- 8.2.5 On Motion, the regular order of business may be suspended by a two-thirds (2/3's) vote of those present to deal with any urgent business.
- 8.2.6 All Resolutions and Motions, other than those named in Section 8.2.17 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.
- 8.2.7 At the request of any Member, and upon a majority vote of those present, a question may be divided when the sense will admit it.
- 8.2.8 Any Member having made a Motion can withdraw it with consent of the seconder, but a Motion once debated cannot be withdrawn except by a majority vote of those present.
- 8.2.9 When a Member desires to speak on a question or offers a Motion, the Member shall rise and respectfully address the Presiding Officer, but the Member shall not proceed further until recognized by the Chair except to state that he or she rises to a point of order or on a question of privilege.
- 8.2.10 When two (2) or more Members rise to speak at the same time, the Presiding Officer shall decide which one is entitled to the floor.
- 8.2.11 If a Member, while speaking, is called to order, the Member shall cease speaking until the point is determined. When, the Presiding Officer decides that the point is in order, the Member may again proceed.
- 8.2.12 No sectarian decision (that is to say religious decisions) shall be permitted in the meeting at any time.
- 8.2.13 No Member, except the Chairperson of a Committee or the Mover or the Secunder of a Resolution, shall speak more than five (5) minutes at any one time or more than once on the same question until all Members wishing to speak have had an opportunity to do so; then the Member may be allowed by permission of the Chair to speak a second time.
- 8.2.14 The Presiding Officer shall take no part in debate while presiding but may yield the chair to a Member of the Executive Board in order to speak on any question before the Local, or to introduce a New Question.

- 8.2.15 The Presiding Officer shall have the same rights as other Members to vote on any question. In case of a tie, the Presiding Officer may give a casting vote or, if the Presiding Officer chooses, refrain from voting, in which case the Motion does not prevail, and the decision is in the negative.
- 8.2.16 When a question has been put, no Motion shall be in order except (a) to adjourn, (b) to call the previous question, (c) to lay on the table, (d) to postpone for a definite time, (e) to refer, (f) to divide or amend which Motions shall have precedence in the order named. The first three of these shall be decided without debate.
- 8.2.17 A Motion for the previous question when regularly moved and seconded shall be put forth in this form, "Shall the main question be now put?" If it is adopted, the Presiding Officer shall proceed to take the vote on the Resolution and amendments thereto (if any) according to their priorities, if an amendment or an amendment to the amendment is adopted, the original Resolution as amended shall be put to the Local.
- 8.2.18 A Motion to adjourn is in order except (a) when a Member has the floor and (b) when Members are voting.
- 8.2.19 A Motion to adjourn having been defeated, shall not be in order again if there is further business before the Local until fifteen (15) minutes has elapsed.
- 8.2.20 Before the Presiding Officer declares the vote on a question or after a vote has been declared, lost or carried by acclamation, and before the Local proceeds to another order of business, any Member may ask for a recount standing vote which shall then be taken and the Recording Secretary shall count same.
- 8.2.21 If any Member is personally aggrieved by the decision of the Chair, the Member may appeal to the Local from such decision.
- 8.2.22 When the decision of the Chair is appealed, the Chair shall state the Chair's decision and the reason for appeal, after which without further debate, the question shall be put thus, "Shall the decision of the Chair stand as the decision of the Local?" It shall require a majority vote to sustain such appeal.
- 8.2.23 After a question has been decided, any two (2) Members who have voted in the majority may at the same time or next meeting move consideration thereof.
- 8.2.24 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 Presiding Officer.
- 8.2.25 All business done in the Local shall be strictly secret to all outside the Local.
- 8.2.26 All rules and proceedings of debate not herein provided for shall be as defined in the constitution of the Canadian Union of Public employees.

8.3 Sergeant-at-Arms

- 8.3.1 The Sergeant-at-Arms shall have charge of the entrance door at all meetings of the Union and shall admit only such persons as are Members in good standing of the Union and invited guests of the Local.
- 8.3.2 Proof of Membership may be required.
- 8.3.3 The Sergeant-at-Arms will not permit any Member to retire from a meeting without permission of the Chairman as per Section 8.2.24 and will assist the Recording Secretary in maintaining the record of Membership attendance at meetings.
- 8.3.4 The Sergeant-at-Arms will obtain the names of all those awaiting initiation, reporting these to the Chairman through the Recording Secretary.
- 8.3.5 The Sergeant-at-Arms will perform such other duties as may be assigned by the Executive committee.

