

BYLAWS

CANADIAN UNION OF PUBLIC EMPLOYEES LOCAL 1048



Updated October 2020

INDEX	
Preamble	3
Section 1 Name	3
Section 2 Objectives	3
Section 3 Interpretation and Definitions	3
Section 4 Membership Meeting (Regular & Special)	4
Section 5 Voting of Funds	4
Section 6 Officers	5
Section 7 Executive Board	9
Section 8 Fees, Dues and Assessments	10
Section 9 Nomination, Election And Installation of Officers	11
Section 10 Delegates to Conventions	12
Section 11 Committees	13
Section 12 Executive Remuneration	14
Section 13 Rules of Order	14
Section 14 Amendments	14
Section 15 Long Term Disability	15
Appendix "A" – Rules of Order	16

Preamble

In order to improve the social and economic welfare of its members without regard to race, religion, colour, nationality, ancestry or place of origin, sex, age, sexual orientation or membership to the union, 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 Bylaw is adopted by the Local pursuant to, and to supplement, Appendix "B" of the CUPE Constitution to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.

Section 1 - Name

The name of this Local shall be: Canadian Union of Public Employees, Local 1048 (City of Prince George Inside Workers).

Section 2 - Objectives

The objectives of the Local are:

- 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 and mediation of all disputes between the members and their employers.

Section 3 - Interpretation and Definitions

- (a) Numbers of Articles at the end of sections or subsections of this Bylaw refer to and/or are relevant to Articles of the CUPE Constitution, which should be read in conjunction with these Bylaws.

Section 4 - Membership Meeting (Regular and Special)

(a) Regular membership meetings shall be held **monthly, with the exception of July, August and December** on the fourth Thursday at 5:15, PM. If a statutory holiday intervenes, or executive quorum will not be met, the Executive Board shall give a week's notice of any change in the date of the regular meeting.

(b) The Annual General Meeting shall be held on the fourth Thursday in JUNE. The election of officers shall take place at the Annual General Meeting.

(c) Special membership meetings may be ordered by the Executive Board or requested in writing by no fewer than eight (8) 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.

(d) Quorum for the transaction of business at any regular or special meeting shall be eight (8) members, plus at least three (3) members of the Executive Board.

(e) The order of business at regular membership meetings will be as outlined in the Constitution – Article B.VIII.

(f) Members whose home position is 1048, but occupy seasonal positions in Local 399 shall be welcome to attend Local 1048 membership meetings as a guest for the duration of their seasonal position.

Section 5 - Voting of Funds

(a) Except for ordinary expenses and bills as approved at membership meetings, no sum over one hundred and fifty dollars (\$150) shall be voted on for the purpose of a grant or contribution for any cause outside CUPE, except by a notice of motion given in writing and dealt with at the following membership meeting.

(b) A sum of no more than double the hourly rate of Pay Grade 1 of Schedule B in the current year shall be voted for the purpose of a gift or flowers in the event of illness or hospitalization of a member, the death of a spouse, parent, child, brother, sister, parent;in;law, grandparent or grandchild of a member, or the birth of a child to a member.

(c) One time payment of \$500.00 if active member dies; or unless injury qualifies CUPE Local 1048 member for Permanent Canadian Disability pension payments.

(d) \$15.00 per year of service to members that retire, resign or are permanently layed off who are of retirement age.

Section 6 - Officers

The Officers of the Local shall be the President, Vice-President, Second Vice-President, Treasurer, Records and Privacy Coordinator, three (3) Trustees, Chief Shop Steward and Sergeant-at-Arms. All Officers shall be elected by the membership. (Article B.2.1 & B.2.3)

To be eligible as a union officer, members must be members in good standing of CUPE Local 1048.

The two year terms for the officers shall be staggered in alternate years as follows:

- i. The first of the alternate years shall include the positions of The President, Second Vice-President, Records and Privacy Coordinator and Sergeant-at-Arms.
- ii. The second of the alternate years shall include the positions of the First Vice-President, Treasurer and Chief Shop Steward.
- iii. The three Trustee positions shall have staggered three year terms, whereby one Trustee per year is elected.
- iv. Duties of Executive Board Members

President: The President shall preside at all meetings of the Union; sign all Orders other than those on the Treasury, when directed by the Union or the Executive Board; appoint all Committees not otherwise provided by the Constitution and Bylaws. Appointment to Committees shall be upon advisement by the respective Committee as to their recommendations for membership.

