



## ***CANADIAN UNION OF PUBLIC EMPLOYEES***

### ***LOCAL 4580***

### ***BYLAWS***

Approved by Membership October 2, 2013  
Approved Changes by National – August 12, 2014 and

Approved by Membership October 7, 2015  
Approved Changes by National – November 26, 2015 and

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## **PREAMBLE**

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

The following 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 involve as many members as possible through the sharing of duties and responsibilities.

## **SECTION 1 - NAME**

The name of this Local shall be: Canadian Union of Public Employees, Local 4580.

## **SECTION 2 - OBJECTIVES**

The objectives of the Local are to:

- (a) secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
- (b) support CUPE in reaching the goals set out in Article ii of the CUPE Constitution;
- (c) provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (d) encourage the settlement by negotiation and mediation of all disputes between the members and their employers;
- (e) establish strong working relationships with the public we serve and the communities in which we work and live.

## **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 sub-sections refer to relevant articles of the CUPE Constitution (~~1995~~) which should be read in conjunction with these bylaws.

## **SECTION 4 - MEMBERSHIP MEETINGS - Regular and Special**

- (a) Regular membership meetings shall be held on the first Wednesday in October, November and February at 6:00 p.m. At the October meeting an annual budget will be presented and approved for the upcoming year. If a statutory holiday intervenes the Executive Board shall give a week's notice of any change in the

date of the regular meeting.

- (b) An Annual Membership Meeting shall be held on the first Wednesday of March at 6:00 pm. The purpose of the Annual Meeting is to install the new Officers of the Local and to present the actual budget .The budget year for the Local will be from October to September.
- (c) Special membership meetings may be ordered by the Executive Board or requested in writing by no fewer than 10 members. The President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least twenty-four (24) hours' notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.
- (d) A quorum for the transaction of business at any regular or special meeting shall be 20 members, including at least three (3) members of the Executive Board.
- (e) The order of business at regular membership meetings is as follows:
  - 1. Roll call of Officers
  - 2. Reading the Equality Statement
  - 3. Voting on New Members and Initiation
  - 4. Reading of the Minutes
  - 5. Matters Arising from the Minutes
  - 6. Secretary-Treasurer's Report
  - 7. Communications and Bills
  - 8. Executive **Board** 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

(Article B.VI)

## **SECTION 5 - VOTING OF FUNDS**

Except for ordinary expenses and bills as approved at membership meetings or those detailed in the annual budget, no sum over fifty 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.

(Article B 4.4)

## **SECTION 6 - OFFICERS**

The officers of the Local shall be the President, Vice-President, Treasurer, Secretary, three (3) Trustees, and Membership Officer. All officers shall be elected by the membership.

(Articles B.2.1 & B.2.3)

## **SECTION 7 - EXECUTIVE BOARD**

- (a) The Executive Board shall comprise all officers, except Trustees. (Article B.2.2)
- (b) The Board shall meet at least once every month. (Article B.3.14)
- (c) A majority of the Board constitutes a quorum.
- (d) The Executive officers shall hold title to any properties of the Local as trustees for the Local. They shall have no right to sell, convey, or encumber any properties 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 members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution. (Articles B.11.1 to B11.5)
- (g) Should any Board member 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 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.

All signing Officers of Local 4580 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.

(a) The President shall:

- enforce the CUPE Constitution and these bylaws;
- 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 a vote on all matters (except appeals against his rulings) and in case of a tie vote in any matter, have the right to cast an additional vote to break the tie or may refrain from casting an additional vote, in which case the motion is defeated.
- 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;
- 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;
- be allowed necessary funds, not to exceed \$25.00 monthly, to reimburse himself or any officers for expenses supported by vouchers, incurred on behalf of the Local;
- have first preference as a delegate to the CUPE National Convention. (Article B.3.1)

(b) The Vice-President shall:

- if the President is absent or incapacitated, perform all duties of the President;
- if the office of 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.

