

BY-LAWS



CANADIAN UNION OF PUBLIC EMPLOYEES

LOCAL 3268

Bethany Lodge and Manor
(Full and Part Time Service Employees)

Approved by the National President's office November 21, 2016

March 2019

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P R E A M B L E INTRODUCTION

~~This Local 3268 of the Canadian Union of Public Employees is formed to fight for improvements of the political, economic and social welfare of all its members, to promote public service through organized public employment and to manifest its belief in collective activity.~~

~~This Local 3268 is founded upon the principles of democratic government by its membership, full administrative accountability and allegiance to the CUPE Constitution. Furthermore, this Local is unequivocally opposed to any form of discrimination on the basis of race, colour, culture, creed, sex or sexual orientation, political affiliation, age or physical disability.~~

Local 3268 of the Canadian Union of Public Employees has been formed to:

- Improve the social and economic well-being of all of its members;
- 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 3268 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1) and to supplement Appendix B, to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

~~The following Bylaws are adopted by the Local pursuant to, and to supplement, Appendix "B" of the CUPE Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to provide for as many members 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 appended to these bylaws in **Appendix A**.

Local 3268 has adopted a Code of Conduct that applies to membership meetings and other functions organized by the Local and can be found in Appendix A **B**.

SECTION 1 – NAME

~~The following Bylaws are adopted pursuant and subordinate to the CUPE Constitution, with special reference to its Appendix "B".~~

- a) The name of this Local shall be The Canadian Union of Public Employees Local 3268 – Bethany Lodge and Manor
- b) ~~Obligation of Members and Membership:~~

~~"I solemnly promise and declare that I shall support and obey the Constitution of the Canadian Union of Public Employees and of this Local Union. That I will strive to improve economic and social conditions for my fellow members and for working people generally; that I will defend and strive to extend the democratic rights and liberties of all working people. That I will not purposely or knowingly wrong a member of this Union or assist others in wronging a member of the Union.~~

SECTION 2 – OBJECTIVES

~~The local shall steadfastly work toward the realization of the following objectives:~~

The objectives of Local 3268 are to:

- (a) ~~Improvement of wages, benefits, job security, pensions, retiree benefits and working conditions of its members through free collective bargaining.~~ **Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members;**
- (b) Organization of collective activity to defend the interest of CUPE Local 3268, its members and the trade union movement in general.
- (c) Building a favourable public image of public employees by improving service and efficiency on the job and being active in the community.
- (d) Encourage the settlement by negotiation and mediation of all the disputes between the members and their employers;
- (e) 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;
- (f) Support CUPE in reaching all of the objectives set out in Article II of the CUPE National Constitution.
- ~~(g) Representing membership interest before the appropriate political and governmental bodies.~~
- ~~(h) Supporting the implementation of all democratically adopted policies of CUPE and its Local 3268~~
- ~~(i) Involving as many members as possible in Local 3268 through the sharing of duties and responsibilities and encouraging its members to participate fully to shape their future through free democratic trade unionism.~~

SECTION 3 – INTERPRETATION AND DEFINITIONS

- (a) Masculine pronouns shall be understood to include the feminine gender.
- (b) Numbers of Articles at the end of sections or subsections refer to relevant articles of the CUPE Constitution which should be read in conjunction with these bylaws.

SECTION 4 – MEMBERSHIP

(a) Membership

An individual employed within the jurisdiction of Local can apply for membership in Local by signing an application and paying the initiation fee set out in Section 11(a) of these bylaws.

(Article B.8.1)

(b) Approval of Membership

At the first membership meeting after the application has been submitted, the name(s) of the applicant(s) will be read out and unless a majority of members present at the meeting object, the applicant(s) will be accepted into membership.

(Article B.8.2)

(c) Oath of Membership

New members will take this oath:

“I promise to support and obey the Constitution of this Union, to work to improve the economic and social conditions of other members and other workers, to defend and work to improve the democratic rights and liberties of workers and that I will not purposely or knowingly harm or assist in harming another member of the Union.”

