

CONSTITUTION

AND

BY-LAWS

**CANADIAN UNION OF PUBLIC EMPLOYEES
LOCAL 407**

VANCOUVER SCHOOL BOARD EMPLOYEES

ARTICLE 1 – NAME, OBJECTION AND STATUS

Section 1 - Name:

The name of this Local shall be Canadian Union of Public Employees, Local 407 and its office shall be in the City of Vancouver, B.C.

Section 2 - Object:

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 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 - Status:

This Union is chartered by the Canadian Union of Public Employees at its function in September 1963, such charter replacing the one previously issued by the National Union of Public Employees.

This Union may affiliate to the Canadian Union of Public Employees (B.C. Division), Metropolitan District Council of Public Employees, or the British Columbia Federation of Labour.

ARTICLE 2 – JURISDICTION

Section 1:

Those persons who are employees of the Vancouver School Board, except the employees who are covered under existing agreements between the Vancouver School Board and such Local Unions that are affiliated to and chartered by the Canadian Union of Public Employees.

The Jurisdiction shall include other employees or groups of employees who by the nature of their work or because of new types of employment may normally be entitled to membership within the Union. Such entitlement of membership

shall also include any Official, Representative, or Business Agent of the Canadian Union of Public Employees, or any Official of the Canadian Labour Congress if these persons are elected to the above offices from this Union, or are eligible for membership under the provisions of the Canadian Union of Public Employees National Constitution.

Section 2:

Such other employees of groups of employees that may normally be eligible for membership, and to include any paid official of Business Agent attached or hired by the Union.

ARTICLE 3 – DEFINITION OF STRUCTURE

Section 1 - Officers:

The Officers of this Union shall comprise of the President; Vice-President; Secretary-Treasurer; Recording Secretary; one Executive-at-large, and three Trustees (who shall rotate on a three-year term).

Section 2 – Executive

The Executive of this union shall comprise all Officers, except Trustees. No member shall be eligible for Executive until they have had at least 12 months Union membership.

Section 3 - Negotiating Committee:

Shall comprise the required number of persons so allowed to represent the Union, as the existing terms of the Agreements so allow. The Negotiating Committee may also include the CUPE Staff Representative and from this Committee, there shall be a chairman, elected from the Committee from within themselves. Outside Consultants shall be permissible as the Union so requires and dictates, providing this is acceptable under terms of existing agreement.

Section 4 - Grievance Committee:

Shall comprise of two representatives from the Union with the President or CUPE Staff Representative being a member of such Committee. Should the committee members be unavailable, then the President has the prerogative to appoint an alternate, as the situation so requires.

Section 5 - Shop Stewards:

The Shop Stewards shall be chosen from within the Union, and from within groups of employees, as the location, work content and advisability of responsibility so dictates. Should any group fail to elect a Shop Steward, then the President of the Union shall have the prerogative of appointing a member of the Union to the position of Shop Steward. They shall not constitute part of the Union Executive, but shall be responsible to the Union through the Executive.

ARTICLE 4 - MEMBERSHIP AND DUES

Section 1 - Admission:

Any worker employed within the jurisdiction of this Union, may apply for membership, by signing the regular Application for Membership form accompanied by the required initiation fee of \$2.50 or such initiation fee that may be established by the Canadian Union of Public Employees during a National Convention.

Section 2 - Procedure:

The application for Membership forms shall be submitted to the Union Secretary-Treasurer, together with the fee, per Section 1. Such application shall be placed before Union membership at their next regular meeting for voting on acceptance. Majority vote shall rule.

It is the responsibility of a Union membership to acquaint the President of the Union, on a valid reason to question any application for membership. This may be done prior to the regular meeting or by challenging the application on the floor at the regular meeting. It shall be the President's prerogative to resolve the matter if challenged at the regular meeting, either by regular vote, on acceptance, or should circumstances so warrant, he may call for vote on deferring the application and place the application to the Executive of the Union to investigate and report on the application at the following regular Union meeting. An applicant shall have the democratic right to know why his application is refused.

A successful applicant shall be initiated by taking the Oath of Obligation at the next regular meeting. He shall not be considered a Union member until this has been completed.

Section 3 - Responsibility:

An applicant must be prepared to swear to the Oath of Obligation as laid down by the National Constitution of the Canadian Union of Public Employees per Article 9, Section 1, as it appears in Appendix B in the National Constitution.