(Article B.3.2)

(c) The Secretary shall:

- keep full, accurate and impartial account of the proceedings of all regular or special membership and Board meetings, ensuring that these records include a copy of the full financial report presented by the Treasurer;
- record all alterations in the bylaws;
- answer correspondence and fulfill other secretarial duties as directed by the Board;
- file a copy of all letters sent out and keep on file all communications;
- prepare and distribute all circulars and notices to members;
- have all records ready on reasonable notice for auditors and Trustees;

- preside over membership and Board meetings in the absence of both the President and the Vice-President;
- on termination of office, surrender all books, seals and other properties of the Local to his successor.

(Article 13.3.3)

(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;
- 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 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 Board and in accordance with good accounting practices;
- 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 a detailed annual budget for approval by the membership at the Annual Meeting.
- be bonded through the master bond held by the National Office, and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office;
- pay no money unless supported by written approval duly signed by the President and one other member of the Board or any two other members of the Board, except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated;
- make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that 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 may need to complete the audit report forms supplied by CUPE;
- not later than February 28th each year, furnish each member, on the forms supplied by the National Office, with a statement showing the net amount of

tax-deductible dues paid by him during the preceding calendar year;

- sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union By-laws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.

(Articles B.3.4 to B.3.9)

(e) The Trustees shall:

- act as an auditing committee on behalf of the members and audit the books and accounts of the Treasurer, the Secretary and the Standing Committees 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 Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the 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;
- send to the National Secretary-Treasurer, with a copy to the assigned Servicing 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 Secretary-Treasurer of the Local Union
  - v) Secretary-Treasurer's response to recommendations
  - vi) Concerns that have not been addressed by the Local Union Executive Board;
- 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.

(Articles B.3.10 to B.3.12)

(f) The Membership Officer 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;
- assist in maintaining the record of membership attendance at meetings;
- perform such other duties as may be assigned by the Board from time to time.

(g) The Steward(s) shall:

- be appointed by the Executive of the Local in numbers not to exceed those outlined under Article 6.07 of the Collective Agreement
- receive complaints from grieved members and to act as their advocate to the grieved members supervisor and through all stages of the grievance procedure
- be responsible for the distribution of all notices from the membership. They shall keep up-to-date records of the people they represent
- perform other related duties as assigned from time to time by the membership and the Executive

## **SECTION 9 - OUT-OF-POCKET EXPENSES**

(a) Monies acquired pursuant to Article 16.03 of the Collective Agreement shall be distributed annually on August 31<sup>st</sup> or pro-rated at the end of the term in office for un-receipted out-of-pocket expenses and paid union leave in the following manner;

President	30%
Vice-President	20%
Secretary	20%
Treasurer	20%
Membership Officer	10%

(b) Additional funds shall be made available for un-receipted out-of-pocket expenses and paid Union leave from the Union's bank account so that the total received by the Executive Officers will be:

President	\$2000.00
Vice-President	\$1500.00
Treasurer	\$1500.00
Recording Secretary	\$1500.00
Membership Officer	\$1000.00

## Stewards

In recognition of the duties and responsibilities of Union Stewards, all Stewards shall be reimbursed an amount equivalent to the Union dues deducted by the University during their period of office. Such monies shall be distributed annually on March 31 or upon vacating the office, whichever occurs sooner. (Amendment voted April 11, 2011)

## Negotiating Committee

In recognition of the duties and responsibilities of members of the Negotiating Committee, all such committee members shall be provided a stipend of \$50.00 per day spent in negotiations with the University. (Amendment voted April 11, 2011)

## **SECTION 10 - FEES, DUES, and ASSESSMENTS**

### (a) Initiation Fee

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 (\$1.00) which shall be in addition to monthly dues. The Treasurer shall issue a receipt. If the application is rejected the fee shall be returned. (Articles B.4.1 & B.8.2)

### (b) Re-admittance Fee

The re-admittance fee shall be one dollar (\$1.00). (Articles B.4.1)

### (c) Monthly Dues

The monthly dues shall be **1.29%**. (Article B.4.3)

Changes in the levels of the Initiation Fee, the Re-admittance Fee, or the Monthly Dues can be effected only by following the procedure for amendment of these bylaws (see Section 16), with the additional provision that the vote must be by secret ballot. (Articles B.4.1 & A.4.3)

Notwithstanding the above provisions, if the CUPE Convention raises minimum fees and/or dues above the level herein established, these bylaws will be deemed to have been automatically amended to conform to the new CUPE minima.

