

# BYLAWS

## CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 748



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- (4) Sub-Unit Strike Committee**
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## **INTRODUCTION**

Local 748 of the Canadian Union of Public Employees has been formed

to: • Improve the social and economic well-being of all of its members;

- Manifest its belief in the value of the unity of organized labour;
- Give every member equal benefit, protection and treatment;
- Promote equality for all members and to oppose all types of harassment and discrimination;

- Promote the efficiency of public services; and
- Express its belief in the unity of organized labour.

The following Bylaws are adopted by Local 748 in accordance with the CUPE National Constitution (Articles 13.3 and B 5.1), to protect the rights of all members, to provide for responsible governance of the Local, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

CUPE chartered organizations shall respect and apply the CUPE National Equality Statement to all of the chartered organizations' activities. The CUPE National Equality Statement can be found in Appendix "A" to these bylaws.

The above does not preclude any by-law, program or activity that has as its object the amelioration of conditions of disadvantaged members or groups of members including those that are disadvantaged members because of age, colour, family status, gender, marital status, mental or physical disability, national or ethnic origin, political affiliation, religion, sexual orientation or social and economic status.

## **SECTION 1 – NAME**

The name of this Local Union shall be Canadian Union of Public Employees, Local 748. (Kootenay Lake School District Employees and Affiliates)

Local 748 consists of the following units:

**Kootenay Lake School District Employees (School District No. 8)**

**Creston District Community Centre (Regional District of Central Kootenay)**

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## **SECTION 2 – OBJECTIVES**

The objectives of Local 748 are to:

- (a) Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members and of all workers;
- (b) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (c) Encourage the settlement by negotiation and mediation of all the disputes between the members and their employers;

- (d) Eliminate harassment and discrimination of any sort or on any basis; for the equality of treatment regardless of class, race, colour, nationality, age, sex/gender, language, sexual orientation, place of origin, ancestry, religious beliefs, or mental and physical disability; and the active opposition of discrimination of same wherever it occurs or appears;
- (e) Establish strong working relationships with the public we serve and the communities in which we work and live; and
- (f) Support CUPE in reaching all of the objectives set out in Article II of the CUPE National Constitution.
- (g) Place the various occupations of the membership upon a high plan of efficiency and skill.
- (h) Any issues relating to the Collective Agreement with the Employer shall be represented by no fewer than two (2) members of the Local (with at least one (1) being an Executive Board member.)
- (i) It is the responsibility of each executive member to ensure they have knowledge of the current Collective Agreement, applicable provincial and or federal legislation, the CUPE National Constitution and of these bylaws. And where the duties of the office dictate: the bylaws of the Kootenay District Council and the West Kootenay District Labour Council.
- (j) It is the responsibility of each member to ensure they have knowledge of the Collective Agreement, the CUPE National Constitution and these bylaws.

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### **SECTION 3 – REFERENCES and DEFINITIONS**

- (a) Masculine pronouns shall be understood to include the feminine gender.
- (b) Numbers of articles at the end of sections or sub-sections in this document refer to relevant articles of the CUPE National Constitution which should be read together with these bylaws.
- (c) “Regions” means the Nelson West zone (including Slocan, Kaslo, Salmo, Nelson) and /or Creston East zone (including Crawford Bay, Creston, Yahk)
- (d) Executive Board – shall refer to the President; Vice-Presidents (2); Treasurer, Correspondence Secretary, Chief Shop Steward and Area Representatives (6).

### **SECTION 4 – AFFILIATIONS**

In order to strengthen the labour movement and work toward common goals and objectives, Local 748 shall be affiliated to and pay per capita tax to the following organization(s):

- The CUPE BC Provincial Division
- The Kootenay District (CUPE) Council
- The BC Federation of Labour
- The West Kootenay Labour Council

## **SECTION 5 – REGULAR AND SPECIAL MEMBERSHIP MEETINGS**

- (a) **Regular membership meetings** of Local 748 shall be held in September, November, January, March and May at a date, a time and site to be determined and will give members ten days' notice of all such meetings.

When a statutory holiday or a situation beyond the control of the Local Union arises which causes the cancellation of a regular membership meeting, the Executive Board shall reschedule the regular membership meeting, and will give members fourteen days' notice of the date of the rescheduled regular membership meeting. The Executive is authorized to do the business of the Local between General Membership meetings.

- (b) **Special membership meetings** of Local 748 may be required, and shall be called by the Executive Board or may be requested in writing by no fewer than twenty (20) members. The President shall immediately advise members when a special meeting is called, and ensure 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. In a strike or lock-out situation eight (8) hours notice is all that is required to be given to all members to attend.

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- (c) **Annual General Meetings** shall be held in the month of May with the site to be determined. This meeting shall be held in conjunction with a joint social event for the Local. The business of this meeting will be kept to a minimum.

Following the AGM – A Special Executive Board Meeting shall be held for the purpose of orientation of new officers, appointment of committee members and a review of the Local's bylaws and structure.

- (d) The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be 10 members, including 3 members of the Executive Board.

Should a quorum not be met at any General Membership Meeting, the Executive shall be empowered to deal with the required business of the Local until the following General Membership Meeting. Any decisions or business resulting will be reported back and ratified by the membership at the next General Membership Meeting.