ARTICLE 9 – STRUCTURE

9.1 Property of the Local

- 9.1.1 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 submitting the proposition to a Special Meeting and having such proposition approved by the membership.

9.2 Bylaws

- 9.2.1 The Bylaws of the Local shall at all times be subordinate and subject to the provisions of the Constitution of the Canadian Union of Public Employees as such Constitution and bylaws exist or may from time-to-time hereafter be altered or amended and in the event of any conflict, the Constitution of the Canadian Union of Public Employees shall govern. Matters of interpretation of these Bylaws shall be subject to the provisions of Article 9.2 © of the CUPE Constitution.
- 9.2.2 Any changes in these Bylaws shall not be valid until approved by the National President of the Canadian Union of Public Employees in accordance with Article 13.3 of the CUPE Constitution.
- 9.2.3 These Bylaws shall not be altered, suspended or amended unless upon written NOTICE OF MOTION given at least one (1) meeting previous to the Annual November Meeting and in all cases a two-thirds (2/3's) majority voting in favour of the motion shall be required.

9.3 Executive Policies

- 9.3.1 The Executive committee shall cause a Policy Statement to exist wherein shall be contained Policy items determined from time-to-time by the Union as appended hereto in our Constitution. These to be published and reviewed by the Local's membership upon written NOTICE OF MOTION given at least one (1) meeting previous to a General Membership Meeting and in all cases a two-thirds (2/3's) majority voting in favour of the motion shall be required.
- 9.3.2 Executive Policies of the Local shall at all times be subordinate to all other Bylaws of this Constitution.
- 9.3.3 Policies will be set by the membership from time to time to explain the Local's position on certain subject matters of interest to the membership and to clarify the execution and interpretation of certain Bylaws, respectful of and in accordance with Section 9.3.2.

ARTICLE 10 – EDUCATION WORKSHOPS, SEMINARS AND CONVENTIONS

10.1 Education Workshops and Seminars

- 10.1.1 Appropriate funding to meet the needs of the Local shall be budgeted each year for educational workshops and seminars.
- 10.1.2 Disbursement of funds to be approved by the Membership at the General Membership Meeting or in accordance with Section 12.4.3 and 12.4.4.

10.2 Delegates to Conventions and Seminars

- 10.2.1 Except as provided for in Section 4.2.1.9 and 4.4.1, all Delegates to Conventions shall be chosen by election by the Membership, having regard for the recommendation of the Executive committee.
- 10.2.2 All Delegates to the Conventions held within B.C. shall be paid the appropriate mileage rate, plus a per diem allowance as per Section 12.2.1 of this Bylaw for expenses and an amount equal to any loss of salary necessitated by attendance at the Convention. Where possible Members shall carpool. With regard to Conventions held outside B.C., air travel will be supplied, and any loss of salary shall be as provided for in the preceding sentence. The Executive is to approve all modes of travel prior to payment being made.
- 10.2.3 Representatives at educational institutes and seminars shall attend on the recommendation of the Executive Committee subject to final approval by the Membership.
- 10.2.4 Delegates attending conferences or conventions taking place in the Lower Mainland shall, if desired, choose to lodge at a Convention hotel in order to be able to take part in the evening sessions and programs offered.

ARTICLE 11 – STRIKE

11.1 Ratification and Strike vote

11.1.1 In the event of a ratification or strike vote, for a new Collective Agreement, the vote will be by secret ballot and the Polling Station shall be open for a period of eight (8) hours to allow time for members to vote.

11.2 Benefits During Strike

11.2.1 Those members on strike doing picket duty or working for the Union shall have their medical benefits paid per National Defense Fund Regulations. All other members shall make arrangements with the Union for coverage of medical and dental and pay the Union 100% of premium costs not more than fourteen (14) days after commencement of the strike.

