



**CANADIAN UNION OF
PUBLIC EMPLOYEES
AND ITS LOCAL
4705
BY-LAWS**

July 21, 2016

Table of Contents

LOCAL UNION STRUCTURE	1
PREAMBLE.....	2
SECTION 1 - NAME	2
SECTION 2 - OBJECTIVES	2
SECTION 3 – INTERPRETATION AND DEFINITIONS.....	3
SECTION 4- MEMBERSHIP MEETINGS - Regular, Special & Sectional.....	4
SECTION 5 - VOTING OF FUNDS	7
SECTION 6 – OFFICERS	8
SECTION 7 - EXECUTIVE BOARD	8
SECTION 8 - DUTIES OF OFFICERS.....	10
8:01 The President shall:	10
8:02 The Vice-President shall:	11
8:03 The Sectional Chair shall:	11
8:04 The Sectional Co-Chair shall:	12
8:05 The Recording Secretary shall:	12
8:06 The Secretary Treasurer shall:.....	13
8:07 The Trustees shall:.....	15
8:08 The Chief Steward shall:	16
8:09 The Sergeant-At-Arms shall:.....	16
8:10 Training	17
SECTION 9 - OUT-OF-POCKET EXPENSES	17
SECTION 10 - FEES, DUES and ASSESSMENTS	17
SECTION 11 - NON-PAYMENT OF DUES and ASSESSMENTS	18
SECTION 12 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS.....	18
12:02 Nomination.....	18
12:03 Elections	19
12:04 Voting.....	20
12:05 Installation	20
12:06 Trustees	21
12:07 By-Election.....	21

SECTION 13 - DELEGATES TO CONVENTION AND CONFERENCES	21
SECTION 14 – COMMITTEES	22
SECTION 15 - RULES OF ORDER	26
SECTION 16 - AMENDMENT	26
SECTION 17-GENERAL	26
APPENDIX "A" TO THE BY-LAWS OF LOCAL 4705, R U L E S O F O R D E R.....	28
APPENDIX “B” TO THE BY-LAWS OF LOCAL 4705, ABSENT WITH CAUSE FORM.....	31
POLICY PAPERS.....	32
PREAMBLE.....	33
POLICY PAPER # 1: Monthly Union Dues and Assessments.....	34
POLICY PAPER # 2: Officer’s Out-Of-Pocket Expenses (2016 Rates)	35
POLICY PAPER # 3: Credit Card.....	36
POLICY PAPER # 4: Payment of Expenses.....	37
POLICY PAPER # 5: Strike Appeals and Financial Appeals.....	38
STRIKE APPEALS.....	38
FINANCIAL APPEALS.....	38
POLICY PAPER # 6: Good and Welfare of the Local Union’s Members.....	39
ACCESSIBILTY.....	39
DEATH BENEFIT.....	39
RETIREMENT BENEFIT.....	39
BEREAVEMENT GESTURE.....	39
ATTENDANCE AT FUNERALS.....	39
INSURANCE.....	39
POLICY PAPER # 7: Inventory, Acquisitions and Disposition of Assets.....	40
POLICY PAPER # 8: Right to Education.....	41
POLICY PAPER # 9: Union Accounts.....	43

LOCAL UNION STRUCTURE

PRESIDENT

VICE PRESIDENT

RECORDING SECRETARY

SECRETARY TREASURER

SERGEANT AT ARMS

TRUSTEES

CGS OUTSIDE UNIT	CGS INSIDE UNIT	GREATER SUDBURY HYDRO PLUS INC	GREATER SUDBURY HYDRO INC.	1627596 ONTARIO INC.	SUDBURY HOUSING UNIT	MSDSB UNIT	ESPANOLA HYDRO UNIT	ESPANOLA RECREATIONAL COMPLEX	OLSN
------------------------	--------------------	---	----------------------------------	----------------------------	----------------------------	---------------	---------------------------	-------------------------------------	------

SECTIONAL CHAIR	SECTIONAL CHAIR	SECTIONAL CHAIR	SECTIONAL CHAIR	SECTIONAL CHAIR	SECTIONAL CHAIR	SECTIONAL CHAIR	SECTIONAL CHAIR	SECTIONAL CHAIR	SECTIONAL CHAIR
--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------	--------------------

CO-CHAIR	CO-CHAIR
----------	----------

CHIEF STEWARD	CHIEF STEWARD
------------------	------------------

NOTE: Bargaining Units with more than seventy five (75) members are entitled to a Chief Steward

NOTE: Bargaining Units of ten (10) members or less shall be represented by the President or designate

PREAMBLE

In order to improve the social and economic welfare of its members without regard to sex, colour, race or creed, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, this Local of the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed.

The following By-Laws are adopted by the Local pursuant to, and to supplement, Appendix "B" of the C.U.P.E. 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

1:01 The name of this Local shall be: Canadian Union of Public Employees and its Local 4705.

SECTION 2 - OBJECTIVES

2:01 The objectives of the Local are to:

- a) Secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
- ai) Notwithstanding the above, the Local reserves the right to disaffiliate at any time due to financial or philosophical difficulties or differences. Disaffiliation must be voted upon by the members General Membership meeting and must be done in accordance with the provisions of Section 16 – Amendment of Local 4705's bylaws;
- b) Support C.U.P.E. in reaching the goals set out in the National C.U.P.E. Constitution;
- c) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
Encourage the settlement by negotiation and mediation of all disputes between the members and their employers.

2:02 The objectives of the Local are to be accomplished through the following methods:

- a) Affiliation with C.U.P.E. Ontario, Sudbury & District C.U.P.E. Council, Sudbury & District Labour Council and Ontario Federation of Labour;
- ai) Notwithstanding the above, the Local reserves the right to disaffiliate at any time due to financial or philosophical difficulties or differences. Disaffiliation must be voted upon by the members at a General Membership meeting and must be done in accordance with the provisions of Section 16 – Amendment of Local 4705's bylaws.

- b) Conducting an educational program designed to enlighten both the membership and the general public with respect to the issues facing public employees;
- c) Provide the tools and training necessary so as to ensure the continuity of leadership within the Local;
- d) Assist the Servicing Representative in organizing groups of un-organized employees who provide public services.

SECTION 3 – INTERPRETATION AND DEFINITIONS

- 3:01 NATIONAL OFFICE refers to C.U.P.E. headquarters, Ottawa, and the abbreviation C.U.P.E. is always used with a National connotation, unless stated otherwise.
- 3:02 LOCAL wherever used in these By-Laws refers to the Membership of Canadian Union of Public Employees and its Local 4705
- 3:03 REGULAR GENERAL MEMBERSHIP MEETING wherever used in these By-Laws refers to and means meetings held and attended by Members on a regular basis notwithstanding Bargaining Unit jurisdiction.
- 3:04 SPECIAL GENERAL MEMBERSHIP MEETING wherever used in these By-Laws refers to and means meetings as may be ordered by the Executive Board or as provided elsewhere in these By-Laws and such meetings shall only entertain topics of general interest to all Members.
- 3:05 (a) SECTIONAL MEETING wherever used in these By-Laws refers to and means meetings of specific interest to Members within that Bargaining Unit for which the Sectional Meeting is being held.

(b) SPECIAL SECTIONAL MEETING wherever used in these By-Laws refers to and means meetings as may be ordered by the Executive Board or as provided elsewhere in these By-Laws and such meetings shall only entertain topics of specific interest to Members within the Bargaining Unit(s) for which the Sectional Meeting has been called
- 3:06 OFFICER will mean one of the Table Officers, Sectional Chair, Sectional Co-Chair, Trustee, Chief Steward and Sergeant at Arms.
- 3:07 TABLE OFFICER will mean one of the President, Vice-President, Secretary Treasurer and Recording Secretary.
- 3:08 EXECUTIVE BOARD will be comprised of the Table Officers, Sectional Chairs and Sectional Co-Chair. (Any Bargaining Unit with more than 200 members shall have a Sectional Co-Chair)
- 3:09 Article # will mean National Constitution Article(s).