- (e) The order of business at regular membership meetings is as

- follows: 1. Introduction/Greetings
2. Roll call of officers
  3. Reading of the Equality Statement
  4. Voting on new members and initiation
  5. Approval of minutes of previous meeting
  6. Matters arising from the previous minutes
  7. Treasurer's report
  8. Correspondence
  9. Unfinished business
  10. New business
  11. Executive Board written reports and inquiries
  12. Committees and Delegates written reports and inquiries
  13. Nominations, Elections, and Oath of Office
  14. Good of the Union
  15. Adjournment
- (f) Local 748 is committed to ensuring that all of its meetings and activities are safe environments where members are encouraged to speak. Existing members are encouraged to welcome, mentor and support new members and equity-seeking members.
- (g) Membership meetings may be held via video conferencing, as required, or split meetings. When split meetings are held involving secret ballot, there must be three (3) Executive Board members present attending both meetings.

## **SECTION 6 -UNIT, REGION or SITE Sub-Unit MEETINGS**

- (a) Regular Sub-Unit meetings of Local 748 shall be held at a date, time, and site to be determined.
- (b) Special Sub-Unit meetings of Local 748 may be required, and shall be called by the unit Executive or may be requested in writing by no fewer than four (4) members. The Unit President shall immediately advise members when a special meeting is called, and ensure that all members receive at least twenty-four (24) hours' notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.
- (c) The minimum number of members required to be in attendance for the transaction of business at any regular or special unit meeting shall be six (6) members, including two (2) members of the Executive.

- (d) Decisions made at regular or special Sub-Unit meetings shall only affect members of the unit.

## **SECTION 7 – OFFICERS**

- (a) The officers of the Local shall be:

President

Regional Vice Presidents (2) One from Nelson Region

One from Creston Region

Treasurer

Recording Secretary

Area Representative (6) Slocan, Salmo, Nelson, Kaslo, Crawford Bay and Creston

Sergeant of Arms (2) one from each Region

Chief Steward

Stewards (10) five from each Region, one of whom will be selected as Chief Steward. Plus one Sub-Unit Steward 4 Trustees: two from each Region

- (b) All officers shall be elected by the membership.

- (c) Term

All Table officers will hold office for a two (2) year term to maintain continuity.

All other officers will hold office for a one (1) year term. Provided, however, that no term of office shall be longer than three (3) years.

- (d) Officers will be required to attend general and special membership meetings. If he/she is unable to do so, the Secretary should be notified in advance of the meeting.

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- (e) Trustees

There shall be four (4) trustees. Trustees will be elected to serve terms of one, two and three years. In following years one Trustee will be elected for a three year term to preserve overlapping of terms. A Trustee may not hold an Executive position

- (f) At the termination of office, all officers or committee members will promptly surrender all books, records, monies, or other property of the Local in good order.

## **SECTION 8 – EXECUTIVE BOARD**

- (a) The Executive Board shall be comprised of: President, Vice Presidents (2), Treasurer, Recording Secretary, Chief Steward and six (6) Area Representatives



The Table Officers shall be comprised of: President, Vice-Presidents (2), Treasurer and Recording Secretary.

- (b) The Executive Board shall meet at least ten (10) times per year.
- (c) A majority of the Executive Board constitutes a quorum.
- (d) The Executive Board shall hold title to any real estate of the Local as trustees for the Local Union. They shall have no right to sell, convey, or encumber any real estate or assets without first giving notice and then submitting the proposition proposal to a membership meeting and having it approved.
- (e) The Executive Board shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees.
- (f) All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution.
- (g) Should any Executive Board member fail to answer the roll call for three consecutive regular meetings, or three consecutive regular Executive Board meetings without having submitted good reasons to the secretary, their office shall be declared vacant and shall be filled by an election at the following membership meeting.
- (h) Following the AGM – a special Executive Board meeting will be held for the purpose of orientation of new officers; appointments of committee members and a review of local's by-laws and structure.

#### **SECTION 9 – DUTIES OF OFFICERS AND SAFETY REPRESENTATIVES**

Each Officer of Local 748 is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise. All signing Officers of Local 748 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.

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(a) The President shall:

- ☐ Enforce the CUPE National Constitution, Local Union bylaws and the Equality Statement.
- ☐ Preside at all membership and Executive Board and membership meetings and preserve order.
- ☐ Decide all points of order and procedure (subject always to appeal to the membership).
- ☐ Have a vote on all matters (except appeals against President's rulings) and in case

of a tie vote in any matter, including elections, have the right to cast an additional vote to break the tie.

- ☐ Ensure that all Officers perform their assigned duties.
- ☐ Attend School District Board meetings (or name designate)
- ☐ Attend DPAC meetings (or name designate)
- ☐ Fill committee vacancies where elections are not provided for.
- ☐ Introduce new members and conduct them through the initiation ceremony.
- ☐ Be one (1) of five (5) signing authorities and ensure that the Local Union's funds are used only as authorized or directed by the CUPE National Constitution, Local Union bylaws, or vote of the membership.
- ☐ Be bonded through the master bond held by the CUPE National Office. Any President who cannot qualify for the bond shall be disqualified from office.
- ☐ Be allowed necessary and reasonable funds, to reimburse the President or any Officers for expenses incurred on behalf of the Local Union. Expense claims must be listed on a proper form outlining the expense, the reason for the expense and with supporting receipt(s) attached.
- ☐ Have first preference as a delegate to the CUPE National Convention
- ☐ Have first preference as a delegate to the CUPE BC Convention.
- ☐ Have first preference as one of the Local's Kootenay District Council representatives and/or ensure that the local is fully represented at such meetings.
- ☐ Instruct delegates to prepare written reports to be presented to the membership and executive, on seminars, conferences and conventions, etc. attended, and ensure a reference file is maintained by the Recording Secretary.