Section 4 - Dues:

The monthly dues for membership shall be two percent of gross wages per month. The Union may however increase or decrease the monthly dues per member within the above set sums, upon proper Notice of Motion and by a majority vote.

These dues shall be deductible from salary or wages, as per terms of the existing Agreement of the Union with the Employer(s) or by any other means that the Union shall dictate.

- a) No assessment shall be made by the Union except under the regulations covering assessments from Local Unions as they appear in Appendix B, Article 4, Section 2 of the National Constitution of the Canadian Union of Public Employees.
- b) The Initiation Fee shall be waived should the application for membership present an honourable discharge or transfer card from any other Union chartered by the Canadian Union of Public Employees.

Section 5 - Provisions:

Any member who is in arrears for dues and assessments shall be automatically suspended from membership. A member thus suspended may be re-admitted upon his payments of his arrears in dues and assessments, and, if so decided by the membership, a re-admittance fee of not less than the Initiation Fee.

ARTICLE 5 – DUTIES OF OFFICERS

Section 1 - President:

The President shall preside at all meetings of the Local Union; sign all orders on the Treasury when ordered by the Local Union; appoint all committees not otherwise ordered, and transact such other business as may of right pertain to his office and which may be necessary for the proper functioning of the Local Union.

Section 2 - Vice-President

The Vice President shall perform the duties of the President in the absence of that officer, and in case of the resignation or death of the President, shall perform the duties of the President until such vacancy is filled as provided in the Union Constitution. He shall also preside when called upon by the President, and at times when the President may be temporarily unable to discharge his duties.

Section 3 - Recording Secretary:

The Recording Secretary shall keep a correct, full and impartial record of the proceedings of each meeting of the Union and all meetings of the Executive Board. He shall perform such other duties as the Union or this Constitution may direct.

Section 4 - Secretary-Treasurer:

The Secretary-Treasurer shall keep all financial accounts of the Union and shall maintain correct and proper accounts of the members of this Union. He shall receive all initiation fees, dues, assessments and fines from members of this Union and shall deposit same in the name of the Union in such bank or Credit Union as the Union may direct. He shall make all disbursements for the Union providing such expenditure shall be only for the purpose of the Union. Payments made by the Secretary-Treasurer must be counter-signed by the President or such other Officer authorized by the Union. The Secretary-Treasurer shall, with the permission of the Union, establish a petty cash fund from which expenditures can be made, for the purpose of this office.

Section 5:

The Secretary-Treasurer shall be properly bonded with a faithful performance of duty bond; such bond shall not be for less than \$500.00 and shall be approved by the National Secretary-Treasurer of the Canadian Union. Any Secretary-Treasurer who cannot qualify for a bond shall be disqualified from office.

Throughout his/her term, and on behalf of the Local Union membership, be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, 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. At the end of the term of office, all properties and assets shall be turned over to the successor.

Section 6:

The Secretary-Treasurer shall make full financial reports to meetings of the Executive as well as a written financial report at each regular membership meeting, or as the Union so demands. He shall keep on file all receipts for monies sent to the Canadian Union Headquarters. It shall also be the duty of the Secretary-Treasurer to forward monthly to National Headquarters all monies and information as the duties of his office so requires as per the National Constitution, by the last day of the following month.

It shall be the duty of the Secretary-Treasurer to issue to members in good standing a withdrawal or transfer card, under the provisions governing Withdrawal or Transfer Cards, as these provisions appear in the National Constitution of the Canadian Union of Public Employees.

Section 7 - Warden:

The Warden shall take charge of the door and prevent any members not in good standing, from entering the meeting. Members without proper identification shall be announced by name and only admitted when the Warden is requested to do so by the Chairman of the Meeting. He shall perform such other duties pertinent to his office as the Union may direct.

Section 8 - Conductor:

This officer shall conduct new members to the platform for their initiation and obligation. He shall stand in attendance with them until such ceremony is completed. He shall escort and introduce to the Chairman, all visitors to Union meetings, and shall perform other duties so directed by the Chair.