(Article B.8.4)

(d) Continuation of Membership

Once accepted, a member continues as a member in good standing while employed within the jurisdiction of the Local Union unless the member loses good standing under the provisions of the CUPE National Constitution.

(Article B.8.3)

(e) Member Obligations

Members are obligated to abide by the CUPE National Constitution and these bylaws as amended from time to time.

Members will provide the Recording Secretary with their current address, home telephone contact number and where available, an e-mail address. The member will advise the Recording Secretary of any changes to their contact information. This information will be protected and used to communicate with members. Such communication will take the form of mail, e-mail blasts or telephone town halls.

In the case of a telephone town hall, the telephone number may be shared with a service provider under contract to the Local Union to provide the technical equipment to support such a virtual meeting.

Upon request, the Local Union will share the telephone contact information with CUPE National or CUPE Ontario. The purpose of sharing this telephone contact information with CUPE National or CUPE Ontario is so that the National Union or Provincial Division can conduct a telephone town hall with members on important matters.

SECTION 5 – AFFILIATIONS

In order to strengthen the labour movement and work toward common goals and objectives, Local 3268 shall be affiliated to and pay per capita tax to the following organization(s):

- The CUPE Ontario Provincial Division
- ~~The CUPE Council~~
- ~~The Ontario Federation of Labour~~
- ~~The CLC Labour Council~~

SECTION 6 – MEMBERSHIP MEETINGS – Regular and Special

(a) Regular Membership Meetings

Regular membership meetings shall be held bi-monthly on the second Wednesday of the month commencing from 1 p.m. until 4:00 p.m. The Executive Board shall give a week's notice of any change in the date of the regular meeting.

(b) Special Membership Meetings

Special membership meetings may be ~~ordered~~ **required and shall be called** by the Executive Board or **may be** requested in writing by no fewer than fifteen (15) members. The President or Designate shall immediately call a special meeting when so requested and shall see that all members receive at least twenty-four (24) hours notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called, and notice given.

(c) Quorum

A quorum for the transaction of business at any regular or special meeting shall be ten (10) members, including at least three (3) members of the Executive Board.

(d) Membership Meeting Agenda

The order of business at regular membership meetings is as follows:

1. Roll call of Officers
2. **Reading of the Equality Statement**
3. Initiation of new members
4. Minutes of previous meeting
5. Matters arising out of Minutes
6. Treasurer's report
7. Communications of bills and of payment
8. Executive Board report
9. Reports of Committee and Delegates
10. Nominations, Elections or Installations
11. Unfinished business
12. New business
13. Good of the Union
14. Adjournment

(Article B.6.1)

SECTION 7 8 – OFFICERS

The officers of the Local shall be the President, Vice President, Secretary-Treasurer, Recording Secretary, ~~Health and Safety Officer, and three (3) Trustees. and There will be~~ four (4) Stewards, one from each of the following departments, environmental services, dietary, ~~and two from nursing one RPN and one PSW. One of the four Stewards should be on night shift. , one of which works nights. All officers shall be elected for a period of two (2) years, except for the three (3) year Trustees. Elections shall be conducted by February 15th each odd year for the President and the Recording Secretary and each even year for the Vice President and the Secretary Treasurer.~~

(Articles B.2.1 and B.2.2)

SECTION 8 9 – EXECUTIVE BOARD

- (a) The Executive Board shall comprise of all officers, except Trustees.
(Article B.2.2)
- (b) 1. The Executive ~~Officers~~ **Board** shall meet at least ~~once every month~~ **eight (8) times per year.**
(Article B.3.14)
2. Executive Board Officers shall suffer no loss of pay or time off for the purpose of attending executive meetings.
- (c) A majority of the **Executive** Board constitutes a quorum.
- (d) ~~The President shall have first preference (as delegate) to attend the CUPE National Convention and all trade union conventions and conferences, as decided by the Executive Board Officers. The Executive Board shall hold title to any real estate of the Local Union as trustees for the Local Union. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposal to a membership meeting and having it approved.~~
- (e) The Executive Board Officers 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 (B-X1: Trials)~~
- (f) Should any Executive Board Officer fail to answer the roll call for three consecutive regular membership meetings or three **consecutive Executive** Board meetings without having submitted good reasons for those failures, his office shall be declared vacant and shall be filled by an election at the following membership meeting.