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- ☐ Be ex-officio member of all committees
- ☐ On termination of office, surrender all books, seals and other properties of the Local Union to their successor.
- ☐ Rescind signing authority on termination of office.

(b) The Vice-Presidents shall:

- ☐ If the President is absent the Vice-President from the opposite region will perform the duties of the President.

- If the office of the President falls vacant the Vice-President from the opposite region will perform the duties of the President until a new President is elected.
- At the direction of the Executive Boards, one Vice-President shall be one of the delegates to the Kootenay District Council and ensure that the Local is fully represented at such meetings.
- And the other Vice-President shall be one of the delegates to the West Kootenay Labour Council and ensure that the Local is fully represented at such meetings.
- Render assistance to any member of the Executive as directed by the Executive Board.
- Co-operate with the Education and Communications Departments of CUPE and with the Regional Education Representatives in implementing both the Local's and CUPE policies in these fields
- Arrange for representation of the Local at any appropriate and available educational seminar or conference and submit recommendations accordingly to the Executive Board.
- Be one (1) of Five (5) signing authorities; be bonded through the master bond held by the CUPE National Office. Vice-President who can not be qualified for the bond shall be disqualified from office
- Be a member of the Grievance committee
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor.
- Rescind signing authority at the end of their term.

(c) The Recording Secretary shall:

- Keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings.

- These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (Membership meetings) presented by the Secretary-Treasurer. The record will also include Trustee reports.
- Forward such reports to the Executive Board within five (5) days after the meeting
- Ensure that the procedure for additions to or alterations of the by-laws and policies are properly processed i.e. Executive has reviewed and consulted with National Representative, issue notice of motion to membership

- Record the vote and the changes, with the assistance of the National Representative have been forwarded to the National Office for approval: and once the approval has been received, that all Executive and members receive a copy of either the amended pages or a complete revision of the by-laws.
- Answer correspondence and fulfil other administrative duties as directed by the Executive Board.
- Keep a record of all correspondence received and sent out.
- Be responsible for Bursary circulation and collections.
- Prepare and/or ensure that membership meeting notices are distributed ten (10) days in advance of the meeting.
- Where there is a need for nominations or elections of officers or appointments to committees, the notice is included in the appropriate membership meeting notice.
- Ensure a file of general membership and special meetings attendance reports are kept.
- Be one of five (5) signing authorities; be bonded through the master bond held by the CUPE National Office. Any Recording Secretary who cannot qualify shall be disqualified from office.
- Have all records ready on reasonable notice for the Trustees or auditors.
- Upon completion of the annual audit, receive from the Trustees the completed audit report- with all attachments and promptly provide a copy of the documents to the President, Vice President and Treasurer. Then forward to the National Secretary Treasurer and the assigned National Representative a copy of the completed audit report with all attachments including recommendation, etc and any responses from the membership and/or Executive
- Preside over membership and Executive Board meetings in the absence of both the President and Vice-President.

- Be empowered, with the approval of the Executive Board and/or membership, to employ administrative assistance to be paid for out of the Local Union's funds.
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor.
- As new employees are hired, he/she, in conjunction with the treasurer, shall provide

immediately notice to the applicable stewards.

- Rescind signing authority at the end of their term.

(d) The Treasurer shall:

- 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.
- Sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership. In consultation with the executive board, designate a signing officer during prolonged absences.
- Ensure that the Local funds are used only as authorized or directed by the National Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- Ensure that per capita tax is paid by direct remittance, or where per capita is not paid by direct remittance, prepare all CUPE National per capita tax forms and remit payment, including \$1.00 of each initiation fee on all members admitted, no later than the last day of the following month.
- Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union.
- Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practice.
- Make a full financial report to meetings of the Local Executive Board.
- Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period; and forward a copy to the Corresponding Secretary.
- Be bonded through the master bond held by CUPE National. Any Treasurer who cannot qualify for the bond shall be disqualified from office.

- Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the President and one other member of the Executive Board. No request shall be required for payment of per capita fees to any organization to which the Local is affiliated.
- As per policy; to monitor expenditures of all committees.

- ☐ Be responsible for payment of bills with Executive Board approval for the months of July and August.
- ☐ Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
- ☐ Provide the Trustees with any information they require to complete the audit, including report forms provided by CUPE National.
- ☐ Where required, not later than February 28<sup>th</sup> each year, furnish each member, on the forms supplied by CUPE National, with a statement showing the net amount of tax-deductible dues paid by him during the preceding calendar year.
- ☐ Be empowered, with the approval of the Executive Board and/or the membership, to employ necessary clerical assistance to be paid for out of the Local funds.
- ☐ Notify all members who are one month in arrears and report to the Executive Board all members two or more months in arrears in the payment of union dues.
- ☐ Be the comptroller of the local's cheques book and have signing authority together with the President, Vice-President and Recording Secretary.
- ☐ On termination of office, surrender all books, records and other properties of the Local Union to their successor.
- ☐ Rescind signing authority at the end of their term.

e) The Corresponding Secretary(s) shall: If the Executive establishes a position;

- ☐ Shall not be a table officer or a member of the executive board.
- ☐ Under the direction of the Recording Secretary keep full and accurate account of the proceedings of all general and special membership meeting.
- ☐ If requested by the Executive Board, shall be responsible to keep full and accurate account of the proceedings of the Executive Board meetings.
- ☐ Forward a copy of all minutes to the Recording Secretary of the Local within twenty-four (24) hours of the meeting.