- 3:10 MEMBER will mean any dues paying Employee in good standing within C.U.P.E. and its Local 4705. A member is in good standing when their dues are current and as defined in Article 11:02 of these By-laws and is not in violation of the principles of the National Constitution.
- 3:11 Retired members are allowed to attend Regular General Membership, Special General Membership, Sectional Meetings or Special Sectional Meetings with voice but no vote.
- 3:12 Members who are permanent employees and who are laid off are allowed to attend Regular General Membership, Special General Membership, Sectional Meetings or Special Sectional Meetings with voice and vote until such time that their recall rights under their respective Collective Agreements are exhausted.
- 3:13 Members who are terminated either for disciplinary reasons, innocent incapacity or innocent absenteeism and who subsequently grieve such termination are allowed to attend Regular General Membership, Special General Membership, Sectional Meetings or Special Sectional Meetings with voice and vote until such time that the grievance is disposed of.

SECTION 4- MEMBERSHIP MEETINGS - Regular, Special & Sectional

- 4:01(a) Regular General Membership Meetings shall be held monthly excluding July and August, on the third Thursday starting at 7:00 p.m. and shall not proceed beyond 10:00 p.m. without membership approval by way of a 2/3 majority vote. In an election year the Executive Board shall be authorized to change the dates of the October and November Membership Meetings to facilitate the scheduling of the Nominations/Election provisions under Section 12 of these by-laws. If a paid holiday intervenes, the Executive Board shall give a week's notice of any change in the date of the Regular meeting. The annual schedule of meetings shall be posted at least seven (7) days prior to the first meeting of any year. Agendas for each Regular General Membership Meeting shall be posted on the Local Union's bulletin boards in workplaces no less than five (5) calendar days prior to the meeting. A fifteen (15) minute life style break will commence after two (2) hours into the Regular General Membership Meeting. There shall be only one (1) lifestyle break per regular meeting or as directed by the Membership.
- 4:01(b) A quorum for the transaction of business at any Regular General Membership Meeting shall be all those members in attendance, in good standing, including at least one Table Officer and at least one other member of the Executive Board.
- 4:02(a) Special General Membership Meetings may be ordered by the Executive Board or requested in writing by no fewer than ten percent (10%) of the Membership. The President shall immediately call and arrange for a Special General Membership Meeting when so ordered or requested and shall see that all members receive at least twenty-four (24) hours' notice of the Special General Membership Meeting and the subject(s) to be

discussed. No business shall be transacted at the Special General Membership Meeting other than that for which the meeting is called and notice given.

- 4:02(b) A quorum for the transaction of business at any Special General Membership Meeting shall be all those members in attendance, in good standing, including at least one Table Officer and at least one other member of the Executive Board.
- 4:02(c) All voting at Special General Membership Meetings shall be by secret ballot. Notwithstanding this secret ballot provision, voting on motions to accept the agenda and motions to adjourn the meeting will be by show of hands.
- 4:03 (a) Sectional meetings will be held at least three (3) times a year at regular intervals as determined by the Recording Secretary and Chair of the Sectional Unit. The meetings will be chaired by the Sectional Chair or designate. At least one Table Officer will be present including the Recording Secretary or designate. Agendas for each Meeting shall be posted on the Local Union's bulletin boards in workplaces no less than five (5) calendar days prior to the meeting. A fifteen (15) minute life style break will commence after two (2) hours into the Sectional Meeting. There shall only be one life style break per Sectional Meeting or as directed by the membership.
- 4:03(a)(i) A quorum for the transaction of business at any Sectional Meeting shall be a minimum of 5 (five) members in good standing, including the Sectional Chair or designate for units with 50 members or more. Units with less than 50 members shall be 2 members plus the Sectional Chair or designate.
- 4:03(a)(ii) All voting at Sectional Meetings shall be by secret ballot or as otherwise directed by the Membership. Such direction by the Membership regarding the voting process must have a 2/3 majority of those in attendance.
- 4:03(b) Special Sectional Meetings may be ordered by the Executive Board or requested in writing by no fewer than twenty-five percent (25%) of that Section's Membership. The President shall immediately call and arrange for a Sectional Meeting when so ordered or requested and shall see that all members receive at least twenty-four (24) hours' notice of the Sectional meeting and the subject(s) to be discussed. No business shall be transacted at the Sectional Meeting other than that for which the meeting is called and notice given. A fifteen (15) minute life style break will commence after two (2) hours into the Special Sectional Meeting. There shall only be one life style break per Special Sectional Meeting or as directed by the membership.
- 4:03(b)(i) A quorum for the transaction of business at any Special Sectional Meeting shall be a minimum of 5 (five) members in good standing, including the Sectional Chair or designate for units with 50 members or more. Units with less than 50 members shall be 2 members plus the Sectional Chair or designate.

- 4:03(b)(ii) All voting at Special Sectional Meetings shall be by secret ballot. Notwithstanding this secret ballot provision, voting on motions to accept the agenda and motions to adjourn the meeting will be by show of hands.
- 4:03(c) Any business at a Sectional Meeting or Special Sectional Meeting which results in a vote and may have a direct result on the General Membership as a whole must be brought forward to the next General Membership Meeting or Special General Membership meeting for approval before any action can be taken.
- 4:04.1 Notwithstanding anything to the contrary in these By-laws, meetings at which strike and/or ratification votes due to contract negotiations are to be held shall be carried out in accordance with the provisions of the Ontario Labour Relations Act. Although no quorum is required, employees' eligible to vote and who are not on strike or locked out shall be given no less than seven (7) calendar days notice of the meeting time.
- 4:04.2 Where a bargaining unit is on strike or is locked out the seven (7) calendar day notice period provided for in Section 4:04.1 shall be reduced to provide for a notice period of no less than twenty-four (24) hours and not more than forty-eight (48) hours as determined by the bargaining committee.
- 4:04.3 No other business shall be transacted at strike and /or ratification votes due to contract negotiations other than that for which this meeting has been called for and notice given.
- 4:05 Executive Board members have the right of attendance at all C.U.P.E. and its Local 4705 meetings with voice and vote. Notwithstanding, at Sectional meetings, only those Executive Members from that Section may vote, and at Committee meetings, only those Executive Members who are members of that Committee may vote.
- 4:06 The National Representative and/or National Officers shall have the right of attendance and voice at all C.U.P.E. and its Local 4705 meetings
- 4:07(a) The order of business at Regular General Membership Meetings is as follows:
1. Roll Call of Executive Board Members
 2. Equality Statement
 3. Moment of Silence
 4. New Members and Initiation
 5. Read and Approve the minutes of the previous General Membership Meeting
 6. Matters Arising from the minutes
 7. Secretary Treasurer's Report
 8. Receive Executive Board Minutes
 9. Adoption of Executive Board Motions
 10. Receive Sectional Meeting Minutes (for information only)
 11. Report of Committee & Delegates

- a) Education
- b) Social Committee
- c) Political Action
- d) By-Law Committee
- e) Ad-Hoc Committee
- f) Delegate Reports

- 12. Nominations Elections and Installations
- 13. Correspondence relating only to the General Membership
- 14. Unfinished Business
- 15. New Business
- 16. Good of the Union
- 17. Adjournment

4:07(b) The order of business at Sectional Meetings is as follows:

- 1. Roll Call of Executive Board Members
- 2. Equality Statement
- 3. Moment of Silence
- 4. New Members and Initiation
- 5. Read and Approve the minutes of the previous Sectional Meeting
- 6. Matters Arising from the minutes
- 7. Standing Committee Reports

- a) Grievance Report
- b) Health & Safety Report
- c) Labour Management Committee Report
- d) Ad-Hoc Committee Reports
- e) Delegate Reports

- 8. Nominations Elections and Installations
- 9. Sectional Correspondence
- 10. Unfinished Business
- 11. New Business
- 12. Good of the Union
- 13. Adjournment

SECTION 5 - VOTING OF FUNDS

- 5:01 Except for ordinary expenses (which shall include all expenses related to Arbitration cases) and bills as approved at Membership Meetings, all sums exceeding \$1,000.00 shall require a Notice of Motion given in writing and dealt with at the next General Membership Meeting.
- 5:02 Notices of motion shall be distributed for posting on Local Union bulletin boards.

- 5:03 The Local Union shall not be responsible for any expenses or legal fees incurred by any Member without prior approval being granted at a Regular General Membership Meeting or Special General Membership Meeting prior to such expenses or legal fees being incurred.
- 5:04 For any matters with a cost factor pertaining to advice or services requested outside of C.U.P.E., a secret ballot vote of the issue will be brought forward at the next Regular General Membership Meeting or Special General Membership Meeting.