(Article B.2.5)

SECTION 9 10 – DUTIES OF OFFICERS AND SHOP STEWARD

Each Officer of Local 3268 is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

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.

(Article B.3.9)

All signing officers of Local 3268 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.

(Article B.3.5)

Signing Officers

There will be three (3) signing officers. There will always be two (2) people available to sign cheques. One of these must be the Secretary-Treasurer.

(a) The President shall:

- Enforce the CUPE Constitution and these bylaws.
- Interpret these bylaws as required.
- Preside at all membership and Executive Board meetings and preserve order.
- Decide all points of order and procedure (subject always to appeal to the membership).
- Have the same right to vote as other members. In the case of a tie vote, the President **will direct the membership to revote**; ~~may cast another vote or the President may refrain from casting an additional vote, in which case the motion is defeated.~~
- Ensure that all officers/steward and representatives perform their assigned duties.
- Fill committee vacancies where elections are not provided for.
- Introduce new members and conduct them through the initiation ceremony.
- Sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, bylaws, or vote of the membership.
- Have first preference as a delegate to the CUPE National Convention and other trade union conventions and conferences.
- 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.

(Article B.3.1)

(b) The Vice-President shall:

- If the President is absent or ~~unavailable~~ **not eligible**, perform all duties of the President.
- If the office of President falls vacant, be Acting President until a new President is elected through a by-election.
- Render assistance to any ~~officer~~ **member of the Executive** as directed by the **Executive Board**.

(Article B.3.2)

(c) The Recording Secretary shall:

- Keep full and accurate and impartial account of the proceedings of the proceeding of all regular or special membership and Board meetings, ensuring that these records include a copy of the full financial report presented by the Secretary-Treasurer. **The record will also include trustees' reports.**
- ~~record all alterations in the Bylaws~~ **Record all amendments and/or additions in the bylaws and make certain that these are sent to the National President for approval prior to implementing.**
- Answer correspondence and fulfill other ~~secretarial~~ **administrative** duties as directed by the **Executive** Board.
- Prepare and have ready for each meeting, all unfinished business. Handle all incoming and outgoing communications with the exception of those duties pertaining directly to the Office of the Treasurer or President, who shall forward copies of all communications to the Recording Secretary.
- Prepare and distribute all circulars and notices to members.
- Preside over membership and Board meetings in the absence of both the President and the Vice President.
- Read the minutes of preceding meetings.
- ~~refer all communications to the President and Executive Board for recommendations to the General Meeting.~~
- ~~record all motions, resolutions and amendments as presented to the meeting by the Chairperson.~~
- Keep a record of all Officers elected and their term of office.
- ~~keep up-to-date, a record of the history of the Local Union, to be presented for approval by the General Meeting.~~
- Be empowered, with the approval of the President **membership**, to employ necessary stenographic or other assistance to be paid for out of the Local's funds.
- ~~on termination of office, surrender all books, seals and other properties of the Local to his successor.~~

(Article B.3.3)

(d) The Secretary-Treasurer shall:

- Receive all revenue, dues, initiation fees, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union.
- ~~Throughout his/her term, and behalf of the Local union membership,~~ **Be** responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or vouchers for every disbursement made, receipts for all money sent to CUPE headquarters, as well as records and supporting documents for all income received by the Local union.
- Make a full financial report to meetings of the Local's Executive Board, as well as a written financial report to each regular membership meeting, detailing all income and expenditures for the period.