1st Vice President: The First Vice President shall perform the duties of the President, in the absence of the President, and in the case of death or resignation of the President, shall perform the duties of the office of President until a successor is elected. The First Vice President shall also preside at Union Meetings when called upon by the President and shall render such other assistance and perform such other duties as the Executive Board or the Union may direct.

2nd Vice President: The Second Vice President shall preside at all the meetings of the Grievance Committee and shall act as liaison between such Grievance Committee, Chief Shop Steward, and the Executive Board. The Second Vice President shall perform the duties of the office senior to his office, in the event of the absence of the President and/or First Vice President; and shall perform such other duties as may from time to time, be assigned by the Executive Board or the Union.

Records & Privacy Coordinator: The Records & Privacy Coordinator shall:

- i. Keep a correct full and impartial account of each meeting of the Union and the Executive Board and Executive Committee;
- ii. Be responsible for the maintenance and safe preservation of the Minutes;
- iii. Attend all Meetings, Regular, Special, Executive Board, Executive Committee and any other that may be called by the appropriate authority;
- iv. Maintain proper and adequate files, documents and other property of the Union entrusted to the office of the Secretary;

v. Write all letters and answer such communications as the appropriate authority may direct.

Treasurer: The Treasurer shall at all times comply with the Administrative and Financial Policies established by the Union.

i. Keep all financial accounts of the Union and maintain correct and proper records of the Membership of the Union;

ii. Sign all orders on the Treasury of the Union, when directed or authorized by the Union or the Executive Board;

iii. Receive all initiation fees, dues, assessments and fines from the Members of the Union, and shall receive such other monies due and payable to the Local Union; and shall thereupon deposit such sums in the name of the Canadian Union of Public Employees, Local 1048 (City of Prince George Inside Workers) in such Chartered Bank or Credit Union as the Executive Board may direct;

iv. Pay all bills and accounts sanctioned by the Union, by cheque;

v. Make or cause to be made a report on the financial standing of the Union at each Regular General Meeting; vi. Submit the books, records and accounts to the Trustees annually for Audit, together with such other documents and statements that will assist the Trustees in the Audit and verify the accuracy of the Union financial accounts and standing;

vii. Be properly bonded with a faithful performance of duty bond by a Bonding Company and such bond shall not be less than Ten Thousand Dollars (\$10,000). Any Treasurer who cannot qualify for a bond shall immediately be disqualified from their office and the Local shall proceed with the election of another Treasurer;

viii. The Treasurer shall chair the Finance Committee.

Trustees: The Trustees shall ensure that the Treasurer has adhered to the Administrative and Financial Policies established by the Union.

- i. Audit the financial records and accounts of the Union semi-annually and shall exercise general supervision over the property and assets of the Union;
- ii. Report to the Union, at the Meeting following such Audit, on the condition of the funds and accounts; the number of Members in good standing, the number of Members initiated, expelled or suspended, admitted or withdrawn during the period of such report, together with such other information as they may deem necessary and essential for the efficient, good and honest administration of this Local Union;
- iii. The Trustees shall elect a Chairperson from their Members, who shall coordinate their activities and shall forward all reports to the Membership.

Sergeant At Arms: The Sergeant at Arms:

- i. Shall chair the Sergeant at Arms Committee;
- ii. Or committee designate(s) shall take charge of the door of the General and Special Meetings of the Local Union and shall prevent Members not in good standing and other unauthorized persons from entering the meeting;
- iii. Shall perform such other duties and carry out such functions as the Executive Board may direct;
- iv. Orientation of new members.

Chief Shop Steward: The Chief Shop Steward shall:

- i. Chair the Shop Stewards Committee and sit on the Grievance Committee;
- ii. Direct the gathering of all pertinent information relative to Grievances and process the Grievances through the initial stages of the procedure contained in the appropriate Collective Agreement;

- iii. Work in liaison with the Second Vice-President regarding all Steward and grievance matters;
- iv. Perform such duties and carry out such functions as the Executive Board may direct.
- v. Hold quarterly shop steward meetings with all shop stewards

Shop Stewards: The Shop Stewards shall adhere to the established policies of the Union and:

- i. Gather all pertinent information relative to Grievances and process the Grievances through the initial stages of the procedure contained in the appropriate Collective Agreement;
- ii. Take those measures necessary to ensure that the provisions and conditions of the Collective Agreement are upheld, and notify the Executive Committee of any apparent violations;
- iii. Familiarize the Members of their rights, privileges and obligations, as such matters relate both to this Constitution and Bylaws and the Collective Agreement;
- iv. Know thoroughly the Collective Agreement, Constitution and Bylaws, Rules of Order and work for their enforcement both on the job and at Meetings of the Union;
- v. Whenever possible, meet with all new Members in their Department or Section and keep all Members advised of the time, date and place of all Union meetings;
- vi. Actively encourage all Members to attend meetings of the Union.