SECTION 6 – OFFICERS

- 6:01 The Officers of the Local shall be as per the attached Local Union Structure.
- 6:02 All Officers shall be elected by the Membership at large except for all Sectional Chairs, Sectional Co-Chairs and Chief Stewards. The Sectional Chairs, Sectional Co-Chairs and Chief Stewards (where applicable) shall be elected by the membership they represent.
- 6:03 A candidate for Office of Sectional Chair, Sectional Co-Chair and Chief Steward must be an employee within the Section that the candidate wishes to represent.
- 6:04 Any Officer of the Local Union shall relinquish his/her Office upon ceasing his/her employment with his/her respective employer.
- 6:05 Where no candidate comes forward or an Office becomes vacant the Executive Board of the Local shall have the power to appoint until a duly elected successor comes forth

SECTION 7 - EXECUTIVE BOARD

- 7:01 The Executive Board shall meet on a monthly basis the Wednesday, two (2) weeks prior to the General Membership meetings or the first Wednesday of each month where there is no General Membership meeting at 8:30 a.m. Executive Board Members shall be granted paid union leave of absence to attend Executive Board meetings where the Executive Board Member would have been otherwise required to work. A fifteen (15) minute lifestyle break will commence after two (2) hours into the Executive Board Meeting. If the Executive Board meeting last more than seven (7) hours there shall be two (2) lifestyle breaks.
- 7:02 A quorum for the transaction of business at any Executive Board Meeting shall be a minimum of five Executive Board Members, of which one must be a Table Officer.
- 7:03(a) The Executive Board shall hold title to any real estate of the Local as trustees for the Local. They shall have no right to sell, convey, or encumber any real estate without first

giving notice and then submitting the proposition to a Membership meeting and having it approved.

- 7:03(b) Notwithstanding 7:03(a), the Directors of the CUPE 4705 Building Corporation shall hold title to the Local Union Hall, located at 41 Veterans Road in Copper Cliff, as trustees for the Local. They shall have no right to sell, convey, or encumber such real estate without first giving notice and then submitting the proposition to a Membership meeting and having it approved. The Directors of the CUPE 4705 Building Corporation board shall consist of the President, Vice-President, Secretary Treasurer and Recording Secretary. The Directors of CUPE 4705 Building Corporation shall meet quarterly or as dictated by the articles of the incorporation.
- 7:04 The Executive Board shall do the work delegated to it by the Local and shall be held responsible and accountable for the proper and effective functioning of all Committees. The Executive Board shall be responsible for determining whether or not any grievance shall proceed to Arbitration based on the grievance committee recommendation and the opinion of the Area Staff Representative. A decision not to proceed to Arbitration may be appealed by the affected Member(s) at the next Executive Board Meeting immediately following the decision not to proceed to arbitration with the grievance. The member will be allowed sufficient time off work (should it be required) to plead their case before the Executive and present any facts relating to the case which the member feels haven't been taken into consideration. The member, if they so wish, may have someone from CUPE Local 4705 present or assist with their appeal. The Executive will render a decision which will be final and binding.
- 7:05 All charges against members or Officers must be made in writing and dealt with in accordance with the provisions of the CUPE National Constitution. (Art. B11)
- 7:06 Should any Executive Board member fail to answer the roll call for either three consecutive Regular General Membership meetings, three consecutive Regular Executive Board Meetings or three consecutive sectional meetings without having submitted good reasons for those failures, the office shall be declared vacant and shall be filled by an election at the following Regular General Membership Meeting, Sectional Meeting or Special Sectional Meeting. Good reason shall be defined as illness (his\her own or family member), injury, death of a family member, vacation, work, religion, education or attendance at other Union business or by reasons as outlined in the objectives of the National Constitution (2.1H). Executive Board members shall notify one of the Table Officers when they are to be absent. An Executive Board Member in violation of this article shall be sent a registered letter, informing them that their office has been declared vacant, subject to an appeal to the Executive Board and General Membership.
- 7:07 Executive Board members removed from right of Office shall not receive out-of-pocket expenses for the applicable period in which the member failed to answer roll call.
- 7:08 Should any of the Officer, Steward or Committee member take a job outside the scope of the bargaining unit for any period of time where the Officer, Steward or Committee

member will be required to supervise members of a bargaining unit within the jurisdiction of the Local Union for any period of time, the Officer, Steward or Committee Member shall be relieved of their Union responsibilities and the Secretary Treasurer shall be notified immediately. The position shall be filled in accordance with the provisions of these By-laws.

SECTION 8 - DUTIES OF OFFICERS

8:01 The President shall:

- a) enforce the C.U.P.E. National Constitution and these By-Laws;
- b) preside at all meetings of the Local Union and preserve order;
- c) provide a written report on his/her activities for the Executive Board on a monthly basis on affairs affecting Local 4705 and its membership;
- d) decide all points of order and procedure at any meeting over which he/she is presiding (subject always to appeal to the Membership);
- e) while presiding over the conduct of any meeting of the Local, be permitted to state a position on any matter prior to the commencement of debate. In accordance with Parliamentary Procedures, should the President wish to take part in the debate, the Chair shall be vacated and the Vice-President shall take the Chair until such time as the President can resume the Chair;
- f) have a vote on all matters (except appeals against the Chair's rulings) and in case of a tie vote in any matter, have the right to cast an additional vote to break the tie;
- g) ensure that all Officers perform their assigned duties;
- h) introduce new members and conduct them through the initiation ceremony;
- i) ensure that the Local's funds are used only as authorized or directed by the Constitution, By-Laws, or vote of the Membership;
- j) have first preference as a delegate to the C.U.P.E. National and the C.U.P.E. Ontario Division Conventions;
- k) shall be one of the three officers with the authority to sign cheques on behalf of the local;
- l) be empowered to write cheques up to the amount of One hundred Dollars (\$100.00) if so needed;

- m) shall take the necessary paid leaves of absence to attend to the affairs of the local union and approve the necessary paid leaves of absence for others to attend to the affairs of the Local Union;
- n) shall be in attendance at all the collective bargaining meetings of the local union;
- o) shall be in attendance at all legal proceedings involving the local union;
- p) should the vice-president be unavailable to relieve the President, then the President shall appoint someone first from the Table Officers, then the Executive Board if no Table Officer is available, to fill in during his absence, but only when required;
- q) on termination of office, shall surrender all books and other properties of the Local to the Officer's successor;

8:02 **The Vice-President shall:**

- a) if the President is unavailable, perform all duties of the President, but only when required;
- b) if the office of President falls vacant, be Acting President until a new President is elected;
- c) render assistance to any member of the Board as directed by the Board;
- d) on termination of office, surrender all books and other properties of the Local to the Officer's successor;

8:03 **The Sectional Chair shall:**

- a) chair all sectional meetings;
- b) be required to represent the interests of the Section with the members and the Executive Board and shall provide at each Executive Board Meeting a written Report outlining the affairs of the Section;
- c) be the liaison for at least one Local Union Standing Committee;
- d) recommend interested members for upcoming education courses and or vacant positions on committees;
- e) shall be in attendance at all the collective bargaining meetings within the Section he/she represents;
- f) shall be in attendance at all legal proceedings involving their Section;

- g) perform Chief Steward duties where otherwise not provided for;
- h) be ex-officio on all bargaining unit Standing Committees;
- i) shall take the necessary paid leaves of absence to attend to the affairs of the section;
- j) shall be responsible for determining whether or not employer requests for job posting extensions, extensions to temporary employment periods or extensions to relieving outside the scope of the bargaining unit are approved;
- k) shall approve the necessary leaves of absence for local union members to attend to the affairs of the section and submit the yellow copy of the Leave of Absence form to the Secretary Treasurer;
- l) In the absence of either the co-chair or chief steward for short periods of time the Chair shall have the ability to appoint a replacement;
- m) on termination of office, surrender all books and other properties of the Local to the Officer's successor;

8:04 **The Sectional Co-Chair shall:**

- a) if the Chair of that Section is unavailable, perform all the duties of the Sectional Chair, but only when required;
- b) assist the Sectional Chair in the discharge of his/her duties;
- c) on termination of office, surrender all books and other properties of the Local to the Officer's successor;