- ~~Prepare all CUPE National per capita tax forms and remit payment no later than the last day of the following month.~~ **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.**
- Record all financial transactions in a manner acceptable to the Board and in accordance with good accounting practices.
- ~~Be bonded for not less than \$8,000.00 (or any greater sum as may be decided at a membership meeting, taking into account the assets of the Local and the amount of cash and cheques handled by the Secretary-Treasurer) through the master bond held by the CUPE National Office. any~~
- **Any** Secretary-Treasurer who cannot qualify for bonding shall be disqualified from office. ~~and all properties and assets, etc. must be turned over to the successor.~~
- Pay no money unless supported by a voucher duly signed by the President, Vice President or Treasurer of the local, 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 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 may need to complete the audit report forms supplied by CUPE **National**.
- 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.
- Be empowered, with the approval of the President, to employ necessary clerical **administrative** assistance to be paid for out of the Local's funds.
- Shall forward to the national Secretary-Treasurer on the official monthly report form provided, not later than the last day of each month, all financial obligations for the previous month owing to CUPE **National**.
- 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.

(Articles B.3.4 to B.3.8)

(e) 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 Standing Committee at least once every calendar year.
- Make a written report of their findings to the first membership meeting following the completion of each audit.
- Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local's funds, records and accounts are being maintained by the Secretary-Treasurer in an organized, correct and proper manner.

- Be responsible to ensure that monies are not paid out without proper constitutional or membership authorization.
- Ensure that proper financial reports are made to the membership.
- Audit the record of attendance.
- Inspect at least once a year any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local and report their findings to the membership.
- ~~Send a copy of the completed audit report (on the prescribed form provided by the National Secretary-Treasurer), as well as a copy of their report to the Local Union membership along with a copy of their recommendations and/or concerns to the President and Secretary-Treasurer of the Canadian Union of Public Employees, with a copy to the assigned Servicing Representative.~~
- Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
 - Completed Trustee Audit Program
 - Completed Trustees' Report
 - Secretary-Treasurer Report to the Trustees
 - Recommendations made to the President and Secretary-Treasurer of the Local Union
 - Secretary-Treasurer's response to recommendations
 - Concerns that have not been addressed by the Local Union Executive Board.

(Articles B.3.10 to B.3.12)

(f) The Shop Stewards shall:

- **Define, detect, prepare and present grievances at the initial level;**
- **Generally knowing and policing the collective agreement and provincial or federal legislation affecting labour and particular jobs;**
- **Provide communication and information for members in the bargaining unit to the Executive and from the Executive to the members, including the distribution of union literature and newspapers;**
- **Greeting new employees and encouraging the participation of all members of the unit in union activity;**
- **Maintaining daily contact with the members to provide ongoing union awareness and education.**

~~(g) Applies to all 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.~~
- ~~All signing officers of Local 3268 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.~~

SECTION 10 14 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

(a) Nomination

1. Nominations ~~and elections~~ shall be held at the regular membership meetings held in February. ~~in accordance with S. 14(b)(2).~~ To be eligible for nominations the nominee must have been accepted into membership and continue to be a member in good standing.

(Articles B.8.1, B.8.2 and B.8.3)

2. No nominations shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting his consent in writing, duly witnessed by another member.

Each member nominated for a position shall have up to one minute to address the membership.

3. A member may accept nomination for a position while holding office in any position. If successful in the election, their resignation from their current position will take effect at that time.
4. **No member will be eligible for nomination if they are in arrears of dues and/or assessments.**

(b) Elections

1. The President and Recording Secretary are elected in odd years. The Vice-President, Secretary-Treasurer **and Stewards** are elected in even years.
2. 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, it shall have full responsibility for voting arrangements and shall treat information to it in connection with its responsibility as confidential. **The National Representative assigned to the Local Union shall serve as an advisor to the committee when requested by the Local Union.**
3. The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officers.
4. The Returning Officers shall be responsible for issuing, collecting, and counting ballots. ~~He~~ **They** must be fair and impartial and see that all arrangements are unquestionably democratic.
5. **The voting will take place at the regular membership meeting in April.** The vote shall be secret ballot.
6. Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
7. 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.

8. **In the event of a tie vote, a second and subsequent ballot(s) will be taken, if necessary, until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.**
9. 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.
10. 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 6**(b)** ~~(e)~~.
11. Each candidate shall be entitled to appoint a scrutineer to oversee the counting of the ballots.