Section 7 - Executive Board

- (a) The Executive Board shall comprise all officers, except Trustees.
(Article B.2.2)

(b) The Board shall meet at least once every month. (Article B.3.14)

(c) A majority of the Board shall constitute a quorum.

(d) The Board shall do the work delegated to it by the membership and shall be held responsible for the proper and effective functioning of all committees.

(e) 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.6.1 to B.6.7)

(f) Should any Board member fail to answer the roll call for three consecutive regular membership meetings or four regular Board meetings without having submitted good reasons for those failures, his/her office shall be declared vacant and shall be filled by an election at the following meeting. (Article B.2.5)

(g) Good and sufficient cause for general leave of absence shall mean: pressing personal, family, legal and financial affairs, extended vacations or education. (Article 21.05)

Section 8 - Fees, Dues and Assessments

(a) Initiation Fee

Each application for membership in the Local shall be directed to the Treasurer and shall be accompanied by an initiation fee of five dollars (\$5) which shall be in addition to monthly dues. The applicant shall be issued a receipt. If the application is rejected, the fee shall be returned. (Articles B.4.1 & B.10.2)

(b) Monthly Dues

The monthly dues shall be the current per capita payable to CUPE National plus one percent (1%) Changes in the levels of the Initiation Fee or the percentage of monthly dues can be effected only by following the procedure for amendment of these Bylaws (See Section 13), with the additional provision that the vote shall be by secret ballot, if so ordered by the members. (Article B.4.2 & B.4.3)

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

The Benefits Administrator shall forward the \$5.00 initiation fee to the treasurer of the local to be included with the monthly dues check off list.

Section 9 - Nomination, Election and Installation of Officers

(a) Nomination

Nominations shall be received at the regular membership meeting held in the month of May. No nominations shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting his/her consent in writing, duly witnessed by another member.

(b) Election

1. At the time of the election 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. The Election Committee shall be disbanded upon election of the officers nominated.

2. The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available to the returning Officer.

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

4. The voting shall take place at the regular membership meeting in June. The vote shall be by 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 ballot shall be dropped. In the case of a final tie vote, the presiding officer may cast the deciding vote.

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

(c) Installation

1. All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for two (2) years, or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three (3) years.

(Article B.2.4)

(d) By-Elections

Should an office fall vacant pursuant to Section 7(f) 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 10 - Delegates to Conventions

a) Except for President's Option (the right to have first preference as a delegate to CUPE Conventions), all delegates to conventions shall be chosen by election at membership meetings.

b) For CUPE BC conventions, Local 1048 members who are members in good standing can attend subject to a majority vote of those present at the membership meeting. Voting shall be done by ballot.

c) An official reporter for delegates attending conventions shall be appointed by the President. The reporter shall be required to report at the next membership meeting of the Local on proceedings.

d) All delegates elected to the conventions held outside the City of Prince George shall have transportation provided at the expense of the Local, a per diem allowance (per BC Division Guidelines) for expenses, and

an amount equal to any loss of salary incurred by attendance at the convention.

- e) Delegates to conventions held locally shall have no transportation allowance. There shall be a per diem allowance of half the BC Division Guidelines for expenses and an amount equal to any loss of salary incurred by attendance at the convention. Should an alternate be required, the Executive Board Committee shall appoint the alternate.
- f) Representation at educational institutes and seminars shall be subject to approval by the membership.
- g) If a Local 1048 member is elected to an executive position of the Northern Area District Council, the Local shall bear all associated costs to participate in semi-annual NADC meetings, subject to a majority vote of those present at membership meeting. Voting shall be done by ballot.
- h) When NADC is held locally, the lunch provision per diem shall be \$15.00.
- i) The executive shall annually submit names of those members endorsed to run for positions on committees at NADC and CUPE BC.