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(f) The Area Representatives shall:

- ☐ Act as a representatives from each area: Slocan, Salmo, Nelson, Kaslo Crawford

Bay, Creston.

- ☐ Attend all Executive meetings.
- ☐ Attend the general membership and special meetings.
- ☐ Attend School District Board meetings when in the area.
- ☐ Attend the DPAC meetings (Nelson and Creston Area Reps). ☐

Communicate with the PAC groups in their area.

- ☐ Be a member of the By-law and Policy Committee.
- ☐ Keep communication channels open between the Executive Board and the membership in the area he/she represents.
- ☐ In a strike or lock-out situation ensure that communication and co-ordination are adequate.
- ☐ In order to present a written report to the monthly Executive Board, the area representative should contact each work-site in his/her area.
- ☐ Assist other members of the executive as required.
- ☐ Encourage the participation of all members in union activities.
- ☐ Maintain contact with the members to provide on-going union awareness and education.
- ☐ Sit on committees as directed by the Executive Board.
- ☐ Collect newspaper clippings from their area concerning any coverage of CUPE or School District news and forward to the Recording Secretary (correspondence).

(g) The Trustees shall:

- ☐ Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the committees at least once every calendar year.
- ☐ Make a written report of their findings to the first Executive Board meeting and to the next membership meeting following the completion of each audit; on the prescribed form provided by the national Secretary-Treasurer.  
Submit in writing to the President, Vice-Presidents, Recording Secretary, Standing

Committees 16

- ☐ Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the

committees at least once every calendar year.

- Make a written report of their findings to the first Executive Board meeting and to the next membership meeting following the completion of each audit; on the prescribed form provided by the national Secretary-Treasurer.
- Submit in writing to the President, Vice-Presidents, Recording Secretary, Standing Committees and Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local funds, records, and accounts are being maintained by the Treasurer in an organized, correct, and proper manner.
- Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.
- Ensure that proper financial reports are made to the membership; and are forwarded to the Recording Secretary and Treasurer of the Local.
- Audit the record of attendance.
- Inspect at least once a year, any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local, and report their findings to the membership.
- Send to the National Secretary-Treasurer, with a copy to the assigned National Representative, the following documents:
  - i. Completed Trustee Audit Program
  - ii. Completed Trustees' Report
  - iii. Secretary-Treasurer Report to the Trustees
  - iv. Recommendations made to the President and Treasurer of the Local
  - v. Treasurer's response to recommendations
  - vi. Concerns that have not been addressed by the Local Union Executive Board.

(h) Chief Steward shall:

- Be elected by the membership.
- Ensure that the stewards carry out the duties and obligations of their position.
- Ensure that all stewards are adequately educated and trained to provide the necessary support to the membership.
- Report any grievances to the Grievance Committee and co-ordinate in the grievance process.



- Provide a written report at each Executive Board meeting.
- Ensure that all grievances be filed on the appropriate grievance forms and that the applicable follow up letters are filed.
- Ensure that the stewards keep full and accurate records of each grievance assigned to them.
- Upon the resolve of the grievance, ensure that all records be forwarded to the Secretary of the Executive Board for filing.
- Ensure that the duties as listed under Steward are completed.
- Be a member of the Grievance committee.
- Attend general membership and special meetings.
- In the event the Chief Steward is incapacitated or absent, the Executive Board shall designate a replacement from among the elected stewards.
- In the event the position falls vacant, the Executive Board shall designate a replacement from among the elected stewards until elections are held at the next general membership meeting.

(i) Stewards shall:

- Six stewards: Nelson, Slocan, Kaslo, Salmo, C. Bay and Creston (whenever possible).
- Two EA stewards; Nelson and Creston area.
- Define, detect, prepare and present grievances.
- Know and police the collective agreement and provincial or federal legislation affecting labour and a particular job.
- Assist in providing communications and information to the members.
- Greet new employees and encourage the participation of all members in union activity.
- Provide orientation as per the collective agreement for all new employees.
- Maintain contact with the members to provide ongoing union awareness and education.
- Be a member of the grievance committee and attend when required.

- May be required to attend DPAC meetings.
- Keep communication channels open between the Executive Board and the membership in their areas.
- In a strike or lock out situation, ensure that communication and coordination are adequate.
- Provide written report prior to the monthly Executive meetings.

(j) Sergeant at Arms shall:

- Guard the inner door at membership meetings and admit no one but members in good standing or officers and officials of CUPE, except on the order of the President and by consent of the members present.
- Under the direction of the Recording Secretary, maintain the record of membership attendance at meetings, and ensure the Recording Secretary receives the record at the conclusion of the meeting.
- In general and special membership meetings, assist in the distribution, collection, counting and sealing of ballots as required.
- Perform such other duties as may be assigned by the Executive Board from time to time.
- At the option of the Executive, be responsible for the booking, set-up and clean-up of meeting rooms;

(k) Safety Representatives shall:

- Be a member of the joint Management/Union Safety Committee
- Report to the Executive Board on safety issues.
- This position is not as a member of Executive, however the Safety Rep position may be held by a member of the Executive.