(c) Installation

- ~~1. All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for two years.~~
1. All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for two (2) years or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three years.
2. The terms of office for Trustees shall be so that one serves for a period of three years, one for two years, and one for one year, as laid down in Article B.2.4 of the CUPE National Constitution. Each year thereafter, the Local Union shall elect one Trustee for a three-year period. No member who has been a signing Officer for the Local Union is eligible to run for Trustee, until at least one full term of office has elapsed.
3. The Oath of Office to be read by the newly-elected Officers is:
"I, _____, promise to perform the duties of my office, as set out in the Constitution and laws of the Canadian Union of Public Employees, faithfully and to the best of my ability for my term of office. As an Officer of the Union, I will always promote the harmony and dignity of its sessions by counsel and example. I also promise to turn over all property of the Union to my successor at the end of my term."

(Article 11.6(b))

(d) By-Elections

Should an office fall vacant pursuant to Section 9 (g) of these bylaws or for any other reason, the resulting by-election should be conducted as closely as possible in conformity with this Section. **The term of office for any position filled through a by-election will be the term that the vacated position was initially elected to fulfill.**

SECTION 11 12 – 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 Union and the Canadian Union of Public Employees. Each application for membership in the Local shall be directed to the Secretary-Treasurer and shall be accompanied by an initiation fee of one dollar which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected the fee shall be returned.

(Articles B.4.1 and B.8.2)

(b) Re-admittance Fee

The re-admittance fee shall be one dollar.

(Article B.4.1)

(c) Monthly Dues

The monthly dues shall be 2% of gross earnings per month.

(Article B.4.3)

~~(d) Changes in the levels of the Initiations fee, the Readmittance fee, or the Monthly Dues can be effected only by following procedure for amendment of these bylaws (see Section 18), with the additional provision that the vote must be by secret ballot.~~

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

(d) Amending Monthly Dues

The regular monthly dues may be amended at a regular or special membership meeting. The vote must be by secret ballot. Notice of at least seven (7) days at a previous meeting or sixty (60) days in writing must be given.

(Article B.4.3)

(e) Assessments

Assessments may be levied in accordance with the CUPE Constitution. Assessments do not mean or include regular monthly dues and are applied for a specific purpose or specific length of time. Membership approval is required, and the assessment will only be applied after the National President approves the assessment.

(Article B.4.2)

SECTION 12 13 – NON-PAYMENT OF DUES AND ASSESSMENTS

Any member in arrears for a period of three (3) months or more shall be automatically suspended and his suspension shall be reported to the Executive Board by the Secretary-Treasurer. The Executive Board shall report to the next membership meeting with a recommendation. Any member under suspension wishing to be reinstated shall, upon application, pay the readmittance fee, plus any dues and assessments in arrears. This money will be returned if the application is rejected.

If a member has been unemployed or unable to work because of sickness, he shall pay the readmittance fee but may not be required to pay his arrears. (Article B. 8.6)

SECTION 13 7 – EXPENDITURES VOTING OF FUNDS

(a) Payment of Local Union Funds

Funds can only be spent for valid purposes of the Local Union under the following circumstances:

- When the expenditure is authorized by a budget approved by a majority of members present and voting at a regular or special membership meeting;
- When these bylaws approve the expenditure; or
- Through a vote of the majority of members present and voting at a regular or special membership meeting.

(Article B.4.4)

(b) Payment of Per Capita Tax and Affiliation Fees

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

(c) Payment of Local Union Funds to Members or Causes Outside of CUPE

In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than \$150, a notice of motion must be made at a regular membership meeting and then approved at the following regular or special membership meeting before the grant or contribution can be paid out. The approval meeting must be no earlier than seven days after the meeting where notice of motion has been given.

(d) No Officer or member of Local 3268 will be allowed to spend any Local Union funds without first having received authorization under Section 7(a) of these bylaws.

