

Bylaws of the Canadian Union of Public Employees

Local 410

Greater Victoria Public Library Staff Association

Update: September 24, 2014

Preamble

The following By-Laws are adopted by the CUPE Local 410 pursuant to, and to supplement, the CUPE constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through union education and the sharing of duties and responsibilities.

Section 1 Name

The name of this Local shall be: Canadian Union of Public Employees, Local 410 (Greater Victoria Public Library Staff Association).

Section 2 Objectives

The objectives of the Local are to:

- a) To represent its members in all matters pertaining to the workplace, and settle by negotiation and mediation all disputes between its members and the employer.
- b) Advance the economic, social, and general welfare of its members and workers in general;
- c) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- d) To protect and keep public the services offered by its members, and to establish strong working relationships with the public we serve and the communities where we work and live.

Section 3 Interpretation & Definitions

- a) Feminine pronouns shall be understood to include the masculine gender.
- b) In addition to these Bylaws the Local abides by relevant articles of the CUPE Constitution.

Section 4 Membership Meetings

- a) Regular membership meetings shall be held bi-monthly. The Executive Board shall give seven (7) days' notice of the date of regular meetings.
- b) Special membership meetings may be ordered by the Executive Board or requested in writing by no fewer than ten members. The President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least seven (7) days' 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) A quorum for the transaction of business at any regular or special meeting shall be twenty (20) members in good standing, including at least three (3) members of the Executive Board.
- d) The order of the business at the regular membership meetings is as follows:
 1. Roll call of officers
 2. Equality Statement and Emergency Preparedness
 3. New members and initiation
 4. Minutes of the previous meeting
 5. Matters arising
 6. Treasurer's report
 7. Communications and bills
 8. Executive Committee Report
 9. Reports of Committees and Delegates
 10. Nominations, Elections, or Installations
 11. Unfinished Business
 12. New Business
 13. Good of the Union
 14. Adjournment
- e) All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure. Other rules of order 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 CUPE Constitution may provide guidance, but if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied.

Section 5 Expenditures

Except for ordinary expenses and bills as approved at membership meetings, the Executive shall not spend any sum over two hundred (200) dollars without approval at a membership meeting.

Section 6 Officers

The officers of the Local shall be the President, Vice President, Treasurer, Recording Secretary, Membership Secretary, Correspondence Secretary, the Chair of the Occupational Health and Safety Committee, three (3) Trustees, and a number of Stewards as determined necessary by the membership. All officers shall be elected by the membership.

Section 7 Executive Board

- a) The Executive Board shall be comprised of the President, Vice President, Treasurer, Recording Secretary, Membership Secretary, and the Correspondence Secretary.
- b) The Executive Board shall meet at least once every other month.
- c) A majority of the Board constitutes a quorum.
- d) The Executive Officers shall hold title to any real estate of the local as trustees for the Local. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and having it approved.
- e) The 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 a member or officers must be made in writing and dealt with in accordance with the provisions of the CUPE constitution.
- g) If an officer fails to attend three (3) consecutive membership meetings or three (3) consecutive executive meetings without good and sufficient reason, her office will be declared vacant and filled at the next meeting.

Section 8 Duties of Officers

All officers must give all properties, assets, funds and all records of the local union to their successors at the end of their term of office.

- a) The President shall:
 - Enforce the CUPE Constitution and these by-laws;
 - Represent the Local to the Employer, the media, and to the community at large;
 - Preside at all meetings and preserve order;
 - Decide all points of order and procedure (subject always to appeal of the membership);
 - Ensure that all officers perform their assigned duties;
 - Fill committee vacancies where elections are not provided for;
 - Introduce new members and conduct them through the initiation ceremony;
 - Be a signing officer of the Local's accounts and ensure that the local's funds are used only as authorized or directed by the constitution, by-laws, or vote of the membership;
 - Have first preference as a delegate to the CUPE National Convention.