ARTICLE 12 – DISBURSEMENTS AND OUT OF POCKET EXPENSES

12.1 Out of Pocket Expenses of Executives

12.1.1 The following monthly out of pocket expenses shall be provided for:

President	\$200.00
Vice-President	\$175.00
Treasurer	\$200.00
Recording Secretary	\$175.00
Chief Shop Steward	\$175.00
Member-at-Large	\$100.00

12.2 Disbursements and Out of Pocket Expenses

12.2.1 Disbursements to Members of Committees and Officers of the Local for out of pocket expenses will be paid on the basis that this allowance is meant to cover any meal or other unreceipted incidentals incurred by the Members. Expenses shall be based on item #6 of the CUPE BC Expense Policy with the exception of items b. and d. which shall always be paid at \$10.00 higher than the current CUPE BC per diem rate.

Section #6 of the CUPE BC Expense Policy

- a. \$43.00 per half day meeting (when no meals are provided).
- b. \$86.00 per day for an all - day meeting (when no meals are provided).
- c. \$43.00 for half-day of incoming travel to next day meeting or return travel day, next day after meeting.
- d. \$86.00 for full day travel to and from meetings.
- e. \$43.00 for evening meetings requiring meals (unless already receiving \$86.00 full day per diem).
- f. \$17.00 for meetings where all expenses (meals) are included.

- g. Where members are booked off for special projects (eg. Zone Coordinators, Campaign Workers, etc.), the full-time officers per diem will apply.

12.3 Retirement

- 12.3.1 Members in good standing retiring after ten (10) years of service over the age of forty-five (45) or for health reasons shall receive three hundred dollars (\$300.00) plus fifteen dollars (\$15.00) for each additional year of service over the ten (10) years.

12.4 Expenditures

- 12.4.1 Expenditures of the Local shall be for the purpose of the Local only and shall be made by cheque or credit card. When booking travel, accommodations or other General Membership pre-approved expenditures, a Local 386 Credit Card may be used with the appropriate Expense Claim signed by the Treasurer and by the President. In the absence of the Treasurer or the President, the Vice-President and/or Recording Secretary shall be authorized to be one of the signatories as referenced in Article 4.5.2.
- 12.4.2 All expenditures of the Local except as outlined in Section 12.1, Section 12.2, Section 12.3, Section 12.4.3, Section 12.4.4, Section 12.4.5 and Section 12.4.6 shall be approved by the Membership before the expense is incurred.
- 12.4.3 The Executive Committee is authorized to approve and commit to expenditures on behalf of the Local during the time in between General Meetings when it is not possible to table the expenditure for approval of the membership, provided that the total expenditure does not exceed five thousand dollars (\$5,000.00).
- 12.4.4 The Executive Committee is authorized to deal with and approve expenditure motions outlined in the agenda posted before the General Meeting when approval from the membership is not obtained at the General Meeting because of lack of quorum.

Constitutional Amendment

Long Term Disability

Introduce new Article ____.

New Article ____.

LONG TERM DISABILITY

Sec. (a) Effective ____date____, CUPE Local 386 maintains a member self-funded Long Term Disability (LTD) Plan to be available to all eligible members.

Sec. (b) The plan is open to all eligible members of the City of Coquitlam.

Sec. (c) The plan is voluntary for all members of CUPE Local 386 who were members of the Local prior to ____date____.

Existing members of the Local prior to ____date____, who did not join the plan prior to ____date____ are able to apply for inclusion in the plan at any time in the future, subject to plan medical and other requirements.

Sec. (d) The plan is mandatory for all eligible members as per Sec. (b) above, and the Long Term Disability (LTD) Plan wording, who have been hired after ____date____.

Such members will be eligible for the plan upon completion of their probation period.

Plan premiums shall begin to be deducted from the member's payroll in the month prior to the completion their probation period.

If a member does not successfully complete their probationary period, then any deductions that have been made shall be returned by the union or the plan administrator to the member.

Sec. (e) Plan premiums are to be deducted monthly by each respective employer and submitted to the union who will remit payment to the plan administrator or;

In the event that the union and the employer agree by Letter of Understanding, the employer may remit payments directly to the unions plan administrator.

Sec. (f) Any cancellation of the Long Term Disability (LTD) Plan by the Local shall be done by a majority mail in vote of all members (50% +1) that shall take place after a Special Membership Meeting called for the specific purpose of providing information regarding cancelling the Long Term Disability Plan.

APPROVED in Original Form by CUPE National President, _____, dated.

This is a CERTIFIED TRUE COPY dated _____

Gord Willis, President