~~Except for ordinary expenses and bills as approved at membership meetings, any sum over one hundred and fifty (\$150) dollars shall be voted for the purpose of a grant or contribution to a member or any cause outside CUPE, except by a notice of motion given in writing and dealt with at the following membership meeting.~~

SECTION 14 ~~11~~ – OUT-OF-POCKET EXPENSES

- (a) The following ~~expense allowance~~ **out-of-pocket expenses** shall be paid, without need of supportive vouchers, to elected officials of the Local: ~~as compensation for normal and miscellaneous out-of-pocket expenses, transportation, parking, meals, phone calls, use of homes for office work and the keeping of union records; subject to fulfilling their duties:~~

President	\$500.00 quarterly
Vice President	\$275.00 quarterly
Secretary-Treasurer	\$250.00 quarterly
Recording Secretary	\$250.00 quarterly
Trustees	\$100.00 per audit

~~The expenses shall not be paid in advance, but any officer who leaves office (for any reason except death, illness or retirement) shall be required to reimburse the Local for any unearned expenses.~~

- (b) An officer of the Local will forfeit ~~his/her~~ **their** out-of-pocket expenses if not present at **50% of the** meetings unless a satisfactory reason is submitted to the **President Executive Board** of the Local Union.
- (c) In addition, the following expenses shall be paid to any member who is elected as a delegate or representative of the Local to a convention, conference, educational programs, Trustee meetings arbitrations or negotiations.

In town	\$60.00 per day
Out of town	\$100.00 per day plus, the cost of a hotel room and transportation by the most appropriate carrier

Upon arrival by the Executive Board, Union Officers and Local delegates may be reimbursed for necessary lost-time expenses which arise from leaves of absence for union activities during regular schedule worked shifts.

- (d) The president and Secretary-Treasurer shall jointly administer a petty cash fund, not to exceed \$50.00 per month, which may be applied against small purchases of supplies and office materials.
- (e) Other expenses may be approved by the Executive Board subject to supporting vouchers being submitted and approved from the membership at a regular meeting.
- (f) On top of out of pocket expenses, the Local President shall be given fifty dollars (\$50.00) per month towards ~~her~~ **a** cell phone bill.

SECTION 15 – DELEGATES TO CONVENTIONS

- ~~(a) Representation at educational institutes and seminars shall be on the recommendation of the Executive Board, subject to final approval of the membership.~~
- (a) Except for the President's option [Section 9(a)], all delegates to conventions, conferences, and educationals shall be chosen by election at membership meetings.
- ~~(c) Delegates to the Toronto District CUPE Council shall be elected annually. A member responsible for reporting back to the Local Union 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. The Local Union will reimburse the member's employer for any loss of wages.~~
- ~~(d) Delegates to the Toronto CLC District Labour Council shall be elected annually. A member responsible for reporting back to the Local Union membership shall be appointed by the President from among these delegates, and the member appointed shall report at each Local Union membership on proceedings at recent meetings of the Council. The Local Union will reimburse the member's employer for any loss of wages.~~
- (b) All delegates attending conventions, conferences, or educationals held outside the town **City** of Toronto shall be paid transportation expenses (at economy, tourist or coach rates) as determined by the Secretary-Treasurer, and a per diem allowance of \$100 dollars for meals and expenses. The Local Union will reimburse the member's employer for any loss of wages.
- (c) Delegates to conventions, conferences, and educationals held locally shall have no travel allowance. There shall be a per diem allowance of \$60 dollars for meals and expenses incurred by attendance at the convention, conference or educational. The Local Union will reimburse the member's employer for any loss of wages.
- (d) Local 3268 will provide members with their per diem allowance prior to their attending the convention, conference, or educational.
- (e) Local 3268 encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and educationals.

SECTION 16 – COMMITTEES

1. Negotiating Committees

This shall be a special ad-hoc committee established at least 2 (two) months prior to the expiry of the Local's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of a maximum of three (3) members, all elected at a membership meeting. 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.

(a) 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 (2) members of the Board may sit on any special committee as ex-officio members.

(b) Standing Permanent Committees

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

i) 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 National** representative, and then to a membership meeting. Grievances must be in writing on the forms provided by the National Office and be signed by the complainant or complainants, as provided for in the collective agreement. The committee shall comprise the President, Recording Secretary and steward from the area.

ii) Health and Safety Committee

This committee will:

- **Work to educate members on the importance of workplace health and safety.**
- **Prepare and present reports to the regular membership meetings.**
- **Organize an April 28th Day of Mourning ceremony each year.**
- **Participate on the Joint Worksite 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.**

Members of this committee should be designated as a "Certified Worker Representative" in accordance with the legislation in their respective jurisdictions (provincial, federal).