Section 9 - Trustees:

The Trustee 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 once every calendar year;
- make a written report of their findings to the first membership meeting following the completion of each audit;
- submit in writing to the President and 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;
- be responsible to ensure that monies are not paid out without proper constitutional or membership authorization
- ensure that proper financial reports are made to the membership;
- audit the record of attendance;
- inspect at least once a year any stocks, bonds, securities, office furniture

and equipment, and titles or deeds to property that may at any time be owned by the Local, and report their findings to the membership;

- send a copy of the completed audit report (on the prescribed form provided by the National Secretary-Treasurer), as well as a copy of their report to the Local Union membership along with a copy of their recommendations and/or concerns to the President and Secretary-Treasurer and the Secretary-Treasurer's response, to the National Secretary-Treasurer of the Canadian Union of Public Employees, with a copy to the assigned servicing representative;

Section 10 – Qualifications for Officers and Delegates:

All nominees for Executive Office or as a Union Delegate must have attended at least 50 percent of the regular meetings in the past current year. No nominee may stand for office or as a delegate unless he has been a member in good standing for at least 12 months.

ARTICLE 6 – DUTIES OF OTHER PERSONNEL

Section 1 - Negotiating Committee:

These persons shall be responsible for work and representation of the Union as required for and during negotiations in all matters pertaining to the Union Agreement. They shall receive their directives from the Union and under provisions of common Union practices. They shall report to the Union as required on matters in which they are so engaged.

Section 2 - Grievance Committee:

These persons shall be responsible for work and representation as required for concerning all grievances. They shall report to the Union as required on matters in which they are so engaged.

ARTICLE 7 – SIGNING OFFICERS

Section 1 - Banking Procedure:

There shall be three Signing Officers on behalf of the Union. They shall be the President; Secretary-Treasurer and in the absence of either of the two of the first named, Officers, the Vice-President shall be authorized to sign.

Section 2 - Agreements:

The Signing Officers for the Union in the matter of Agreements shall be the President and Secretary-Treasurer. The Provisions appearing in Section 1 shall also prevail in the signing of Agreements.

Section 3 - Trustees:

These Officers shall sign documents as required in the proper discharge of their duties. These shall include the audit statements as provided for in the National Constitution.

Section 4 - General:

The President and Secretary-Treasurer shall sign either individually or collectively, as their duties so require, and in conformity of the Constitution, Charter and Legal requirements.

Section 5 - Negotiating Committee:

These persons, in the course of their duties, may initial or sign only such documents that are in the form of recommendations. They are not allowed to sign Agreements as representing the Union, under terms of the *Labour Relations Act of British Columbia*.

ARTICLE 8 – NOMINATION, ELECTION & INSTALLATION OF OFFICERSSection 1 - Nominations:

Nominations of all Officers, Executive Members, Delegates, and Members of Standing Committees shall take place at the September meeting. Nominees for these positions must be members in good standing, and shall also meet the requirements as laid down by this Constitution under Article 5, Section 10 (Qualifications for Office).

Any member desiring to stand for nomination, must be present at the nominating meeting in May, but if unable to be present due to illness or some other emergent and valid reason, the President may accept his letter, prior to Nominations, stating his willingness to run for a certain office, and the reason for absence at the nominating meeting.

Such letter shall only be disclosed to the nominating meeting, if the name of the person concerned has been put forward as a nominee.

Section 2 - Elections:

The Election of Officers shall take place at the regular June meeting of this Union. If for some emergent and valid reason, or on account of illness, a nominated member (who has already accepted nomination) is unable to attend the Election Meeting, then his name shall stand for the position of office that he was nominated to, and this shall be valid.

At the Election Meeting further nominations may be made, subject to the provision appearing in Section 1 of Article 10.

Section 3 - Installation:

- a) All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for 2 years or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three years.
- b) The terms of office for Trustees shall be as laid down in Article B.3.10 of the CUPE Constitution.

Section 4 - Election Voting:

A successful candidate must receive a majority of the votes cast. When three or more candidates are nominated for the same office, and no candidate on the first ballot receives a majority of the votes cast, the one receiving the lowest number of votes shall drop out. Voting will then continue and the same procedure followed until one candidate having received a majority of votes cast shall be declared elected. No personnel shall enter or leave the meeting during election of officers, unless with express permission of the Chair.