8:05 **The Recording Secretary shall:**

- a) keep full, accurate and impartial account of the proceedings of all Regular General Membership, Special General Membership, Sectional, Special Sectional and Board meetings;
- b) answer correspondence and fulfil other secretarial duties as directed by the Board;
- c) file a copy of all letters sent out and keep on file all communications;
- d) record all alterations in the By-Laws;
- e) prepare and distribute for posting, Notices of Motion and meeting agendas; be empowered, with the approval of the president, to employ necessary stenographic or other assistance to be paid for out of the Local's funds;

- f) shall be one of the three officers with the authority to sign cheques on behalf of the local;
- g) be willing to undertake any necessary training for the operation of the local unions computer systems;
- h) include a copy of the full financial report presented by the treasurer as part of the minutes at general membership meetings;
- i) have all records ready on reasonable notice for Trustees;
- j) enrol members in schools/conferences/conventions; submit leaves of absence;
- k) arrange for transportation/overnight accommodation when required and cover such costs with the Recording Secretary's credit card for those not in possession of a card or for those whose credit card limit would not cover;
- l) promote educational courses offered by CUPE National; track attendance and maintain a log of courses taken and completed by members;
- m) update inventory in co-ordination with the Secretary Treasurer;
- n) maintain office equipment and direct end users of union owned or leased equipment to the proper outlet for repairs or service;
- o) prepare copies of motions and attach appropriate back up for such motions which the Secretary Treasurer is required to pay;
- p) the Recording Secretary shall have the ability to appoint a replacement;
- q) be required to chair Executive / Membership meetings in the absence of the President and Vice-President or Secretary Treasurer or at any other time required;
- r) on termination of office, surrender all books, seals and other properties of the Local to the Officer's successor;

8:06

The Secretary Treasurer shall:

- a) receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union;
- b) prepare all C.U.P.E. National per capita tax forms and remit payment, all funds to be forwarded to the National Secretary Treasurer by the last day of the following month;

- c) record all financial transactions in a manner acceptable to the Board and in accordance with good accounting practices;
- d) regularly make a full financial report to meetings of the Local's Executive Board, as well as a written financial report to each Regular General Membership Meeting detailing all income and expenditures for the period. In addition to the written financial report, the Secretary Treasurer shall provide a verbal summary of the financial report. A printed copy of the monthly Secretary Treasurer's Report shall be provided to the members of the Executive Board for their records;
- c) be bonded for not less than \$500,000.00 through the master bond held by the National Office, and any Secretary Treasurer who cannot qualify for the bond shall be disqualified from office;
- e) pay no money unless supported by a voucher, with appropriate receipt, duly signed by the President and one other member of the Board or any two other members of the Board, except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated
- f) make all books available for inspection by the Trustees on reasonable notice, and have the books audited semi-annually;
- g) provide the Trustees with any information they may need to complete the audit report forms supplied by C.U.P.E.;
- h) be empowered, with the approval of the President, to employ necessary clerical assistance to be paid for out of the Local's funds;
- i) ensure that all dues be deducted by the employers and remitted to the Local;
- j) shall be one of the three officers with the authority to sign cheques on behalf of the local;
- k) annually prepare a budget for review and approval by the Executive Board and the General Membership;
- l) be willing to undertake any necessary training for the operation of the local union's computer systems;
- m) have an inventory of all office equipment and furniture owned by the local;
- n) as directed by the Executive Board of the Membership, shall invest the monies of the Local in an insured financial instrument, insured by the CDIC (Canadian Deposit Insurance Corporation);

- o) as directed by the Executive Board of the Membership, shall establish and maintain the necessary bank accounts;
- p) be required to chair Executive / Membership meetings in the absence of the President and Vice-President or at any other time required;
- q) on termination of office, surrender all books, records and other properties of the Local to the Officer's successor;
- r) Ensure that all necessary financial reporting related to the CUPE 4705 Building Corporation, including, but not limited to, filing documents with the relevant authorities to clarify membership of the Board of Directors and filing tax statements, is carried out appropriately and as required. In order to fulfil this duty, the Secretary Treasurer is empowered, with the approval of the President, to employ the necessary assistance to be paid out of the Local's funds.

8:07

The Trustees shall:

- a) act as an auditing Committee on behalf of the members and audit the books and accounts of the Secretary Treasurer, the Recording Secretary, the CUPE 4705 Building Corporation, and the Standing Committees semi-annually;
- b) report their findings to the first Regular General Membership Meeting following the completion of each audit;
- c) be responsible to ensure that monies are not paid out without proper constitutional or membership approval;
- d) ensure that proper financial reports are made to the Membership;
- e) audit the record of attendance;
- f) inspect at least twice 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;
- g) shall submit forms and reports in accordance with section (b.3.12(d)) of the National Constitution which states: "The Trustees shall 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."
- h) complete the C.U.P.E. Trustee training course;

- i) submit in writing to the executive any recommendations or concerns they feel should be reviewed;
- j) on termination of office, surrender all books and other properties of the Local to the Officer's successor;

8:08 **The Chief Steward shall:**

- a) introduce themselves to all new Members, provide them with a copy of the Collective Agreement, By-Laws and, where applicable, the Job Evaluation Manual, and explain the role of the Union;
- b) ensure accurate records of all grievances are completed with the use of grievance fact sheets and be responsible for ensuring that the grievance procedures are properly administered;
- b(i) the Chief Steward will ensure that the Chair of their unit is aware of all grievances being filed;
- c) report on all grievances at Sectional Meetings either in person or through the Sectional Chair;
- d) render assistance to any member as needed or assign a designate to attend to said matter;
- e) be required to attend all levels of steward's courses as provided for by C.U.P.E.;
- f) attend grievance hearings and act as an advocate when requested;
- g) initiate action when a Collective Agreement has been violated even when there is no complaint;
- h) shall be Chair of the Section's Grievance Committee;
- i) on termination of office, surrender all books and other properties of the Local to the Officer's successor;

8:09 **The Sergeant-At-Arms shall:**

- a) guard the inner door at General Membership Meetings and Special General Membership Meetings and admit no one but members in good standing or Officers and Officials of C.U.P.E., except on the order of the President and by consent of the members present;
- b) assist in maintaining the record of Membership attendance at meetings;

- c) perform such other duties as may be assigned by the Board from time to time;
- d) shall distribute and collect all copies of the Secretary Treasurer's Report at each Membership Meeting and return same to the Recording Secretary;
- e) on termination of office, surrender all books and other properties of the Local to the Officer's successor;

8:10 **Training**

All elected Officers of the Local Union shall be provided the opportunity to attend training as it pertains to their office.

SECTION 9 - OUT-OF-POCKET EXPENSES

- 9:01 Reimbursements for all out-of-pocket expenses shall be as established within the Local's Policy Papers as appended to these by-laws.

SECTION 10 - FEES, DUES and ASSESSMENTS

Monthly Dues

- 10:01 The monthly dues shall be as outlined in the Local's policy paper as appended to these By-laws
- 10:02 Changes in the Monthly Dues can be effected only by following the procedure for amendments of these By-laws, with the additional provision that the vote must be by secret ballot
- 10:03 Notwithstanding the above provisions if the C.U.P.E. National Convention or the C.U.P.E. Ontario Division raises minimum fees and or dues above the level herein established these by-laws will be deemed to have been automatically amended to conform to the new minimum.
- 10:04 Special assessments may be levied in accordance with the C.U.P.E. National Constitution
- 10:05 Any members attending apprenticeship courses and not receiving wages from their employer shall be exempt from paying union dues.

SECTION 11 - NON-PAYMENT OF DUES and ASSESSMENTS

- 11:01 Any member in arrears for a period of three months or more shall be automatically suspended and the member's suspension shall be reported to the Executive Board by the Secretary Treasurer. The Executive Board shall report to the next Membership meeting with a recommendation. Any member under suspension wishing to be reinstated shall, upon application, pay the dues and assessments in arrears. This money will be returned if the application is rejected
- 11:02 If a member has been unable to work due to illness, injury, pregnancy/parental leave, or leave of absence for C.U.P.E. Union business, and is not receiving wages from the Employer; the Member shall remain in good standing and not be suspended. This member shall be exempt from paying dues for the duration of such leave and shall resume paying dues upon their return to work.