The committee members will be the elected chairperson and 3268 members. The committee shall appoint its secretary from among its members.

iii) Social Committee & Health and Wellness Committee

It is the function of this committee to arrange and conduct all social and recreational activities of the Local either on the committee's own initiative or as a result of decisions taken at membership meetings. The committee shall submit reports and proposals to the Executive Board or to the membership as required.

The Executive Officer assigned to this committee is the recording secretary of this local and shall be held responsible for the proper and effective functioning of this committee. The committee shall comprise of three (3) members.

Any member of Local 3268 who is absent in excess of one month due to illness or injury or is retiring will be sent a fruit basket or flowers or gift equivalent not to exceed a cost of one hundred dollars (\$100) by the social committee on behalf of the Local.

~~This committee will also be responsible for collecting information's on member who are absent ~~due~~ to illness or injury in excess of one month ~~or retiring~~. When a member of the committee is made aware of a member who has been off for one month, they will confirm that the absence is ~~do~~ due to illness and bring the information to the President of the local. At that time the President will instruct Treasurer to order and pay for a fruit basket or flowers not to exceed a cost of sixty ~~eighty~~ dollars (\$80.00) to be sent to the member on behalf of the local.~~

SECTION 17 – COMPLAINTS AND TRIALS

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

(Articles B.11.1 to B.11.5)

SECTION 18 – RULES OF ORDER

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these bylaws as Appendix "A" "C". 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 bylaws.

In situations not covered by Appendix "A" "C", 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 19 – AMENDMENT

(a) **CUPE Constitution**

These bylaws are always subordinate to the CUPE Constitution (including Appendix “B”) as it now exists or may be amended from time to time, and in the event of any conflict between these bylaws and the CUPE Constitution the latter shall govern. **The National President has the sole authority to interpret the CUPE Constitution.** ~~Constitutional interpretation, including determination of conflict is the prerogative of the National President.~~

(Articles 9.2(c), 13.3 and B.5.1)

(b) **Additional Bylaws**

A Local Union can amend or add to its bylaws only if:

- i) the amended or additional bylaws do not conflict with the CUPE Constitution;
- ii) the amended or additional bylaws are approved by majority vote at a regular membership meeting or at a special membership meeting called for that purpose; and
- iii) 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.

(Articles 13.3 and B.5.1)

(c) **Effective Date of Amended or Additional Bylaws**

The amended or additional bylaws do not come into effect until they have been approved in writing by the National President. The National President will decide whether to approve the amended or additional bylaws within 90 days of receiving them and will withhold approval only where they conflict with the CUPE Constitution.

(Articles 13.3 and B.5.1)

~~(b) These bylaws shall 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 60 days written notice~~

~~(c) Amendments to bylaws may be made only at special membership meetings called for that purpose.~~

~~(d) No change in these bylaws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President.~~

(Articles 13.3 and B.5.1)

SECTION 20 – PRINTING AND DISTRIBUTION OF BYLAWS

Members will receive a copy of Local 3268 bylaws, either in paper format. 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 sisters and brothers deserve dignity, equality, and respect.

Appendix "B"

CODE OF CONDUCT

Local 3268 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.

Local 3268 strives to promote core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.

Local 3268 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 3268 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 3268 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local 3268 sets out standards of behaviour for members at meetings, and all other events organized by Local 3268. It is consistent with the expectations outlined in the Equality Statement, CUPE National Constitution and these bylaws. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As members of Local 3268 we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

- Abide by the provisions of the Equality Statement;
- Respect the views of others, even when we disagree;
- Recognize and value individual differences;
- Communicate openly;
- Support and encourage each other;
- Make sure that we do not harass or discriminate against each other;
- Commit to not engaging in offensive comment or conduct;
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating; and
- Take responsibility for not engaging in inappropriate behaviour due to abuse of alcohol or other drugs while participating in union activities, including social events.