Section 11 - 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 Chief Shop Steward and a maximum of two (2) regular members plus two (2) alternate members. All members and alternate members, except the President and Chief Shop Steward, will 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 membership.

b) Special Committee

A special ad hoc committee may be established for a specified purpose by the membership at a meeting. The members shall be elected at the same or another membership meeting, or may, by the specific authorization of the membership, be appointed by the President or the Executive Board. Two (2) 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. The Chairperson and the Executive Board may, with the concurrence of the membership, jointly appoint other members to serve on the committee. The President shall be a member, ex-officio, of each committee.

Section 12 – Executive Remuneration

In order to provide adequate Work Safe BC coverage, Executive members must receive fair and reasonable compensation for the value of the work performed. Board members receive \$40.00 per month. Trustees shall be compensated at a rate of \$50.00 per year.

Section 13 - 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 found in these Bylaws as Appendix A to the Constitution). In situations not covered by the CUPE Constitution, Bourinot's Rules of Order shall be consulted and applied.

Section 14 - 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. (Article 9.2(c) & B.7.1)

(b) These Bylaws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a membership meeting following written notice given at a previous regular membership meeting. (Article B.7.1)

(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 from the National President. (Article B.7.1)

i

Section 15 – Long Term Disability Plan

(a) Intention

It is the intention of CUPE Locals 1048 and 399 to enter in to a self funded, jointly administered, Long-Term Disability (LTD) plan for the memberships of CUPE Locals 1048 and 399. If the memberships of both Local's approve the implementation of a self funded LTD plan, this Article shall govern the implementation and maintenance of that plan.

(b) Implementation

- 1) A self-funded LTD plan option shall be brought to the memberships of CUPE Locals 1048 and 399 at a Special Membership Meeting called for that purpose.
- 2) Acceptance of the LTD plan shall be subject to a majority vote of **each of the memberships in attendance** at the Special Membership Meeting. A separate vote shall be held for each local.

(c) Maintenance

- 1) The LTD plan shall be administered by a third-party administrator.
- 2) Plan premiums shall be deducted as follows:
 - i. Either from the members payroll in accordance with a Letter of Understanding, entered with the employer, or
 - ii. In accordance with the plan parameters voted on by the membership when the plan is approved.

(d) Joint Long-term Disability Plan Committee

Once a joint Long-term Disability Plan is initiated, a Joint Long-term Disability Committee shall be struck. The committee shall be made up of three members

of each local. The Treasurers of each local shall be included in the committee, and act as co-chairs of the Committee. The remaining members of the committee shall be elected or appointed in accordance with each local's bylaws.

(e) Cancellation

- 1) Cancellation or changes to the LTD plan coverage, can only take place at a Joint Special Membership Meeting, called for that purpose. **Cancellation or changes to the LTD Plan coverage shall be subject to a majority vote of each of the memberships in attendance at the Special Membership Meeting. A separate vote shall be held for each local.** This LTD plan was entered jointly and, can only be cancelled jointly.
- 2) Notice for that Joint Special Membership Meeting can only be issued once both locals have had an opportunity to discuss the change or cancellation at a General Membership Meeting. A vote by either local to cancel or change the LTD plan shall only serve as a notice of motion to hold the Joint Special Membership Meeting to vote on the motion to change or cancel the plan.

APPENDIX "A" - RULES OF ORDER

1. The President shall, or in his/her absence, the 1st Vice President, or in his/her absence, the 2nd Vice-President shall take the chair at all membership meetings. In the absence of the President and both the 1st and 2nd Vice Presidents the Records and Privacy Coordinator shall act as President, and in his/her absence a President pro-tem shall be chosen by the Local.

2. No member, except the Chairperson of the committee making a report or the mover of a resolution shall speak more than five (5) 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 resolutions shall be limited to fifteen (15) 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 (2/3) 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/she shall rise in his/her 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/she 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/she may in addition give a casting vote, or if he/she chooses, refrain from breaking the tie, in which case the motion is lost.

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 preference 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 amendment is adopted, the original resolution, as amended shall be put to the Local.

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

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

21. If any member wishes to challenge (appeal) a decision of the chair, he/she must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for his/her 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.

22. After a question has been decided, any two members who have voted in the majority may, at the time of the next meeting, move reconsideration thereof.

23. 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.

24. 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.