## **SECTION 10 – NON- RECEIPTED OUT-OF-POCKET EXPENSES**

Local Union Officers and Committee members shall be provided an out-of-pocket expense allowance as follows:

- (a) The Executive Board members shall be reimbursed for non-receipted out-of-pocket expenses to a limit as set by the membership in the Local's Expense policy.
- (b) All Executive Officers be paid mileage for travel to Executive Board, General and Special Membership Meetings in the opposite area from his/her home. Wherever possible officers will be encouraged to car pool.

## **SECTION 11 – FEES, DUES, AND ASSESSMENTS**

### **(a) Initiation Fee**

Payment of initiation fees is a tangible confirmation of the desire to become a member of your Local and the Canadian Union of Public Employees. Each application for membership in the Local shall be directed to the Treasurer and shall be accompanied by an initiation fee of five (\$5.00) dollars which shall be in addition to monthly dues. The Treasurer shall issue a receipt. If the application is rejected, the fee shall be returned.

### **(b) Readmittance Fee**

The readmittance fee shall be one (\$1.00) dollar.

### **(c) Monthly Dues**

The monthly dues shall be National Per Capita at point eight five percent (.85%) plus two point five five percent (2.55%) of gross wages. Dues shall be automatically deducted from bi-weekly pay slip, as provided for in the Collective Agreement.

(d) Changes in the levels of the Initiation Fee, the Re-admittance Fee, or the Monthly Due can be effected only by following the procedure for amendment of these by-laws (see Section 19 amendment), with the additional provision that the vote must be by secret ballot.

(e) Notwithstanding the above provisions, if the CUPE Convention 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 CUPE minima.

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

## **SECTION 12 – NON PAYMENT OF DUES AND ASSESSMENTS**

(a) Any member in arrears for a period of three (3) months or more shall be automatically suspended and the suspension shall be reported to the Executive Board by the Treasurer. The Executive Board shall report all suspensions to the next membership meeting.

(b) Any member under suspension wishing to be reinstated shall, upon application, pay the readmittance fee plus any dues and assessments in arrears. This money will be returned if the application is rejected.

(c) A member who has been unemployed or unable to work because of sickness, shall pay the readmittance fee but may not be required to pay arrears.

## **SECTION 13 – VOTING OF FUNDS**

(a) Local 748 will pay out funds under the following circumstances:

(1) When the expenditure has received prior authorization through a membership approved budget.

(2) When these bylaws approve the expenditure; or

(3) Through a vote of the majority of members at a membership meeting.

Authorization to pay per capita tax to CUPE National, CUPE BC Division, or any labour organization the Local Union is affiliated with, is not required.

(b) In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than \$500, a notice of motion must be made at a regular membership meeting and then approved at the following regular membership meeting before the grant or contribution can be paid out.

(c) No member of Local 748 will be allowed to spend any Local funds without first having received authorization under Section 13(a) of these bylaws. All votes may be done by secret ballot if requested.

## **SECTION 14 – NOMINATION, ELECTION, AND INSTALLATION OF OFFICERS**

(a) Nominations

□ To be eligible for nomination an individual must be a member in good standing.

□ No nominations shall be accepted unless the member is in attendance at the nomination meeting or has allowed their name to be filed in writing at the meeting, witnessed by another member, specifying the position of interest in order of preference.

□ No member shall be eligible for nomination if they are in arrears of dues and/or assessments.

□ A member may be nominated for more than one office but shall not hold more than one office, except in the event of vacancy occurring for a position wherein an Executive member may be responsible for the second office until the position be filled through elections.

□ In the event that a member is nominated for more than one office, and accepts such nomination, then the member's name shall appear on the ballot in the list of nominees for each office so nominated.

□ In order of officers on the ballot shall be in accordance with the listing of officers appearing in Section 7 – Officers and where a member has been elected in one

office, notwithstanding the fact that the member may have accepted nomination for

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- other subsequent offices, he/she shall, when elected, become ineligible for election to any subsequent office during his/her term of office.
- Nominations for all positions will be held at the General Membership Meeting prior to the AGM and may be taken from the floor at the AGM. Elections for these positions shall be held at the Annual General Membership Meeting in the month of May.
- All committee positions, if not addressed elsewhere in these bylaws will be as per the provisions of Section 16 of these bylaws.

#### (b)Elections

- The President, Vice-President – Creston Region and Recording Secretary shall be elected in odd years. The Vice-President- Nelson Region and Treasurer shall be elected in even years.
  - At a membership meeting, at least one month prior to Election Day, the President shall, subject to the approval of the members present, appoint an Elections 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. The Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.
- The Committee shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
- The Returning Officer shall be responsible for issuing, collecting, and counting ballots. The Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.
- The voting shall take place at the Annual General Membership membership meeting in May.
- The vote shall be by secret ballot.
- Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
- The vote shall be by secret ballot.
  - A majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots will be taken, if necessary, to obtain a

majority. On the second and subsequent ballots the candidate receiving the

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lowest number of votes in the previous ballot shall be dropped. In case of a final tie vote, the President may cast the deciding vote.

- When two (2) or more nominees are to be elected to any office by ballot, each member voting shall be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
- When there is only one candidate for office the Returning Officer shall declare that member elected by acclamation.
- Where there is more than one candidate for office the names of all candidates shall be listed on the ballot in the order in which such candidates were nominated.
- 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 5 – Regular and Special Membership meetings.