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

## **SECTION 11 - NOMINATION ELECTION AND INSTALLATION OF OFFICERS**

### (a) Nomination

Nominations shall be received at the regular membership meeting held in the month of February. To be eligible for nomination a member shall be currently employed by the University of Windsor as a GA or TA. A member may only stand for nomination for one position. No member shall be eligible for nomination if he is in arrears of dues and/or assessments.

### (b) Election

- (1) 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 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. He must be fair and impartial and see that all arrangements are unquestionably democratic.
- (4) The voting shall take place one week following the nomination meeting. The vote shall be by secret ballot.
- (5) A majority of votes cast shall be required before any candidate can be declared elected.
- (6) 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.
- (7) Any member may request a recount of the votes for any election and a recount shall be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as laid down in Section 4 (c).

### (c) Installation

- (1) All duly elected officers shall be installed at the meeting **at which elections are held and shall continue** for one (1) year 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 laid down in Article B.2.4 of the CUPE Constitution.

(d) By-Election

Should an office fall vacant pursuant to Section 7 (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. Notwithstanding the By-election procedures, the Executive Board shall have the authority to temporarily appoint a member to the vacancy.

**SECTION 12- 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) All delegates elected to the conventions, seminars and educationals held outside the City of Windsor shall be paid transportation expenses (at economy, tourist or coach rates or where economical a mileage allowance of 35 cents per kilometre for use of a personal vehicle), a per diem allowance of fifty dollars (\$50.00) for expenses, and an amount equal to any loss of salary incurred by attendance at the convention.
- (c) Delegates to conventions held locally shall have no travel allowance. There shall be a per diem allowance of 30 dollars (\$30.00) and compensation for any loss of salary incurred by attendance at the convention.
- (d) Representation at educational institutes and seminars shall be on the recommendation of the Education Committee, subject to final approval by the membership.

**SECTION 13 - COMMITTEES**

(a) Negotiating Committee

The Executive Board shall comprise the Negotiating Committee. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The CUPE representative assigned to the Local shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

(b) Special 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 Board may sit on any special committee as ex-officio members.

(c) Labour/Management Committee

The Labour/Management Committee shall be appointed by the Executive Board as set forth by Article 6.08 of the Collective Agreement.

**SECTION 14 - 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". 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 "A", the CUPE Constitution may provide guidance, but, if the situation is not dealt with there, Bourinots Rules of Order shall be consulted and applied.

**SECTION 15 – AMENDMENT**

- (a) These bylaws are always subordinate to the CUPE Constitution (including Appendix "B") as it now exists or may be amended from time to time, and in the event of any conflict between these bylaws and the CUPE Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President. (Articles 9.2(c), 13.3, & 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 sixty days written notice. (Article B.5.1)
- (c) No change in these bylaws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President. (Articles 13.3 & B.5.1)

## APPENDIX "A"

### 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-tern 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 on a question of privilege, he shall not

proceed further until recognized by the chair.

11. When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection on the Local or member thereof.
13. If a member, while speaking, is called to order, he shall cease speaking until the point is determined; if it is decided he is in order, he may again proceed.
14. No religious discussion shall be permitted.
15. The President shall take no part in debate while presiding, but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question,
16. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he 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 in the order named. The first three of these shall be decided without debate.
18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be now put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority, If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
19. A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
20. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen minutes have elapsed.
21. After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.
22. If any member wishes to challenge (appeal) a decision of the chair, 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 may then state briefly the basis for his 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.

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