- b) The Vice President shall:
- If the President is absent or incapacitated, perform all the duties of the President;
 - If the office of the President falls vacant, be Acting President until a new President is elected;
 - Render assistance to any member of the Board as directed by the Board;
 - Be a signing officer of the Local's accounts and ensure that the local's funds are used only as authorized or directed by the constitution, by-laws, or vote of the membership;
 - Oversee the content of the Local's communications with its members, including websites, forums, newsletters and other social media.
- c) The Recording Secretary shall:
- Keep full, accurate and impartial account of the proceedings of all regular and special membership and Executive meetings. These records must also include a copy of the full financial report (Executive meetings) and the written financial report (membership meetings) presented by the Treasurer. The record will also include Trustees' reports;
 - Keep and file the attendance record from each membership meeting;
 - Record all alterations in the by-laws;
 - Preside over Membership and Executive meetings in the absence of both the President and Vice President;
- d) The Treasurer shall:
- Sign all cheques and ensure that the Local'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;
 - Receive all revenues, dues, and assessments, and deposit promptly all money with a bank or credit union;
 - Prepare all per capita tax forms for and remit payment, including initiation fees, to CUPE National and other affiliations 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;
 - Make a full financial report to meetings of the Executive Board;
 - Present a written financial report to the membership at each regular meeting, detailing all income and expenditures for the period;
 - Pay no money unless supported by a voucher duly signed by two authorized signing officers, except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated;
 - Make all books available for inspection by the auditors and/or Trustees on reasonable notice, and have the books audited annually;
 - 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;

- e) The Correspondence Secretary shall:
- Receive and send all correspondence;
 - File a copy of all letters sent and keep on file all communications as determined by the Executive Board;
 - Prepare and distribute circulars and notices to members as directed by the Executive;
 - Present a report of all correspondence to the membership at each regular meeting;
 - Have all records ready on a reasonable notice for auditors and Trustees;
- f) The Membership Secretary shall:
- Maintain the membership database;
 - Distribute union cards to new members;
 - Extend the Local's condolences in the event of the death of a member or one of her immediate family and make other appropriate gesture in accordance with custom or the wishes of the family concerned;
 - Deal with other issues under good of the union.
- g) The Trustees shall:
- Act as an auditing committee on behalf of the members and audit the books and accounts, and other properties of the Local annually or whenever directed by the membership;
 - Be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
 - Ensure that proper financial reports are made to the membership;
 - Make a written report of their findings to the first membership meeting following the completion of each audit;
 - Submit in writing to the President and Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local's funds, records, and accounts are being maintained by the Treasurer in an organized, correct and proper manner;
 - 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 annually to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
 - Completed Trustee audit program
 - Completed Trustees' report
 - Treasurer's report to the Trustees
 - Recommendations made to the President and Treasurer of the Local
 - The Treasurer's response to the recommendations
 - Concerns that have not been addressed by the Local Union Executive Board.
- h) The Stewards shall:
- Be selected by their coworkers within the branch, department or section, such selection to be ratified by the Local at its Annual General Meeting;
 - Elect from amongst themselves one Steward to act as the Chief Steward;

- Represent members to the Employer within the branch, department or section as directed by the Executive;
 - Distribute notices or information to the members as directed by the Executive.
- i) The Chair of the Occupational Health and Safety Committee shall:
- Represent the Local on the joint Union-Management OH&S committee;
 - Promote occupational health and safety in the workplace.

Section 9 Signing Authority

- a) All signing officers of Local 410 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.
- b) The signing officers on the Local's accounts shall be the President, the Vice-President, the Treasurer, and the Recording Secretary;
- c) Cheques on the Local's accounts must be signed by the Treasurer and the President or another signing officer. Only in specific circumstances such as absence due to illness or vacation will the Treasurer not be obligated to sign.

