

**Canadian Union of
Public
Employees**

Local 498

Bylaws

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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 498 of the Canadian Union of Public Employees (hereinafter referred to the CUPE) has been formed.

The following By-laws 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: The Canadian Union of Public Employees, Local 498.

SECTION 2 - OBJECTIVES

The objectives of this 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 disputed between the members and their employers;

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 (2009) which should be read in conjunction with these by-laws.

SECTION 4 - MEMBERSHIP MEETINGS - REGULAR AND SPECIAL

- a) Regular membership meetings shall be held each Month on the second Monday at 4:40pm. If a statutory holiday or other cause intervenes the Executive Board shall give a weeks notice of any change in the date of the regular meeting.
- b) Special membership meetings may be ordered by the Executive Board or requested in writing by no fewer than ten (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 hours of notice of the special meeting and the subjects to be discussed. No business other than that for which the meeting is called and notice is given,

- c) 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) The order of business at regular meetings is as follows:
 - 1. Roll Call of Officers
 - 2. Voting on new members and initiations
 - 3. Reading of minutes
 - 4. Treasurer's Report
 - 5. Correspondence
 - 6. Reports of committees and delegations
 - 7. Nominations, Elections, and Installations
 - 8. Unfinished business
 - 9. New business
 - 10. Good of the Union
 - 11. Adjournment

(Article B. VIII)

SECTION 5 - VOTING OF FUNDS

Except for ordinary expenses and bills as approved at membership meetings, no sum over Two hundred and fifty dollars (\$250.00) shall be voted for the purpose of a grant or a contribution to a member or any cause outside of 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, two (2) Vice Presidents, Secretary Treasurer, Recording Secretary, three (3) General Vice-Presidents, and three (3) Trustees. All Officers shall be elected by the membership.

(Article B.2.1 and 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.3.13)
- 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 the 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. (Article B.6.1 to B.6.7)
- g) Should any Board member fail to answer the roll-call for three (3) consecutive regular membership meetings or four (4) regular Board meetings without having submitted a good reason 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

- a) The **PRESIDENT** shall:
 - Enforce the CUPE Constitution and these By-laws;
 - 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 ruling) and in case of a tie vote in any matter, including elections, have the right to cast an additional vote to break the tie
 - Ensure that all officers perform their assigned duties
 - 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, By-laws or vote of the membership
 - Be allowed necessary funds, 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

- Be a standing member of the Bargaining and Negotiation committee (Article B.3.1)
- b) The **FIRST VICE PRESIDENT** shall:
- If the President is absent or incapacitated, perform all 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 standing member on the Bargaining and Negotiating Committee.
 - Have signing authority along with the president and treasurer (Article B.3.2)
- c) The **SECOND VICE PRESIDENT** shall:
- Perform the duties of the Chief Shop Steward
 - Head the Shop Steward/Grievance Committee and chair monthly meetings thereof
 - Render any assistance to any member of the Board as directed by the Board
 - If the President and 1st Vice President are absent or incapacitated, perform all duties of the President
 - Be a member of the Bargaining and Negotiating Committee
- d) The **RECORDING SECRETARY** shall:
- Keep full, accurate and impartial account of the proceedings of all regular membership and Board meetings
 - Record all alterations in the By-laws
 - 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 Vice-Presidents
 - Be empowered, with the approval of the membership, to employ necessary stenographic or other assistance to be paid for out of the Locals' funds
 - On termination of office, surrender all books, seals and other properties of the Local to his successor. (Article B.3.3)
- e) The **SECRETARY-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 a credit union
 - Prepare all CUPE National per capita tax forms and permit payment no later than the fifteenth (15th) of each month
 - Submit to membership each month a treasurers report
 - Record all financial transactions in a manner acceptable to the Board and in accordance with good accounting practices

- Be bonded for not less than \$1500.00 (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 National Office, and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office
- Pay no money unless supported by a voucher 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 auditors and/or Trustees on reasonable notice, and have the books audited semi-annually by the Trustees
- Provide the Trustees with any information they may need to complete the audit report supplied by CUPE
- Be empowered, with the approval of the membership, to employ necessary clerical assistance to be paid for out of the Local's funds
- On termination of office or (if unbondable), surrender all books, records and all other properties or assets of the Local to his/her successor (Article B.3.4 to B.3.9)

f) The **GENERAL VICE PRESIDENTS** shall:

- Be a member of the Bargaining and Negotiating Committee
- Render any assistance to any member of the Board as directed by the Board

g) The **TRUSTEES** shall:

- Act as an auditing committee on behalf of the members and audit the books of the Secretary-Treasurer, the Recording Secretary and the Standing Committee semi-annually
- Report their findings to the first membership meeting following the completion of each audit
- Be responsible to ensure that monies are not paid without proper constitutional or membership authorization
- Ensure that proper financial reports are made to the membership
- Audit the records of attendance
- Use audit forms supplied the national Office and send a copy of each half-yearly audit to the national Secretary-Treasurer in accordance with the provisions of the CUPE Constitution (Articles B.3.10 to B.3.12)

h) The **SERGEANT-AT-ARMS** shall:

- Guard the inner door at membership meetings and admit no one but members in good standing or office or 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

SECTION 9 - OUT OF POCKET EXPENSES

The following expense allowance shall be provided monthly:

President	\$150.00
1 st Vice President	\$125.00
2 nd Vice President	\$125.00
Recording Secretary	\$125.00
Secretary-Treasurer	\$125.00
General Vice Presidents	\$50.00
Sergeant-At-Arms	\$25.00

Any changes to out of pocket expenses to be paid to any Officer of the Local shall be left up to the trustees and members and the annual budget process.