SECTION 12 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

- 12:01 Except where otherwise provided for in these By-Laws or the National Constitution of the Canadian Union of Public Employees all Table Officers, Executive Board Members, Officers and Trustees, shall be elected. In the event that no member stands for election for a particular position the Executive Board may, subject to Membership approval, appoint a member to that particular position.
- 12:02 Nomination
- a) Nominations shall be received at the Regular Membership meeting held in the month of October of even numbered years for the positions of President, Vice-President, Recording Secretary, Secretary Treasurer and Sergeant-at-Arms. No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting, a letter detailing the nominator's name, the position the member is being nominated for, the name of the member being nominated, and the member's consent in writing. No member shall be eligible for nomination if the candidate is in arrears of dues and / or assessments.
 - b) Nominations shall be received at Sectional Membership meeting(s) held no later than one (1) week after the Regular membership meeting in the month of October of even numbered years for the positions of Sectional Chair, Sectional Co-Chair (where applicable) and Chief Stewards (where applicable). No nomination shall be accepted unless the member is in attendance at the meeting or has allowed, to be filed at the meeting, a letter detailing the nominator's name, the position the member is being nominated for, the name of the member being nominated, and the member's consent in writing. No member shall be eligible for nomination if the candidate is in arrears of dues and / or assessments.

- c) Elections will be referendum style through electronic voting and accordingly candidates may only be nominated for one position.

12:03

Elections

- a) When an election is to be held, the Executive Board shall appoint an Election Committee of five members at least one month prior to the opening of nominations. Members of the Election Committee shall not be eligible to run for any office nor will they currently hold an Executive Board or Trustee position. The Election Committee shall elect one of the five members as the Chief Returning Officer. The Election Committee shall conduct the election(s) working with a firm selected by the Executive Board to conduct electronic voting. The Executive Board shall select the firm to conduct electronic voting at least two months prior to nominations opening.
- b) Elections shall be conducted electronically using a third party firm selected by the Executive Board prior to nominations opening. The firm selected must have demonstrated capability to carry out the electronic vote and also the capacity to ensure all voting is secret. The Election Committee shall arrange for one or more electronic voting stations including one at a Union Hall. Electronic voting will be open seven days prior to the November General Meeting in even numbered years and remain open until midnight on the day preceding the Annual General Meeting. The Election Committee shall arrange adequate notice to the membership at least seven (7) days prior to the voting day, with all pertinent information pertaining to the election.
- c) Voting for the President, Vice President, Recording Secretary, Secretary Treasurer, Sergeant-at-Arms, Trustees, Sectional Chairs, Sectional Co-Chairs (where applicable), and Chief Stewards (where applicable), shall be conducted through electronic voting.
- d) The Election Committee shall work with the independent firm selected to conduct electronic voting.
- e) There shall be two electronic votes. One electronic vote shall be for those positions to be elected by the Membership at large. One electronic vote shall be for those positions to be elected by a respective Sectional Membership. The electronic form shall list the position contested followed by the names of the candidates for the position in alphabetical order, last name first. The order of sequence for positions listed on the Membership at-large electronic vote form shall be as follows: President, Vice President, Recording Secretary, Secretary Treasurer, Trustee(s) and Sergeant-at-Arms. The order of sequence for positions listed on the Sectional electronic vote form shall be as follows: Sectional Chair, Sectional Co-Chair, (where applicable) and Chief Steward (where applicable).

- f) The Chief Returning Officer shall be responsible for ensuring the electronic vote is conducted in accordance with these bylaws and that the firm selected is independent. The Chief Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.
- g) A plurality of unspoiled electronic votes cast shall be sufficient to elect any candidate. In case of a tie vote, there shall be a second electronic vote run-off amongst the tied candidates within fourteen (14) calendar days. The Election Committee shall declare the elected candidate(s) in each contest who receive the greatest number of unspoiled electronic votes (plurality\first past the post). The report of the Election Committee shall be signed by all members of the Committee and shall be reported at the November General Membership meeting in even years by the Chief Returning Officer. Results will be posted on the Local union's website and sent via email to all members who have provided email addresses.
- h) When two or more nominees are to be elected to any office by electronic vote, each member voting shall be required to vote for the full number of candidates otherwise the electronic vote will be declared spoiled.
- i) A candidate may request a recount of the votes for the election of the position to which they were nominated, prior to the end of the Regular Membership Meeting in November in even years and a recount shall be conducted if supported by a majority of members present.
- j) The evidence of electronic voting will be destroyed after all recounts and complaints if any are dealt with.

12:04 Voting

- a) The Chief Returning Officer shall ensure the integrity of the voting process by taking measures that the Election Committee deems reasonable in the circumstances.
- b) The Chief Returning Officer shall investigate and rule upon any election complaints. The decision of the Chief Returning Officer shall be final and binding upon all parties. If a candidate requests a recount of the results of their Election in accordance with 12.03(i), the Chief Returning Officer shall in the presence of a representative from each candidate concerned, and in the presence of the CUPE National Representative or a CUPE designate meet with the independent firm carrying out the vote to recount the vote.

12:05 Installation

- a) All duly elected Table Officers, Executive Board Members, Sergeant-at-Arms and Chief Stewards shall be installed at the Regular Membership meeting in November of even years 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.

- b) The terms of office for Trustees shall be as outlined in the C.U.P.E. National Constitution (Art.B.2.4.)
- c) All duly elected sectional representatives or those Officers as outlined in sub-section (a) above not already installed shall be installed at the next Executive Board Meeting and / or Regular General Membership Meeting.
- d) Members elected to office shall not take office until such time as the Member is properly installed.

12:06 Trustees

At the Regular Membership meeting in September of each year, nominations shall be held for the position of Trustee (three year term). Where elections of Trustees do not coincide with the term of office for Local Union elections as per By-Law 12:05, secret ballot elections shall be held at the Regular Membership meeting in November of each year. A plurality of unspoiled ballots cast shall be sufficient to elect any candidate. In case of a tie vote, there shall be a second ballot run off from amongst the tied candidates. In even numbered years nominations and elections for the trustee position shall be conducted as per By-Law 12:04.

12:07 By-Election

Should an office fall vacant pursuant to these By-Laws or for any other reason, the resulting by-election should be conducted as quickly as possible. Table officers will be nominated and elected at General Membership and / or Special General Membership meetings, and Sectional vacancies shall be dealt with at Sectional meetings and / or Special Sectional Meetings.

SECTION 13 - DELEGATES TO CONVENTION AND CONFERENCES

- 13:01.1 Except as provided for elsewhere in these By-Laws, the Executive Board members shall have priority to attend Conventions and shall be approved by the Membership.
- 13:01.2 The President has the first right of refusal to attend Conventions. Should additional delegates be required then the names shall be selected through a random draw of the remaining Executive Board Members who, relative to other Executive Board Members, have not had an opportunity to attend a Convention during their elected term. Should the need arise where sufficient numbers of the Executive Board members are not able to attend Conventions, then the remaining delegates shall be elected at large from amongst the members present at the General Membership Meeting. Conventions are identified as C.U.P.E. National, C.U.P.E. Ontario, CLC, and OFL.

13:01.3 The President has first right of refusal to attend Conferences. Additional attendance at Conferences shall be determined by the Membership upon a recommendation by the Executive Board. The Executive Board shall consider the following:

- (i) Funds available
- (ii) Executive Board Members who have representation right for the jurisdiction, such as the Sectional Chair of a Bargaining Unit within the relevant jurisdiction
- (iii) Members who hold a position relevant to the Conference. For example, an OMECC Area Representative is a relevant position for an OMECC Conference
- (iv) Those other individuals who represent members in that jurisdiction

Notwithstanding the President's first right of refusal, Conference delegates must be from the relevant jurisdiction. Furthermore, and unless no other members are eligible to attend, eligibility for attendance at Conferences is conditional upon having a fifty percent (50%) attendance rate at the General Membership Meetings or the Sectional Meetings in the twelve (12) months preceding the date of the membership's vote on the Executive Board's recommendation. For the purpose of this section, members who have submitted an "Absent with Cause Form" as per Appendix B are considered to be in attendance at the relevant meeting. The attendance requirement is effective as of December 8th, 2011.

Delegates attending conventions or conferences are required to submit a written delegates report to the Executive Board no later than 1 month following the convention or conference.

13:02 Delegates to the Sudbury and District Council of C.U.P.E. and the Sudbury and District Labour Council shall be elected bi-annually by the Executive Board and approved by the General Membership. An official reporter shall be selected from among these delegates and shall be required to report at each Regular General Membership meeting of the Local on the proceedings at recent meetings of the Council(s).