Section 10 Honoraria and Out-of-Pocket Expenses

The following expense allowances shall be provided:

- a) Honoraria and Out-of-Pocket Expenses are paid to the Executive Officers in amounts as determined periodically and approved by the membership and stated in the Executive and Member Expense Guidelines (Appendix B).
- b) Expense allowances shall be provided to officers or delegates on authorized business of the Local as stated in the Executive and Member Expense Guidelines (Appendix B).
- c) Any other approved expenses on submission of CUPE voucher with valid receipts to the Treasurer.

Section 11 Fees, Dues and Assessments

- a) Initiation and Readmission Fees. Each application for membership in the Local shall be directed to the Treasurer and shall be accompanied by an initiation fee of one dollar (\$1.00) which shall be in addition to monthly dues. The readmission fee shall be one dollar (\$1.00).
- b) The monthly dues shall be 2.0% of gross average monthly earnings of each member. Changes to the levels of the monthly dues can be effected only by following the procedure for amendment of these by-laws (see Section 15), with the additional provision that the vote must be by secret ballot.

Notwithstanding the above provisions, if the CUPE Convention raises minimum fee 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 minimum.

- c) Special assessments may be levied in accordance with the CUPE constitution.
- d) Non-payment of dues and assessments. A member who fails to pay dues and assessments for three months is automatically suspended from the membership. The suspension will be reported to the Executive Board by the Treasurer. The Executive Board will report all suspensions to the next membership meeting. The member may return to membership in good standing by paying the readmission fee and any other penalty set by the Local. The readmission fee cannot be less than the initiation fee of the Local.

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

Section 12 Nomination, Election and Installation of Officers

- a) Nomination shall be received at the Annual General meeting, normally held in November of each year. To be eligible for nomination a member shall have attended at least fifty percent of the membership meetings held in the previous twelve months or in the period she was a member, if less than a year, unless a valid reason, acceptable to the Local, has been given for non-attendance. No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting her consent in writing, duly witnessed by another member. No member shall be eligible for nomination if he is in arrears of dues and/or assessments.
- b) Elections
 - 1) At a membership meeting at least one month prior to the Annual General Meeting 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. It shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.
 - 2) The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
 - 3) The Returning Officer shall be responsible for issuing, collecting and counting ballots. She must be fair and impartial and see that all arrangements are unquestionably democratic.
 - 4) The voting shall take place at the Annual General meeting. The vote shall be by secret ballot.
 - 5) Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin in fill another office.

- 6) A majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots shall be taken, if necessary, to obtain a majority. On the second and subsequent ballots the candidate receiving the lowest number of votes in the previous ballot shall be dropped. In case of a final tie vote, the presiding officer may cast the deciding vote.
 - 7) When two 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.
 - 8) Any member may request a recount of the votes for any election and a recount shall be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as laid down in Section 4 (C)
- c) Installation
- 1) All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for one year or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three years. (Article B.2.4)
 - 2) The terms of office for Trustees shall be as laid down in Article B.2.4 of the CUPE National Constitution.
- d) By – Elections

Should an office fall vacant pursuant to Section 7 (g) of these by-laws or for any other reason, the resulting by-election should be conducted as closely as possible in conformity with this Section.

Section 13 Delegates to Conventions

- a) Except for the President's option (Section 8 (a)), all delegates to conventions shall be chosen by election at membership meetings.
- b) Delegates to the Vancouver Island District Council and Victoria Labour Council shall be elected annually.
- c) All delegates elected to conventions, conferences, or other Local 410 business held outside of Victoria shall be paid expenses as per the CUPE Local 410 Expense Guidelines (Appendix B), and an amount equal to any loss of salary incurred.
- d) Representation at educational institutes and seminars shall be on the recommendation of the Executive, subject to final approval by the membership.
- e) Delegates to conventions, conferences, or other Local 410 business shall be required to report on proceedings at a subsequent membership meeting.