(c) Sub-Unit Elections

Nominations and elections Sub-Unit positions shall take place prior to the elections outlined in Section 14(b). Sub-Unit nominations and elections shall be conducted for the following positions:

Sub-Unit Steward

The voting shall take place at the regular Sub-Unit membership meeting in April by secret ballot.

(d) Installation

- All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for the requested term or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three (3) years.
- There shall be four (4) trustees. There shall be a yearly election for two (2) trustees one (1) from each Region. Trustees will be elected to serve one, two and three years. In following years one Trustee will be elected for a three year term to preserve overlapping of terms. A Trustee may not hold an Executive position. No member who has been a signing officer for the Local is eligible to run for Trustee, until at least one full term of office has elapsed.

There shall be four (4) trustees.

□ The Oath of Office to be read by the newly-elected Officers is:

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*"I, \_\_\_\_\_, do most sincerely promise that I will truly and faithfully, to the best of my ability, perform the duties of my office for the ensuing term, as prescribed in the Constitution and laws of the Canadian Union of Public Employees, and as an Officer of this Local Union will at all times endeavour, both by counsel and example, to promote the harmony and preserve the dignity of its sessions.*

*I further promise that at the close of my official term, I will promptly deliver all monies, books, papers, or other property of this Local Union in my possession to my elected successor."*

(e) By-Election

□ Should an office fall vacant pursuant to Section 8 (g) of these bylaws or for any other reason, the resulting by-election shall be held as soon as possible in conformity with this Section.

**SECTION 15 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS**

- (a) Except for the President's option Section 9 (a) Duties of Officers), all delegates to conventions, conferences, and educationals shall be chosen by election at membership meetings.
- (b) Delegates to the Kootenay District CUPE Council shall be the President, and one of the two vice-presidents. Any other delegates shall be appointed at the discretion of the Executive. A member responsible for reporting back to the Local membership shall be appointed by the President from among these delegates, and the member appointed shall make a written report at each Local Union membership meeting on proceedings at recent meetings of the Council.
- (c) Delegates to the West Kootenay Labour Council shall be the President, and the West Vice President. Any other delegates shall be appointed at the discretion of the Executive. A member responsible for reporting back to the Local membership shall be appointed by the President from among these delegates, and the member appointed shall report at each Local membership on proceedings at recent meetings of the Council.
- (d) All delegates attending conventions, conferences, or educationals held outside their town of employment (on non working days, town of residence) shall be paid transportation expenses (at economy, tourist or coach rates) as determined by the Treasurer, and a per diem/meal allowance as per attached policy for meals and expenses. The Local shall reimburse the member's employer for any loss of wages.

- (e) Accommodations at out-of-town functions shall be for single rooms unless the attendees are willing to share.
- (f) Delegates to conventions, conferences, and educationals held locally shall have no travel allowance other than that normally paid to travel from Creston region to Nelson region or vice versa. There shall be a per diem/meal allowance as per the attached policy.
- (g) Local 748 shall provide members with their per diem allowance prior to their attending the convention, conference, or educational as per (d)
- (h) Local 748 encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and educationals.
- (i) Representation at educational institutes and seminars shall be on the recommendation of the Education Committee as per the attached education policy, subject to final approval by the membership.

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## **SECTION 16 – COMMITTEES**

### **Special Committees**

A special committee may be established for a specified purpose and a specified period of time by the membership at a meeting. The members shall be elected at a membership meeting, or may, by specific authorization of the membership, be appointed by the President and/or the Executive Board. Two members of the Board may sit on any special committee as ex-officio members.

#### **1. Negotiating Committees** - to be in effect if Local is bargaining as individual Local:

*“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”.*

- ☐ This shall be a special ad hoc committee established at least six (6) months prior to the expiry of the Local 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 up to seven (7) members, five (5) representing their classifications and the President and Vice-President (from the opposite region from the President) shall automatically be part of this committee.
- ☐ The five (5) members representing their classifications shall be elected at a



membership meeting, and automatically disbanded when a new collective agreement has been signed.

## 2. Local Strike Committees

- This shall be a special ad hoc committee, of not less than three(3) members established at least six (6) months prior to the expiry of the Local collective agreement and automatically disbanded when a new collective agreement has been signed.

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## 3. Sub-Unit Bargaining Committee

*“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”.*

- This shall be a special ad hoc committee established, of not less than three (3) members at least six (6) months prior to the expiry of the Local 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 two (2) members, representing their classifications and/or the Regional Vice-President East.
- The two (2) members representing their classifications shall be elected at a membership meeting, and automatically disbanded when a new collective agreement has been signed.

## 4. Sub-Unit Strike Committee

- This shall be a special ad hoc committee established at least six (6) months prior to the expiry of the Local Union's collective agreement and automatically disbanded when a new collective agreement has been signed.

## 5. Provincial Bargaining Committee – to be in effect if the Local Union is participating in Provincial bargaining

- Participation shall be as per the provision of the By-Laws and/or terms of reference of the Provincial Bargaining Committee.
- There will be a local bargaining committee, consisting of five (5) members. Three representing their classifications and the President and Regional Vice-President (from the opposite region from the President) shall automatically be part of this committee.

- The five (5) members representing their classifications shall be elected at a membership meeting, and automatically disbanded when a new collective agreement has been signed.

- The function of the committee is to prepare collective bargaining proposals, submit them to the Executive and to the provincial Sectoral bargaining committee.