SECTION 14 – COMMITTEES

14.01 To be eligible for election as a Member of any of the following Committees a Member must be in good standing as defined in the Article 11:01 and 11:02 of these by-laws and is not in violation of the principals of the National Constitution.

Membership of each Local Union Committee, whether Special or Standing, will be based on equal representation among Bargaining Units. Specifically, nominations will be accepted and elections will be completed for one member from each Bargaining Unit to sit on each Committee at which time only members of the appropriate Bargaining Unit may vote. Any vacant positions are deemed to be "at-large" positions and will then be filled by nominations and elections from all Bargaining Units at which time all Local Union members may vote.

Membership of each Bargaining Unit Committee, whether Special or Standing, will be based on equal representation among the work areas relevant to that Bargaining Unit. "Work areas" are specific to each Bargaining Unit and will be determined at the relevant meeting prior to the vote or appointment and approved by the Membership upon a recommendation by the Sectional Chair. Nominations will be accepted and elections will be completed for one member from each "work area" to sit on each Committee. Any vacant positions will then be filled by nominations and elections at-large.

14:02 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 for Local Union Committees, whether Special or Standing, and by the Sectional Chair for Bargaining Unit Committees, whether Special or Standing. The Committee shall elect from among themselves a member as Chairperson, whose position shall be referred to and confirmed by the Executive Board.

14:03 Negotiating Committee

This shall be an Ad Hoc Committee established at least twelve (12) months prior to the expiry of the Section's collective agreements. The Committee for each Bargaining Unit shall be elected by that bargaining unit and be comprised of the following:

- Bargaining units of one hundred fifty (150) or less: three (3); one of which shall be the Sectional Chair and 2 elected at a Sectional meeting plus the President as per By-Law 4:05.
- Bargaining units over one hundred fifty (150); five (5): one of which shall be the Sectional Chair and 4 elected at a Sectional meeting, plus the President as per By-Law 4:05.

The function of the Committee is to prepare collective bargaining proposals and to negotiate a collective agreement from formulating proposals, through negotiations, to contract ratification by the membership and signing of the Collective Agreement. The C.U.P.E. Staff Representative assigned to the Local shall assist the committee in negotiations. The CUPE Staff Representative shall be given first consideration as chief spokesperson during negotiations.

14.04 Standing Committees

The committee shall elect from amongst themselves a member as Chairperson, whose position shall be referred to and confirmed by the Executive Board. Each and every Standing Committee shall have a liaison on the Executive Board to which the Committee shall report and through which the Committee shall address the Executive. The committee shall appoint its secretary from amongst its members.

- The Chairperson (or designate) of each Committee shall be available to present a report at each Regular Membership meeting.
- Elections for Standing Committees will be held at the Regular Membership meeting in January of odd numbered years.

A. LOCAL UNION STANDING COMMITTEES

(i) Social Committee

This Committee shall 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 proposals and reports to the executive board and membership for approval. All social and recreational events and activities shall be self-supporting. Notwithstanding the above any request for funding from the Local shall be made in accordance with section 5:01 of these by-laws. The Committee shall appoint a treasurer from among its members. That treasurer will submit a written financial report no less than twice a year.

(ii) Political Action Committee

This Committee will be responsible for co-ordinating political action on behalf of the Local. This Committee shall receive and distribute information between members, councils, boards and the general public for the benefit of the Membership and the Union.

(iii) By-Law Committee

This committee must have one member of the Executive Board. The Committee shall appoint a chair from among its members. By-laws will be reviewed on an annual basis or more frequently as determined by the committee. The Committee will ensure that the proper processes are employed in amending these by-laws.

(iv) Communication Committee

This committee shall be responsible for the Local's website, publishing and distribution of newsletters, flyers and any other media and public relations campaigns the local deems necessary.

(v) Anti-Privatization Committee

This committee shall be responsible for co-ordinating the Local Union's anti-privatization efforts. The Committee shall educate both members and the general public with respect to the negative effects of privatizing public services. The Committee shall, where required, make presentations to the membership, community partners and elected bodies.

(vi) Diversity Committee

This Committee recognizes the collective strength of all Union members and advocates for the rights of equity-seeking members such as aboriginal members; lesbian, gay, bisexual, transgender, transsexual, intersex and queer / questioning (LGBTTI) members; members who are women; young members; racialized members, and members with a disability. The Diversity Committee works to raise awareness of diversity issues and to increase opportunities for meaningful participation by all members, both in the workplace and in the Union.

B. BARGAINING UNIT STANDING COMMITTEES (election shall be concurrent with elections for sectional representatives)

The composition of these committees shall be consistent with the numbers allowed for in the collective agreements:

(i) Grievance Committee

This Committee shall process all grievances not settled at the initial stages and its written reports shall be submitted first to the Executive Board, with a copy to the C.U.P.E. 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 be comprised of stewards and shall meet at least monthly prior to the Executive Board Meeting.

(ii) Job Evaluation Committee

Wherever a job evaluation plan is in place, it shall be this Committee's function to work within the parameters of the joint job evaluation manual for the benefit of its Membership. It shall also aid others in formulating and establishing JE plans that would benefit the Membership.

(iii) Health & Safety Committee

This Committee shall maintain the spirit of the Occupational Health and Safety Act; shall identify, evaluate and recommend a resolution for all matters pertaining to health and safety in the workplace; ensure adequate education and training programs are provided in order that all employees are knowledgeable in their rights, restrictions, responsibilities and duties under the Occupational Health and Safety Act; deal with any Health and Safety matter relating to regulations, policies, designated substances, W.H.I.M.I.S and related acts.

(iv) Labour Management Committee

The Committee shall meet with the employer to discuss issues of mutual interest. The committee shall not have jurisdiction over any matters which pertain to collective

bargaining or are the responsibility of another committee. Decisions arrived at committee meetings need to be ratified by the membership of the respective bargaining unit prior to taking effect. The composition of this Committee shall be consistent with the provisions of the applicable Collective Agreement and include the Sectional Chair and/or Sectional Co-Chair where provided for.

SECTION 15 - RULES OF ORDER

- 15:01 All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these By-Laws as Appendix "A". These rules shall be considered as an integral part of the By-Laws and may be amended only by the same procedure used to amend the By-Laws.

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

SECTION 16 - AMENDMENT

- 16:01 These By-Laws are always subordinate to the C.U.P.E. Constitution (including Appendix "B") as it now exists or may be amended from time to time, and in the event of any conflict between these By-Laws and the C.U.P.E. Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President. (Art. B.5.1)
- 16:02 These By-Laws shall not be amended, added to, or suspended except upon a two thirds majority vote of those present and voting at a Regular General Membership Meeting or Special General Membership Meeting following at least seven days notice at a previous meeting or at least sixty days written notice has been given and further provided that such By-Laws do not conflict with the C.U.P.E. National Constitution. (Art.B.7.1.)
- 16:03 No change in these By-Laws shall be valid and take effect until approved by the National President of C.U.P.E. The validity shall date from the letter of approval of the National President. (Art.B.7.1.)

SECTION 17-GENERAL

- 17:01 The Executive Board shall be the governing body of the Local when no quorum is present at a General Membership Meeting or a Special General Membership Meeting. The Executive Board shall take such action and render such decision as may be necessary to carry out the business of the Local if needed.

17:02 Any issue that may lead to a change in a member's seniority date shall only be dealt with at a General Membership Meeting or a Sectional Meeting after at least one (1) months' notice at a prior membership meeting concerning the seniority issue. Only members from the section where the seniority issue arises will be eligible to vote.

Whenever a member from the city's Local 4705 Inside or Outside Unit are successful on a posting or have been accommodated in the other unit, their bargaining unit seniority shall follow them and continue to accrue.

Notwithstanding the above, any member's seniority issues from another CUPE Local will be dealt with at a General Membership or Sectional Meeting. Only members from the section where the seniority issue arises are eligible to vote.

17:03 Members who have held positions outside the scope on a permanent basis and are returning to the Bargaining Unit will not carry over their previous seniority unless the respective Collective Agreement allows for carry over.