Section 5 - Out-of-Pocket Expenses:

Officers and other Personnel who receive out-of-pocket expenses from the Union, shall receive same once per month, for the 12-month Union Year. This shall only apply to such officers and personnel so directed by the Union.

Should an officer or other Personnel be required to sever his Union position, his expenses shall be paid up to the month of severance.

ARTICLE 9 - GENERAL

Section 1 - Meetings:

This Union shall hold a regular meeting once every month. However, the Union shall have the right to declare a summer recess during the months of July and August, at which time no regular meeting will be held. Special meetings may be held during the summer recess at the call of the President, or a person so delegated by him.

Section 2 - Quorum:

Five percent of the total membership of this Union shall constitute a quorum.

In the event a quorum is not attained, the Executive Board shall pay all bills and shall carry out the regular business of the Union until the next meeting.

All decisions of the Executive Board, which have been acted upon, shall be reported to the members at the next regular membership meeting. A motion to endorse the actions of the Executive shall be put forward at that meeting.

Section 3 - Special Meeting:

A Special Meeting may be called in the following manner, by the President or a person so delegated by him: By a recommendation of majority of the Executive, or upon receipt of a petition signed by 15 members in good standing.

Members in good standing shall be admitted to all regular and special meetings. Persons challenged by the Warden, shall await the decision of the meeting, through the Chair, before entering. Guests or summoned persons shall be admitted through direction of the Chair.

Section 4 - At Executive Meetings:

A Majority of the Total Executive shall Constitute a Quorum.

ARTICLE 10 – COMMITTEES

Section 1 - Negotiating Committee:

This shall be a special ad hoc committee established at least 4 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 3 members, all 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 membership.

Section 2 - 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, 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.

Section 3 - 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 Vice-President shall be a member, ex-officio, of each committee. There shall be four standing committees as follows:

a) 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 the elected chairperson and 1 other member to be selected from among the shop stewards. The Committee shall appoint its secretary from among its members.

b) 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;
- co-operate with the Executive Board in preparing press releases and other publicity material;

- co-operate 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 2 and 4 members and shall appoint its secretary from among its members.

c) Sick Committee

This Committee may:

- visit members who are ill;
- if a member is ill for more than a week, have sent some token of the Local's concern and desire to help, whether the member is at home or in the hospital;
- arrange for blood donors to replace blood or plasma required by a member or one of his immediate family;
- extend the Local's condolences in the event of the death of a member or one of his immediate family and make other appropriate gestures in accordance with custom or the wishes of the family concerned;
- the Committee shall comprise between 2 and 4 members and may appoint a secretary-treasurer from among its members. It shall be reimbursed by the Executive Board for expenses incurred in the performance of its duties.

d) 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 meetings. 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 self-supporting. The Executive Board shall be held responsible for the proper and effective functioning of this Committee. The Committee shall comprise between 2 and 4 members and may appoint a secretary-treasurer from among its members.

ARTICLE 11 – UNION RECESS

Section 1:

This Union shall recess for two months, during the summer months, unless emergent circumstances dictate otherwise.

Section 2:

The Executive Officers shall be responsible for the operation of the Union and its welfare, during such recess.

ARTICLE 12 - TRIALS

Section 1:

Every member of this Union shall be entitled to a fair and impartial trial, and where there are offenses against this Union, the Trial Procedure and Results shall follow exactly as laid down in the Constitution and By-Laws of the Canadian Union of Public Employees National Constitution.

Section 2 - Grievance:

All grievances concerning Employee-Employer problems or relations, shall follow the procedure as set out “Grievance Procedure” clause of the existing Agreement(s).

ARTICLE 13 – AMENDMENTS TO CONSTITUTION

Section 1:

All amendments to the Constitution shall be by Notice of Motion, submitted in writing to the Secretary-Treasurer and signed/dated by the member submitting such notice.

The Secretary-Treasurer shall present such Notice of Motion to the next regular meeting, and the document shall then be posted in places available to the membership, per direction of the President, for not less than 21 days.

The Notice of Motion shall be voted upon at the regular monthly meeting, following the month in which it was presented. Voting shall be by secret ballot, if called for.

Any changes in these By-Laws shall not be valid until approved the National President of the Canadian Union of Public Employees in accordance with Article 12, Section 3, of the CUPE Constitution.

In all matters not regulated by these rules of order, Bourinot's Rules of Order shall govern.