Harassment is objectionable behaviour which may include actions, language, gestures, and/or written material, and which the harasser knows or ought reasonably to know is abusive and unwelcome. Bullying is a form of harassment which is serious ongoing behaviour which targets an individual or group and which threatens that person or persons' mental and/or physical well-being.

A complaint regarding this Code of Conduct will be handled as follows:

1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code, by asking the person to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.
2. Once a complaint is received, a designated Officer of the Local Union will work to seek a resolution.
3. If this fails to resolve the matter, the designated Officer of the Local Union shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses.

This Code of Conduct is designed to create a safe, respectful and supportive environment within CUPE. It is meant to enhance the rights and obligations outlined in the Bylaws of Local 3268, the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

This Code of Conduct does not replace a member's right to access the trial provisions of the CUPE National Constitution.

APPENDIX "A" "C"
TO THE BYLAWS OF CUPE LOCAL 3268

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 protem 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 President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask: "is the Local ready for the question?" Should no member rise to speak, the question shall then be put.
4. A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
5. A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
6. On motion, the regular order of business may be suspended by a two thirds vote of those present, to deal with any urgent business.
7. All resolutions and motions other than those named in Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being put to the Local.
8. At the request of any member, and upon a majority vote of those present, a question may be divided when the sense will admit of it.
9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
10. When a member wishes to speak on a question or to make a motion, he shall rise in his place and respectfully address the presiding officer, but except to state that he rises to a point of order or a question of privilege, he shall not proceed further until recognized by the chair.
11. When two (2) or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection on the Local or member thereof.

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13. If a member, while speaking, is called to order, he shall cease speaking until the point is determined; if it is decided he is in order, he may again proceed.
14. No religious discussion shall be permitted.
15. The President shall take no part in debate while presiding but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
16. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he may in addition give a casting vote, or, if he chooses, refrain from breaking the tie, in which case the motion is lost.
17. When a motion is before the Local, no other motion shall be in order except (1) to adjourn (2) to put the previous question (3) to lay on the table (4) to postpone for a definite time (5) to refer (6) to divide or amend, which motions shall have precedence on the order named. The first three of these shall be decided without debate.
18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be now put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to and amendment is adopted, the original resolution, as amended, shall be put to the Local.
19. A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
20. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen (15) minutes have elapsed.
21. After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken, and the Secretary shall count same.
22. If any member wishes to challenge (appeal) a decision of the chair, he must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for his challenge. 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.
23. After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
24. No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of officers, or the taking of a vote; and no member shall be allowed to leave without the permission of the Vice-President.
25. The Local's business, and proceedings of meetings, are not to be divulged to any persons outside the Local of the Canadian Union of Public Employees.

APPENDIX "B"

Shop Stewards shall:

- a) ~~Define, detect, prepare and present grievances at the initial level;~~
- b) ~~Generally knowing and policing the collective agreement and provincial or federal legislation affecting labour and particular jobs;~~
- c) ~~Provide communication and information for members in the bargaining unit to the Executive and from the Executive to the members, including the distribution of union literature and newspapers;~~
- d) ~~Greeting new employees and encouraging the participation of all members of the unit in union activity;~~
- e) ~~Maintaining daily contact with the members to provide ongoing union awareness and education.~~

APPENDIX "C B"

Article B.4.4 of the National Constitution requires that all Expenditures shall be made by cheque signed by the Secretary Treasurer and countersigned by the President or such other officer as the Local may designate.

Signing Officers

There will be three (3) signing officers. There will always be two (2) people available to sign cheques. One of these must be the Secretary Treasurer.

Bonding

The officers will be bonded in the following amounts through the National Office:

President	\$ 8,000.00
Vice President	\$ 8,000.00
Secretary-Treasurer	\$ 8,000.00

Minute Book

The Minute book should properly record all motions made including those where monies are to be spent or bills paid.

Minute books of the Local should all be kept on file, only in the event of an audit, but to provide a proper historical record of the projects and activities of the Local in years to come.

The Equality Statement shall be read at the beginning of all CUPE Local 3268 meetings.