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The CUPE National 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.

### Permanent Committees

The Chairperson of each permanent committee shall be appointed by the members of the committee. The Chairperson and the Executive Board may, with the concurrence of the membership, jointly appoint other members to serve on a committee. Committees shall provide written reports to each regular membership meeting.

There shall be permanent committees as follows:

1. Grievance Committee: This committee will:

- Be comprised of the President and Vice Presidents, the Chief Stewards and Area Shop Stewards.
- Oversee the handling of all local grievances.
- Receive copies of all grievances.
- Prepare a report on the status of all grievances to be submitted to the Executive Board, the CUPE Representative, and to the membership meeting.
- When a grievance is not settled at the initial steps provided for in the collective agreement, this committee will decide whether or not the grievance should proceed to arbitration.
- If the decision is to not proceed, the griever(s) may appeal the decision to the Executive Board.

2. Education Committee: This committee will:

- Gather information about appropriate courses, the availability of courses and make recommendations to the Local on whether or not members should be attending.
- Assist delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file of these

reports.

- Cooperate with the Executive Board in preparing press releases and other publicity material.
- Co-operate with the National Union Development Department and Communications Branch of CUPE, and with the regional education representative, in implementing both the Local and CUPE's policies in these fields.

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- The committee shall be the responsibility of the Vice President(s) and such members as express an interest. The committee shall appoint its secretary from among its members.

3. Goodwill Committee: This committee shall:

- Visit members who are ill.
- If a member is ill for more than a week, arrange some token of the Local Union's concern and desire to help, whether the member is at home or in hospital.
  - Extend the Local condolences in the event of the death of a member or one of their immediate family, and make other appropriate gestures in accordance with custom or the wishes of the family concerned.
- The committee members shall be any members that express an interest. The committee shall appoint its secretary from among its members to report monthly to the executive.

4. Social Committee This committee shall:

- Arrange and conduct all social, cultural and recreational activities of the Local either on the committees' own initiative or as a result of decisions taken at membership meetings.
- The committee shall submit reports and proposals to the executive Board or to the membership as required.
- A budget for the committee's shall be fixed annually by the membership but, other than that, all social, cultural and recreational events and activities shall be self-supporting.
- The committee members shall be the Treasurer and any such members that express an interest.

5. Bylaw and Policy Committee: This committee shall:

- Review the bylaws annually and make recommendations to the Executive Board proposed amendments.

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- Review any propose amendments received from the Executive Board or membership of the Local to ensure that the amendment shall conform to the remainder of the bylaws and the CUPE National Constitution.
- Ensure that the Local bylaws are written in clear language, ensuring that the clear language does not change the intent of meaning of the bylaw; policies will be provided to the Recording Secretary for submission to the Executive.
- The committee members shall be any member that expresses an interest.
- The committee shall appoint its secretary from among its members.

6. Health and Safety Committee: This committee shall:

- Work to educate members on the importance of workplace health and safety.
- Prepare and present reports to the regular membership meetings. □ Organize an April 28<sup>th</sup> Day of Mourning ceremony each year.
- Participate on the Joint Work-site Health and Safety Committees (JWH&SC) at their workplace.
- Ensure that the worker representatives on the JWH&SC meet separately from the employer to prepare for meetings with the employer.
- Promote safe work procedures and environments so as to prevent illness and injury as a result of workplace factors.
- Immediately bring to the attention of the employer any workplace hazard that has the potential to cause members' illness or injury.
- Work to eliminate all workplace hazards, be they physical, environmental, or

social.

- The committee members shall be the Safety representatives and any such members that express an interest.
- The committee shall appoint its secretary from among its members.

7. Budget Committee: The committee shall:

- Be established each fiscal year.
- Establish a budget for the fiscal period.

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- Be the responsibility of the Treasurer

8. Duty to Accommodate Committee: The committee shall:

- be a member of the Joint Management/Union Duty to Accommodate committee;
- determine the criteria for the committee and operate under such criteria;
- be the responsibility of the Vice-Presidents and those members who express an interest.

All committees, except where expressly provided otherwise, shall be filled by the executive Board through appointment following the Annual General Meeting or at the next executive board meeting following a vacancy.

Any member expressing an interest in serving on a committee should indicate to a member of the executive – preferably in writing, their interest in the committee – at or before the Annual General Meeting.

## **SECTION 17 – RULES OF ORDER**

All meetings of the Local Union will be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these bylaws as Appendix “B”. These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws.

In situations not covered by Appendix “B”, the CUPE National Constitution may provide guidance, but, if the situation is not dealt with there, Bourinot’s Rules of Order shall be consulted and applied.

## **SECTION 18 – COMPLAINTS AND TRIALS**

All charges against members or Officers must be made in writing and dealt with accordance with the Trial Procedure provisions of the CUPE National Constitution.

## **SECTION 19 – AMENDMENTS**

- (a) These bylaws are always subordinate to the CUPE National 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 National Constitution, the latter shall govern. The National President has the sole authority to interpret the CUPE National Constitution.
  - (b) These bylaws will not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following seven days’ notice at a previous meeting or at least sixty days’ written notice.
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- (c) No change in these bylaws will be valid and take effect until approved by the National President of CUPE. The validity will date from the letter of approval of the National President.