ARTICLE 12 – RULES OF ORDER

Section 1 - Business Procedure:

All Business of this Union shall follow the procedure contained in these Constitutions and By-Laws, except where they conflict with the Constitution of the Canadian Union of Public Employees, in which case this Constitution and By-Laws shall remain silent.

Section 2:

When the decision of the President is appealed from the floor, he shall state his decision and his reason thereto, from the Chair. The party appealing shall then briefly state the reason for appeal, after which without further debate, the question shall be put thus: "Shall the decision of the Chair stand as the judgment of the meeting?"

Section 3:

Every member, while speaking, shall adhere to the question under debate avoiding all personality and indecorous language, as well as any reflection on the Union or any member thereof.

Section 4:

Any member, while speaking, being called to order by another, shall at the request of the Chair, cease speaking and be seated until the question of order is determined.

Section 5:

No member shall speak more than once on the same question until all the members wishing to speak shall have had an opportunity to do so.

Section 6:

Any member creating a disturbance in the meeting and refusing to obey the Chair, shall be fined \$1.00 and be suspended from all benefits and not allowed a

seat or voice in the meeting, until the fine is paid. The Chair shall have the right to call on any member or members to remove the offending party.

Section 7:

All votes other than votes on amendments to the Constitution, By-Laws and Rules of Order, may be reconsidered at the same or the next succeeding regular meeting, upon a motion made and seconded by two members, providing the Union agrees thereto, but after a motion to reconsider has once been lost, it shall not be renewed.

Section 8:

When a motion has been voted on and whether the motion is won or lost, and before the Union proceeds to other business, any member may demand that a count of the vote be made.

Section 9:

No subject embracing race or religion shall be admitted for discussion at any meeting of this Union unless so authorized under special circumstances by the Canadian Union of Public Employees.

Section 10:

All business done in this Union shall be strictly secret to all outside the Union.

Section 11:

One tap of the gavel shall call to order, two taps to be seated, and three taps to rise.

Section 12 - Voting Majority:

Voting on all business of this Union shall be by majority vote, with the Chair casting the deciding vote, should the vote be tied.

ARTICLE 13 – PARLIAMENTARY RULES

Section 1:

On motion, the regular order of business may be suspended by a majority vote of the meeting, at any time, to dispose of urgent business.

Section 2:

All resignations must be submitted in writing and placed in the hands of the Secretary-Treasurer.

Section 3:

All questions of Parliamentary nature, not provided for in these rules, shall be decided by Bourinot's Rules of Order, with such rules subject to change, as the Canadian Union of Public Employee so decrees.

MOTIONS

Section 1:

A motion, to be entertained by the Presiding Officer, must be seconded, and the Mover and the Secunder must rise and be recognized by the Chair.

Section 2:

In presenting a motion, a brief statement of its objects may be made, but no discussion of its merits shall be permitted until the question has been stated by the Chair.

Section 3:

A member who has made a motion can withdraw it by consent of his Secunder, providing it has not been debated. A motion once debated, can be withdrawn only by unanimous consent of the meeting.

Section 4:

A motion to amend an amendment shall be in order, but no motion to amend an amendment to an amendment shall be permitted.

DEBATE

Section 1:

When a member wishes the floor, he shall rise and respectfully address the Chair, and, if recognized by the Chair, he shall then be entitled to the floor.

Section 2:

If two or more members rise to speak at the same time, the Chair shall decide which is entitled to the floor.

Section 3:

If any member shall feel himself personally aggrieved by a decision of the Chair, he may appeal to the meeting from the decision.

Section 4:

The Presiding Officer shall vacate the Chair, when desiring to speak on any subject, and Vice-President shall take the Chair.

Section 5:

Any member addressing or making reference to an Officer or other member of this Union shall use the term Brother or Sister as a prefix to the member's name or title of office.

ARTICLE 14 – ORDER OF BUSINESS

1. Roll Call of Officers.
2. Voting on New Members and Initiations.
3. Reading of the Minutes.
4. Matters Arising.
5. Treasurer’s Report.
6. Communications and Bills.
7. Executive Committee Report.
8. Report of Committees and Delegates.
9. Nominations, Elections, or Installations.
10. Unfinished Business.
11. New Business.
12. Good of the Union.
13. Adjournment.