Section 14 Committees

a) Negotiating Committee

This shall be a special ad hoc committee established prior to the expiry of the Local's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the Committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The Committee shall consist of three members, the Local President, Vice-President and a member at large elected at a membership meeting. The CUPE Representative assigned to the local shall be a non-voting member of the Committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

b) Social Committee

It is the function of this ad hoc Committee to arrange and conduct all social and recreational activities of the Local either on the Committee's own initiative or as a result of decisions taken at membership meetings. The Committee shall submit reports and proposals to the Executive Board or the membership as required. A ceiling for the Committee's net expenditures shall be fixed annually by the membership but, other than that, all social and recreational events and activities shall be self-supporting. The Executive board shall be held responsible for the proper and effective functioning of this Committee. The Committee shall comprise between two and four members and may appoint a secretary-treasurer from among its members.

c) Special Committees

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

d) Standing committees

The Chairperson of each standing committee shall be elected by the members at a membership meeting. The Chairperson and the Executive Board may, with the concurrence of the membership, jointly appoint other members to serve on a committee. The Vice-President shall be a member, ex-officio, of each committee.

1) Grievance Committee

This committee shall process all grievances not settled at the initial stage and its reports shall be submitted first to the Executive Board, with a copy to the CUPE Representative, and then to a membership meeting. Grievances must be in writing on the forms provided by the National Office and be signed by the complainant or complainants, as provided for in the collective agreement. The Committee shall be comprised of the elected chairperson who shall be the Local Vice-President, and two other members to be selected from among the shop stewards. The Committee shall appoint its secretary from among its members.

2) Education Committee

The Committee shall be comprised of the elected chairperson, who shall be the Correspondence Secretary and one other member at large elected at a membership meeting. It shall be the duty of this committee to inform the membership of union education workshops, seminars, or conferences, and make arrangements for attendees.

3) Union Management Committee

Union representatives to this committee shall include the Local President, the Chair of the Health and Safety Committee and member at large elected at the Annual General meeting. The committee shall conduct such business as may be required by the appropriate articles of the collective agreement.

Its reports shall be submitted first to the Executive Board and then to the membership, either by report direct to the following membership meeting, or in the issue of the Local's newsletter following the meeting of the Committee.

4) Occupational Health and Safety Committee

This Committee shall be comprised of the elected chairperson, and as many members as the Executive Board may direct. The Union's OHS committee shall work in conjunction with the joint Union – Employer OHS committee. It shall receive reports regarding health and safety, both of the membership and of the general public using the facilities of the Employer, and recommend actions to be taken as appropriate. Its reports shall be submitted first to the Executive Board and then to the membership.

Section 15 Amendment

- a) These by-laws are always subordinate to the CUPE Constitution (including Appendix B) as is now exists or may be amended from time to time, and in the event of any conflict between these by-laws and the CUPE Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President. (Article 9.2 (c).
- b) 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 special or general membership meeting following seven (7) days' notice at a previous meeting or at least 60 days' notice and
- c) Notice of the intention to propose the amended or additional bylaws was given at least seven days before at a previous membership meeting or 60 days before in writing.
- d) No change in these by-laws shall be valid and take effect until approved in writing by the National President of CUPE. The validity shall date from the letter of approval of the National President.

APPENDIX "A" TO THE BY-LAWS OF CUPE LOCAL 410

Rules of Order

1. The President or, in his absence, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President and Vice-President, the Recording Secretary shall act as President, and in his 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 five 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 Chairperson shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting 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 Chairperson must be moved and seconded; both mover and seconder must be recognized by the Chairperson.
5. A motion to amend, or to amend an amendment, shall be in order, but no further amendments shall be permitted. No 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 majority vote of those present, to deal with any urgent business.
7. All resolutions and motions other than those named in Rule 16, or those to accept or adopt the report of a committee, shall, if requested by the Chairperson, 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 motion may be divided when it seems more sensible to do so.
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. A member shall not interrupt another member except on a point of order or question of privilege.
11. If a member, while speaking, is called to order, she shall cease speaking until the point is determined. If it is decided she is in order, she may again proceed.
12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection on the Local or member thereof.