## **SECTION 20 – PRINTING AND DISTRIBUTION OF BYLAWS**

Members will receive a copy of Local 748 bylaws, either in paper format, email or via the Local Union web site at \_\_\_\_\_. Members requesting a copy of these bylaws will be provided a copy as requested. Members with special needs may request a copy of the bylaws in larger font.

**Appendix "A"**

**CUPE NATIONAL EQUALITY STATEMENT**

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behaviour that creates conflict prevents us from working together to strengthen our union.

As unionists, mutual respect, cooperation, and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile, or offensive environment.

Discriminatory speech or conduct which is racist, sexist, transphobic, or homophobic hurts and thereby divides us. So too, does discrimination on the basis of ability, age, class, religion and ethnic origin.

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue, or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a union.

Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society and in our union.

CUPE's policies and practices must reflect our commitment to equality. Members, staff, and elected officers must be mindful that all persons deserve dignity, equality, and respect.

## **RULES OF ORDER**

1. The President shall be the Chairperson at all membership meetings. In the absence of the President, Vice-President(s) will be the Chairperson at the membership meeting. In the absence of the President and Vice-President(s), the Secretary shall be the Chairperson at the membership meeting. In the absence of the President, Vice-President and Recording



Secretary, members at the membership meeting will select a Chairperson by majority vote. Quorum rules must be met.

2. Members shall allowed to speak about an issue for more than three (3) minutes.  
Members may only speak to an issue once unless there is agreement by the members at a meeting, or where all those wishing to speak have had the opportunity to do so.
3. The Chairperson of a committee who is making a report or the mover of a motion may speak for up to five (5) minutes. With the agreement of the members present, the five (5) minutes may be expanded.
4. The Chairperson shall state every motion presented at a membership meeting before allowing debate on the motion. Before putting a motion to a vote, the Chairperson shall ask: "Is the Local ready for the motion?" If no member rises to speak, the motion will be voted upon.
5. A motion must be moved and seconded. The mover and seconder must rise and be recognized by the Chairperson.
6. A motion to amend a motion, or a motion to amend an amendment are allowed, however a motion to amend an amendment to an amendment is not allowed. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
7. An amendment to a motion or an amendment to an amendment to a motion that is a direct negative to the main motion is never permitted.
8. On motion, the regular order of business at a membership meeting may be suspended where two-thirds (2/3) of those present vote to do so. The regular order of business should only be suspended to deal with urgent business.
9. Motions other than those named in Rule 29, or motions to accept or adopt the report of a committee, will, if requested by the Chairperson, be put in writing prior to beginning debate and vote.
10. At the request of a member, and upon a majority vote, a motion which contains more than one action or issue can be divided.

11. The mover of a motion can withdraw the motion upon the consent of the seconder prior to the end of debate. Once debate has ended on a motion, the motion can only be withdrawn upon unanimous vote of the members present.
12. A member who wishes to speak on a motion, or a member who wishes to move a motion, shall rise and respectfully address the Chairperson. The member shall not proceed until the member is recognized by the Chairperson except where the member rises to a point of order or on a question of privilege.

13. The Chairperson shall keep a speakers list and in all cases will determine the order of speakers including those circumstances where two or more members rise to speak at the same time.
14. A member, while speaking, will speak only to the issue under debate. Members shall not personally attack other members. Members will refrain from using language that is offensive or in poor taste. Members shall generally not speak in a manner that reflects poorly on the Local Union or other members.
15. A member that is called to order will stop speaking until the point of order is determined. If it is decided that the member is in order, then the member may continue speaking.
16. Religious discussion of any kind is not permitted.
17. The Chairperson will not take part in any debate. Where the Chairperson wishes to speak on a resolution or motion, or where the Chairperson wishes to move a motion, the Chairperson must rise from the chair and hand the chair over as outlined in Rule #1.
18. The Chairperson will have the same right to vote as other members. In the case of a tie vote, the Chairperson may cast another vote or the Chairperson may refrain from casting an additional vote, in which case the motion is defeated.
19. When a motion is before the members, no other motion is in order except (a) motion to adjourn; (b) put the previous question; (c) lay on the table; (d) postpone for a definite time; (e) refer; or (f) divide or amend. These six motions shall have precedence in the order indicated. The first three of these shall be decided without debate.
20. The Chairperson will ask "Is the membership ready to vote on the motion?" where a motion for the previous question is moved and seconded. If it is approved, the Chairperson shall then vote on the motion and amendments to the motion (if any) in order of priority. If an amendment or an amendment to an amendment is approved, then members will be asked to vote on the motion as amended.
21. A motion to adjourn is in order except when a member is speaking or when members are voting.
22. A motion to adjourn, is lost, or is not in order, the business before the Local Union shall continue for an additional fifteen (15) minutes.

23. After the Chairperson declares the vote results on a motion, and before the Local Union proceeds to another order of business, any member can ask for a division except on a secret ballot. A standing vote on the decision will be taken and the Secretary shall count the standing votes.
24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at

the time the decision is made. If the appeal is seconded, the member shall be asked to state briefly the basis for the appeal. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, "Will the decision of the chair be upheld?" A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.

25. After a question has been decided, any two members who have voted with the majority can move reconsideration, provided that a motion for reconsideration is made at either the meeting where the decision proposed for reconsideration was made, or at the very next meeting.
26. Members are allowed to leave a meeting with the permission of the Vice-President; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.
27. The Local Union's business and the proceedings of meetings are not to be divulged to any persons outside the Local Union or the Canadian Union of Public Employees.