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 ten (\$10.00) dollars which shall be in addition to monthly dues.
(Article B.4.1 and B.10.2)

b) Monthly Dues

- The monthly dues shall be 1.4 % plus national per capita (Article B.4.3)
- Changes in the levels of the initiation fee, or the monthly dues can be effected only by following the procedure for amendment of the by-laws, with the additional provision that the vote must be by secret ballot (Article B.4.1 and B.4.3)
- Notwithstanding the above provisions, if the CUPE Convention raises the minimum fees and/or dues above the level herein established, these by-laws will be deemed to have been automatically amended to conform to the new CUPE minimal.
- Special assessments may be levied in accordance with Article B.4.2 of the CUPE Constitution.

SECTION 11 - NOMINATION, ELECTION & INSTALLATION OF OFFICERS

a) Nominations

Nominations shall be received at the regular membership meeting held in the month of May. To be eligible for nomination a member shall have attended at least fifty (50%) percent of the membership meetings held in the previous twelve (12) months, or in the period he was a member, if less than a year, unless a reason, acceptable to the Local has been given for non-attendance.

b) Elections

1. The voting shall take place at the regular membership meeting in May. The vote shall be by secret ballot.
2. Voting to fill one office shall be conducted and completed, recounts dealt with, before balloting may begin to fill another office.
3. 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.
4. 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.
5. Any member may request a recount of the votes for any election and a recount shall be conducted if the request, 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 two (2) years or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three (3) years. (Article B.2.4)
2. The terms of office for Trustees shall be as laid down in Article B.3.10 of the CUPE Constitution.

d) By-Election

Should an office fall vacant pursuant to Section & (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 12 - DELEGATES TO CONVENTIONS

- a) Except for the President's option (Section 8(a)), all delegates to conventions shall be chosen by a consensus of the Executive Board.
- b) Delegates to the Fraser Valley District Council shall be elected annually. An official reporter for these delegates shall be appointed annually by the President from among these delegates, and he shall be required to report at each membership meeting of the Local on proceedings at recent meetings of the Council.
- c) All delegates elected to the conventions held outside the City of Port Coquitlam shall be paid transportation expenses (at economy, tourist or coach rates), a per diem allowance equivalent to that of CUPE BC (currently \$74.00) for expenses and an amount equal to any loss of salary incurred by attendance at the Convention. If the meeting is one half day then a half day per diem allowance equivalent to that of CUPE BC (currently \$37.00) will be granted, and if all meals are provided then a per diem of fifteen dollars (\$15.00) will be paid.
- d) Representation at educational institutes and seminars shall be on the recommendation of the Executive Committee, subject to final approval by the membership.

SECTION 13 - COMMITTEES

a) Bargaining and Negotiating Committee

This shall be a committee elected at the general elections. The function of the Committee is to prepare collective bargaining proposals and negotiate a collective agreement. The Bargaining and Negotiating Committee shall remain intact until the conclusion of current negotiations. The Committee shall consist of six (6) members, all 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. Standing members of the Committee shall be the President, 1st Vice President, 2nd Vice President, and the three (3) General Vice-Presidents.

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 of the Executive Board. Two members of the Board may sit on any special committee as ex-officio members.

c) 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, with the exception of the Shop Steward/Grievance Committee, which shall be chaired by the 2nd Vice-President as outlined in Section 8(c).

1. Shop Steward/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 comprise the elected chairperson and other members to be selected from among the shop stewards. The Committee shall appoint its secretary from among its members.

2. Political Action Committee

It shall be the duty of this Committee to:

- Monitor City Council meetings and report to the membership.
- Implement any political action as deemed appropriate by the membership.

3. Entertainment Committee

It shall be the duty 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 actions taken at membership meetings. The Committee shall submit reports and proposals to the Executive Board or to the membership as required. A ceiling for the Committee's net expenditures shall be determined annually by the membership, all social and recreational events shall be self-supporting. The Executive Board shall be held responsible for the proper and effective functioning of this committee.

4. Good and Welfare Committee

It shall be the duty of this committee to:

- Extend the Local's condolences in the event of the death of a member of one of his immediate family and make other appropriate gestures in accordance with custom or wishes of the family concerned.

SECTION 14 - RULE OF ORDER

In situations not covered by these By-laws, 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 15 - AMENDMENT

- a) These By-laws 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 By-laws 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), 12.3 and B 7.1)
- b) These By-laws 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 (7) days notice at a previous meeting or at least sixty (60) days written notice. (Article B.7.1)
- c) No change in these By-laws 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 12.3 and B.7.1)

Appendix "A"
To the By-laws of CUPE Local 498

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 1st Vice-President, the 2nd Vice-President, the Recording Secretary shall act as President, and in his absence a President pro-term shall be chosen by the Local.
2. No member, except the Chairperson of the committee making a report or the mover of a resolution, shall speak more than five (5) minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had the opportunity. Chairpersons and movers of a resolution shall be limited to fifteen (15) 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 direct negative of the resolution shall be in order.
6. On motion, the regular order of business may be suspended by the two-thirds (2/3) 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, 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 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 one 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 of 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 on amendments thereto (if any) according to their priority. If 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 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.