13. No religious discussion shall be permitted.
14. The Chairperson shall take no part in debate while presiding, but may yield the chair to another Executive officer in order to speak on any question before the Local, or to introduce a new question.
15. The Chairperson shall have the same rights as other members to vote on any question. In case of a tie, she may in addition give a casting vote, or, if she chooses, refrain from breaking the tie, in which case the motion is lost.
16. 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 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.
17. A motion to adjourn is in order except, (1) when a member has the floor, and (2) when members are voting.
18. 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.
19. After the Chairperson declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a confirmation of the vote. A standing vote shall then be taken and the Secretary shall count the same.
20. If any member wishes to challenge (appeal) a decision of the Chair, she must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for her challenge. The Chairperson may then state briefly the basis for her decision, following which the Chairperson shall immediately and without debate put the question: "Shall the decision of the Chair be sustained?" A majority vote shall decide except that in the event of a tie, the Chair is sustained.
21. 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.
22. No member shall enter or leave a meeting during the taking of a vote.
23. The Local's business and proceedings of meetings, and the personal information the Local's members are not to be divulged to any persons outside the Local or the Canadian Union of Public Employees except as necessary to further the interests of the membership as a whole, and always with the agreement of the membership.

APPENDIX “B” TO THE BY-LAWS OF CUPE LOCAL 410

Executive and Member Expense Guidelines

Update: March 25, 2013

Expense Rates

CUPE Local 410 follows the current CUPE BC Expense Policy as a general guideline. When CUPE BC rates change, Local 410 rates will automatically change accordingly. Current rates are as follows:

Per diem: \$86 full day, \$43 half day or evening meal

Car mileage \$0.54 per km

When meal(s) are provided, the per diem is reduced by one-half (ie. \$43 full day, \$21.50 half day).

Conventions, Conferences, Education and Other Union Business

When members attend to union business on behalf of CUPE Local 410, including but not limited to conventions, conferences, education courses and meetings, the following expenses will apply where applicable:

Paid leave from regularly scheduled work. Wages for union leave are billed to the union by the employer and re-paid to the employer by the union. Wages for union leave will not be paid directly to an individual member without membership approval.

Travel by air (union airlines preferred), ferry, car or other means at the most economical rate

Transfer to/from union business venue by public transit or taxi

Registration fees and all other costs related to attending the union business

Per diem

Childcare

Other related sundry expenses such as parking

For out-of-town business, the Local encourages sharing of travel modes and accommodation where possible to reduce costs and environmental impact.

When members attend to union business on behalf of another organization (eg. CUPE BC, Vancouver Island District Council), the other organization is responsible for all expenses.

Expense Claims

Completed and signed vouchers must be submitted to the Treasurer. Valid receipts are required for all expense claims.

Executive Honoraria and Out-of-Pocket Expenses

Honoraria is paid to Executive officers in the amount of \$40.00 per month.

Out-of-Pocket expenses is paid to Executive officers in the following amounts:

President	\$80.00 per month
Vice-President	\$70.00 per month
Treasurer	\$70.00 per month
Recording Secretary	\$50.00 per month
Correspondence Secretary	\$50.00 per month
Membership Secretary	\$50.00 per month

Service Recognition

Executive officers, committee members, trustees and stewards may receive recognition for their service as follows:

1-2 years	\$ 25.00 gift
3-6 years	\$ 50.00 gift
7-10 years	\$ 75.00 gift
11-14 years	\$100.00 gift
15-19 years	\$150.00 gift
20 years or more	\$200.00 gift

Service recognition is a one-time award. If members return after receiving recognition, then time will begin accruing from zero.

Member gifts

1. In memoriam gift to a registered charity in the death of a member or a close family member of a member, \$35.00.
2. Retirement of a member:

6-10 years	\$ 50.00 gift
11-15 years	\$ 75.00 gift
16 years or more	\$100.00 gift