APPENDIX "A" TO THE BY-LAWS OF LOCAL 4705, CUPE

RULES OF ORDER

1. The President or, in the President's absence, the Vice-President, shall take the Chair at all Membership meetings. In the absence of both the President and Vice-President, the Secretary Treasurer shall act as President, and in Secretary Treasurer's absence a President pro-tem shall be chosen by the Local.
2. No member, except the Chairperson of a Committee making a report or the mover of a resolution, shall speak more than three minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had an opportunity. Chairpersons and movers of a resolution shall be limited to fifteen minutes, except with the consent of the meeting.
3. The President shall state every question coming before the Local, and before allowing debate thereof, 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, which is a direct negative of the resolution, shall be in order.
6. On motion, the regular order of business may be suspended by a two-thirds vote of those present, to deal with any urgent business.
7. All resolutions and motions other than those named in Rule 17, or those to accept or adopt the report of a Committee, shall, if requested by the presiding Officer, be presented in writing before being put to the Local.
8. At the request of any member, and upon a majority vote of those present, a question may be divided when the sense will admit of it.
9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
10. When a member wishes to speak on a question or to make a motion, the member shall rise in his/her place and respectfully address the presiding Officer, but,

except to state that the member rises to a point of order or on a question of privilege, the member 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.
13. If a member, while speaking, is called to order, the member shall cease speaking until the point is determined; if it is decided the member is in order, the member 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, the Officer may in addition give a casting vote, or, if the Officer 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 lie on the table (4) to postpone for a definite time (5) to refer (6) to divide or amend, which motions shall have precedence in the order named. The first three of these shall be decided without debate.
18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be not put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
19. A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
20. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen minutes have elapsed.
21. After the presiding Officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.
22. If any member wishes to challenge (appeal) a decision of the Chair, the member 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 member's challenge. The Chairperson may then state briefly the basis for Officer's 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 tie the Chair is sustained.

23. After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
24. No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of Officers, or the taking of a vote; and no member shall be allowed to leave without the permission of the Vice-President.
25. The Local's business and proceedings of meetings are not to be divulged to any persons outside the Local or the Canadian Union of Public Employees.

APPENDIX “B” TO THE BY-LAWS OF CUPE LOCAL 4705

ABSENT WITH CAUSE FORM

Date & Type of Meeting: _____

Member's Name: _____

FAX: 705-560-8927

EMAIL: recordingsecretary_4705@cupesudbury.org

<u>BARGAINING UNIT:</u> (Please “✓” check of the appropriate box)	ILLNESS OR INJURY	WORK	UNION BUSINESS	OTHER Please indicate: bereavement, vacation, religion, or education
INSIDE UNIT				
OUTSIDE UNIT				
SUDBURY HYDRO PLUS INC.				
SUDBURY HYDRO INC.				
1627596 ONTARIO INC.				
SUDBURY HOUSING				
MSDSB				
OLS NORTH				
ESPANOLA HYDRO				
ESPANOLA RECREATION COMPLEX				

Member's Signature: _____

Recording Secretary Signature: _____

Date Received: _____

POLICY PAPERS

FOR

C.U.P.E.

AND ITS LOCAL

4705

PREAMBLE

Policy Papers as adopted by the Membership of C.U.P.E. and its Local 4705 are designed to provide the Officers with the necessary guidance to effectively administer the affairs of the Local Union on a daily basis. The following Policy Papers govern the payment of remuneration, expenses for those Members responsible to carry out business of the Local, and other related expenditures.

Policy Papers are not limited to matters of a financial nature. Provided that a Policy Paper receives the necessary approval, a policy of the Local Union may cover any topic, which is of interest to all Members.

These Policy Papers are always subordinate to the C.U.P.E. 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 Policy papers and the C.U.P.E. Constitution, the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.

These Policy Papers shall not be amended, added to, or suspended except upon a two thirds majority vote of those present and voting at Regular General Membership Meeting or Special General Membership Meeting following at least seven days’ notice at a previous meeting or at least sixty days written notice has been given and further provided that such Policy Papers do not conflict with the C.U.P.E. National Constitution.

Changes in these Policy Papers shall not be valid or take effect until approved by the General Membership of C.U.P.E. and its Local 4705.

POLICY PAPER # 1:**Monthly Union Dues and Assessments**

The monthly dues for all Members of C.U.P.E. and its Local # 4705 shall be two percent (2%) of the employee's weekly earnings excluding overtime and all premiums including standby. Further increases shall be in accordance with the National Constitution (Article B4.1 and B4.2) and C.U.P.E. and its Local 4705 By-Law Section 10

The monthly dues for all Members of C.U.P.E. and its Local 4705 who cross their own bargaining unit's picket line shall be fifty percent (50%) of the Member's monthly wages.

Employees who are covered by an Essential Services Agreement and who are members of a Bargaining Unit which is on strike or locked out by the Employer shall pay dues in the amount of 25% of their regular monthly wages for the duration of the strike/lockout.

POLICY PAPER #2: Officer's Out-Of-Pocket Expenses (2016)

The Officers of the Local Union shall be reimbursed for out-of-pocket expenses in the following manner:

President:	\$4,537.80 per annum-issued quarterly
Vice-President:	\$2,593.80 per annum-issued quarterly
Recording Secretary:	\$3,840.32 per annum-issued quarterly
Secretary Treasurer:	\$3,241.32 per annum-issued quarterly
Sectional Chair:	(1-10 members in bargaining unit) \$973.08 per annum-issued quarterly
	(11-200 members in bargaining unit) \$1,296.34 per annum-issued quarterly
	(200 + members in bargaining unit) \$2,296.40 per annum-issued quarterly
Sectional Co-Chair:	\$1,296.32 per annum issued quarterly
Chief Stewards:	\$973.08 per annum issued quarterly
Sergeant at Arms:	\$518.72 per annum-issued quarterly

On every January 1st these rates shall increase by an amount equal to the average general wage increase for all bargaining units coming under CUPE and Its LOCAL 4705 in the preceding calendar year.

Representation of bargaining units without Sectional Chairs shall be deemed part of the President's regular duties.

POLICY PAPER # 3:**Credit Card**

C.U.P.E. and its Local 4705 shall be the Holder of credit cards under one account number. Credit cards shall be entrusted to the President, Vice-president, Secretary Treasurer, Recording Secretary, Sectional Chairs and Sectional Co-Chairs (where applicable) The Local Union's credit cards shall be used for the sole purpose of paying expenses related to the affairs of the Local Union.

Some examples of such expenses would be hotel rooms for conventions or negotiations, travel, or meals in place of a Per Diem.

The Secretary Treasurer shall be responsible to ensure all outstanding monthly credit card balances are paid promptly so as to avoid interest charges.

When the credit card is used for meals, the gratuity paid is limited to a maximum of 15%.

POLICY PAPER # 4:**Payment of Expenses**

Members elected, approved or required as a duty of Office to carry out the affairs of the Local Union shall be reimbursed in the following manner:

- a) Members shall receive compensation for any loss of wage for a normally scheduled workday while attending to Union Business;
- b) Members shall be reimbursed for travel. However, mode of transportation to and from the activities shall be determined at the discretion of the Executive giving consideration to distance travelled;
- c) Members using their personal vehicle to attend to Union Business shall be reimbursed a kilometre allowance equivalent to that paid by the Ontario Division as amended from time to time; (46 cents per Kilometre-as amended by the Ontario Division) should the kilometres be greater than the distance to their workplace and return, the difference will be reimbursed;
- d) Members shall be reimbursed for all accommodations for an overnight stay, including parking at the place of accommodation or function. Taxi fares shall be reimbursed as part of the out of town expenses;
- e) Members shall be reimbursed for Registration Fees;
- f) Members attending to Union Business requiring overnight stay shall receive a Per Diem of one hundred dollars (\$100.00) per day;
- g) Members attending to Union Business within the City of Greater Sudbury, incurring out of pocket expenses shall be reimbursed for said expenses upon submission of receipts for said expenses up to a maximum of thirty dollars (\$30.00) per day excluding parking. Executive Board Members shall be diligent in keeping expenses to a minimum by purchasing meals and paying out of pocket expenses only as needed for members who are booked off for union business for the full day as per their leave of absence;
- h) Special appeals during a Convention shall be dealt with by a delegate selected by the Executive Board five hundred dollars (\$500.00)
- i) All Union paid Leaves of Absence are subject to the approval of the President (in the absence of the President in emergency cases only a Table Officer may approve a union paid leave of absence) or Sectional Chairs unless otherwise provided elsewhere;
- j) Executive members that are not provided with a Union cell phone shall be reimbursed for basic internet (\$33.89 per month – to be reviewed periodically) in order to conduct union business;
- k) Monthly expenses shall be submitted within two months of the expense

STRIKE APPEALS

The Local, throughout the year, will receive numerous requests for financial assistance regarding strikes. Strike appeals cover a varied group of affiliates and non-affiliates. The Executive Board may at their discretion provide the following assistance:

1. Up to \$500.00 for all C.U.P.E. Locals
2. Up to \$200.00 for all other non-affiliates.

FINANCIAL APPEALS

The Local, throughout the year, will receive numerous requests for financial appeals. Financial appeals cover a varied group of affiliates and non-affiliates. The Executive Board may at their discretion provide the following assistance.

1. Up to \$250.00 for C.U.P.E. and its Local 4705 members
2. Up to \$50.00 for C.U.P.E. Local Unions within the Province of Ontario & within Canada
3. Up to \$25.00 for all other non-affiliates

POLICY PAPER # 6: Good and Welfare of the Local Union's Members

ACCESSIBILITY

The Local Union is committed to having as many Members as possible participating in the affairs of the Local Union. Therefore the Executive Board shall ensure that all meetings of the Local Union occur in buildings that are accessible to Members with disabilities.

Members with disabilities who may require special arrangements should discuss their needs with an Executive Board Member.

DEATH BENEFIT

Upon the death of a Member of the Local Union, the Secretary Treasurer shall pay to the legal estate of the deceased Member four hundred dollars (\$400.00) effective January 1, 2015.

RETIREMENT BENEFIT

Every Member at the time of normal retirement shall be entitled to a retirement gift from the Local Union in the amount of four hundred dollars (\$400.00) effective January 1, 2015.

BEREAVEMENT GESTURE

Upon the death of a Member or upon the death of a Member's spouse or children, the Local Union shall provide for a gesture of flowers or donation to an organization of the family's choice. Such flowers or donation shall not exceed one hundred dollars (\$100.00) effective January 1, 2015. The Sectional Chair will arrange for such gesture.

ATTENDANCE AT FUNERALS

Upon the death of a Member of CUPE and its Local # 4705, the Sectional Chair or designate from that section will be granted up to one (1) day off with pay from the Local Union, unless payment is provided for otherwise, to attend to the funeral services for the deceased Member.

INSURANCE

The Secretary Treasurer shall ensure that all Executive Board Members have accident insurance coverage in accordance with Plan # 5- Year Round Program, as provided by the Co-Operators for C.U.P.E. Chartered Organizations. Any other member attending to Union business shall be covered under the Individual Delegate Program as provided by The Co-Operators.

POLICY PAPER # 7: Inventory, Acquisitions and Disposition of Assets

During the month of May and prior to May 31st of each year, the Secretary-Treasurer and the Recording Secretary shall jointly conduct a detailed inventory of the Local's assets. A complete list of those assets will be presented at the next Executive Board Meeting and General Membership meetings and will be maintained by the Secretary-Treasurer.

As assets are acquired by the Local, the Secretary-Treasurer must be informed so the Inventory List remains current.

Whenever the Local Union purchases an asset over \$500.00, the purchaser will ensure that at least three (3) quotes are solicited. The lowest quote will not necessarily be accepted rather the purchaser will ensure that the quote accepted will provide the most economical advantage having regard to warranty and after purchase service.

The Executive Board shall decide which assets are no longer needed and shall dispose of same by way of notice to the General Membership, calling for sealed bids. Such notice shall indicate the asset and condition, purchase price if available and shall indicate the date by which sealed bids will be accepted. Duplicates will be decided by random draw. Any proceeds from such sales shall be deposited into the Local's general account.

Should no member wish to purchase the item, it shall be disposed of in the most cost-effective method as determined by the Executive Board.

The Secretary-Treasurer shall provide a current inventory list, including any assets disposed of within the previous twelve months, to the trustees prior to each trustees' audit.

POLICY PAPER # 8: Right to Education Statement

Local 4705, fully supporting and encouraging its members to apply to access any and all educational opportunities offered by CUPE National, CUPE Ontario or the Sudbury and District CUPE Council recognizing that these investments in both dollars, time and resources must carefully monitor by the Local.

Any member who participates in education are strongly encouraged to take the knowledge learnt and give back of their time, efforts and resources to the Union. Members must also acknowledge that they are participating at the expense of their fellow members whose investment in the Local via their monthly dues, allows them these opportunities.

It is the policy of Union that any member seeking training should be giving back to the Local Union to assist members as best they can.

It is the intent of this policy statement to set out reasonable terms and expectations to motivate engagement and participation in our Local's Union Life.

All requests for education will be approved by the membership and monitored by the Union's Executive.

Eligibility

Any Member of the Union may request to attend approved training opportunities as presented by duly elected Education Committee and approved by the membership.

Approvals for all Training requests will be prioritized based on the following criteria:

- a) Any member who actively participates by holding an elected position
- b) Any member at large who will formally commit to active participation in Union Life and contribute their time to the activities of the Local.
- c) Any member at large who wishes to indoctrinate themselves into what active participation entails without first making a commitment to active participation
- d) Any member wishing to take a repeat course or refresher will be authorized at the discretion of the Executive Board.

All approvals for access to training will be subject to the budgetary constraints of the Local.

Training Budget

The Executive of the Local sets an operating budget for the coming fiscal year that is approved by the membership. At that point, a reasonable amount of funds are set aside to address the educational needs and requirements of the Local.

The Executive of the Local commits to notifying the membership at a General Membership Meeting by way of the Local's Treasurer when the budget for Education researches a level of 75% (Seventy-five-percent) allocated or spent. At that time, at the discretion of the Executive, dependent on need, a motion may be presented to the Membership to increase or re-allocate budgeted funds to address the educational needs of the Local.

Limitations to Funding for Education

The Local reserves the right not to fund the educational pursuits of any member with Local funds under the following circumstances.

- a) Failure to attend a course paid for by the Union without just cause or explanation.
- b) Failure to attend a course paid for by the Union for the full allotted time without just cause or explanation.
- c) If a member is found to have applied for any course for the purpose of avoiding a work day.
- d) If a member falsifies attendance at any education, training or conference.
- e) If a member attends a course without a proper leave with their employer in place.
- f) If a member is considered not to be in good standing with the Union for any reason.
- g) If any member fails to repay charges not approved by the Local.

Reports and Testimonials

At the discretion of the Executive, any participant attending education may be, with prior notice, be required to submit a report, testimonial or presentation to the Executive or other active Committees or working groups within the local on the topic of the education they received.

POLICY PAPER # 9: Union Accounts

- a) The Local Union shall establish and maintain a chequing account which shall be used to pay all operating expenses.
- b) The Local Union shall maintain a savings account which shall include the following line accounts.
 - 1. **DEFENSE FUND:** This account will be funded through a deduction of one dollar (1.00) per month from the monthly dues remitted for each member. This fund will finance any media campaigns around bargaining and any crisis bargaining which may occur for any bargaining units within the Local. (The opening balance shall be approximately \$62,654.14 which includes monies from the previous defense fund and defense levy savings.)
 - 2. **STRIKE LEVY FUND:** In the event that a Bargaining Unit of this Local Union is on strike or locked out, the remaining members of this Local Union shall immediately have placed upon them a special assessment of \$2.50 per week for full-time employees and \$1.25 per week for part-time employees. The purpose of this assessment will be to assist striking or locked-out workers who are faced with no further mortgage/rent extensions or repossession of a vehicle as a result of an inability to make payments. At the conclusion of the strike or lock-out this special assessment will cease and any remaining funds will be returned to the Strike Levy Investment Fund. (The opening balance shall be approximately \$38,992.39 which is money from the previous strike levy investment fund)
 - 3. **SOLIDARITY LEVY FUND:** For those periods of time when CUPE National deems it will periodically cease to assess this levy from its members nationally, this Local Union shall continue to assess this levy from its members at the established rate and hold such monies in a Solidarity Levy Fund. This account will be used to pay additional strike pay as determined by the Executive Board of the Local Union upon the request of the Bargaining Unit Strike Committee. The Executive Board shall be the trustees of these accounts and shall be solely responsible for any disbursements. These accounts shall be considered separate and apart from the General Funds and subject to audit in accordance with the provisions of the Local Union's by-laws. (The opening balance shall be approximately \$66,908.48 which is money from the previous solidarity levy fund, previous technology fund and previous good and welfare fund)