

BYLAWS
of
CUPE, Local #859
(Saskatoon Civic Employees' Union)



Amended
February 14, 2023

TABLE OF CONTENTS

<u>ARTICLE</u>	<u>PAGE #</u>
Article 1 – Name	1
Article 2 – Objectives	1
Article 3 – Interpretation & Definitions	1
Article 4 – Eligibility of Membership.....	1
Article 5 – Membership Meetings – Regular and Special.....	2
Article 6 – Voting of Funds.....	3
Article 7 – Officers.....	3
Article 8 – Executive Board	3
Article 9 – Duties of Officers.....	4
Article 10 – Duties of Sergeant at Arms	8
Article 11 – <i>Honorariums</i>	8
Article 12 – Retirement.....	9
Article 13 – Fees, Dues and Assessments	9
Article 14 – Nomination, Election and Installation of Officers & Committee Members ...	10
Article 15 – Delegates	11
Article 16 – Committees	12
Article 17 – Amendment.....	15
APPENDIX “A”- RULES OF ORDER.....	17
APPENDIX “B” EQUALITY STATEMENT	20
APPENDIX “C” GRIEVANCE APPEAL PROCESS GUIDELINES	21
APPENDIX “D” CUPE CODE OF CONDUCT	23

Article 1 – Name

- 1.1 The name of the Local shall be Canadian Union of Public Employees (CUPE), Local No. 859 (Saskatoon Civic Employees' Union).

Article 2 – Objectives

The objectives of the Local are to:

- 2.1 Secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
- 2.2 Support CUPE in reaching the goals set out in Article II of the CUPE Constitution;
- 2.3 Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- 2.4 Encourage the settlement by negotiation and mediation of all disputes between the members and their Employers.

Article 3 – Interpretation & Definitions

- 3.1 Masculine pronouns shall be understood to include the feminine gender.
- 3.2 National Office refers to CUPE headquarters, Ottawa, and the abbreviation "CUPE" is always used with a national connotation, unless stated otherwise.

Article 4 – Eligibility of Membership

- 4.1 All workers engaged in the public service field who would come within the bargaining scope of the Union established by certification or negotiation are eligible for membership.
- 4.2 Eligible workers shall be admitted to membership in the Union upon signing an application form as required by the Union and by paying the fees and/or dues as may be determined by the Union, as provided herein under Article 12.
- 4.3 A membership card, certifying membership in the Union, together, with a copy of the constitution and collective agreement shall be forwarded to each new member.
- 4.4 Workers on layoff subject to recall shall be considered Members in Good standing.

Article 5 – Membership Meetings – Regular and Special

5.1 The Executive Board shall decide the format (in-person and/or or virtual) of all meetings.

Regular membership meetings shall be held each month on the third Tuesday at 7:30 p.m., excepting July and August. If a Statutory holiday intervenes, the Executive Board shall give a week's notice of any change in the date of the regular meeting. During the months of July and August the Executive Board shall have the authority to conduct normal union business. If business of a special nature should arise, then a special meeting will be called.

5.2 A Special membership meeting may be ordered by the Executive Board or requested in writing by not fewer than twenty (20%) percent of the members. The President shall immediately call a 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.

5.3 If there is no quorum at a general membership meeting, then the Executive Board will be required to proceed with the Union business or recommendations of the previous Executive meeting. (e.g. pay bills, attend classes, etc.). Any decision made in the absence of a quorum will be reported back for ratification at the next membership meeting.

5.4 A quorum for the transaction of business at the regular or Special meeting shall be designated as twenty (20) members of which two (2) must be members of the Executive.

Voting on all matters, as set out in Article 16.2, shall be by simple majority and defined as *more than fifty percent of the votes cast*.

5.5 The order or business at regular membership meetings is as follows:

- a) Acknowledgement of Indigenous Nations' Territory
- b) Equality Statement
- c) Adoption of Minutes of Previous Meeting
- b) Treasurer's Report
- c) Communications and Bills
- d) Reports of Committees and Delegates
- e) Nominations, Elections or Installations
- f) Unfinished Business
- g) New Business
- h) Good and Welfare

- i) Door Prizes: a draw of CUPE logoed items shall occur at each Regular Membership Meeting
- j) Adjournment

Article 6 – Voting of Funds

- 6.1 Except for ordinary expenses, bills and appeals as approved at membership meetings, no sum shall be voted for the purpose of a grant or contribution to a member or any cause outside the Labour movement, except by notice of motion given in writing and dealt with at the following membership meeting. For a sum over five hundred (\$500.00) dollars for any cause within the Labour movement, it must have prior membership approval.
- 6.2 Where a request to fund a social activity (e.g. Soft Ball, Curling, Hockey, Soccer, etc.) exceeds \$500.00 the request shall be made through a Notice of Motion. Funding shall not exceed 50% of the cost incurred by each member participating, and to a maximum of \$2000.00 per event.

Article 7 – Officers

- 7.1 The Officers of the Local shall be, the President, Vice-President, Secretary-Treasurer, Recording Secretary, seven (7) Stewards (one (1) Steward representing each area), and three (3) Trustees. All Officers shall be elected by the membership. *The Chief Shop Steward will be elected by the membership.*
- 7.2 Should one area of the Local *be* inadequately represented through the general elections, *one (1) additional Shop Steward* to the complement outlined in Article 7.1 *may be elected by the membership.* Should the need for an election arise be done so in accordance with the current constitution.

Article 8 – Executive Board

- 8.1 The Executive Board shall comprise all officers, *except Trustees.*
- 8.2 The Board *and* Trustees, shall meet every second Tuesday at 4:30 p.m. at the Local Union Office.
- 8.3 Majority of Board constitutes a quorum.
- 8.4 The Executive Officers shall hold title to all real estate of the Local as Trustees of the Local. They shall have no right to sell, convey or encumber any real estate without first submitting the proposition to a membership meeting and having such proposition approved.

- 8.5 The Board shall do the work delegated to it by the Local and deal with all grievances of members as submitted to the Board in the reports of the Grievance Committee. The Board shall be held responsible for the proper and effective functioning of the Grievance Committee.
- 8.6 All charges against members or officers must be made in writing and dealt with in accordance with the provisions under Appendix F of the CUPE Constitution.
- 8.7 Should any Board member fail to answer the roll call for three (3) consecutive regular membership meetings or three (3) *consecutive* regular Board meetings, excluding illness or other reasons acceptable to the membership, their office shall be declared vacant and shall be filled by an election at the following membership meeting.

Article 9 – 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 859 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.

- 9.1 The President shall:
- a) enforce the CUPE Constitution and these by-laws;
 - b) preside at all meetings, including membership meetings, and preserve order;
 - c) decide all questions of order and procedure (subject always to appeal to the membership);
 - d) have a vote on all matters (except appeals against the President's rulings) including elections. In the event of a tie, a subsequent vote shall be conducted.
 - e) ensure that all officers perform their assigned duties;
 - f) fill committee vacancies where elections are not provided for;
 - g) sign or authorize 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;
 - h) attend classes in union education wherever possible
 - i) have first preference as a delegate to the CUPE National Convention and Saskatchewan Division Convention and other conventions and conferences that arise during the year;
 - j) on termination of office, surrender all books, seals and other properties of the Local to his successor.

9.2 The Vice-President shall:

- a) in the absence of the President, perform all the duties of the President;
- b) if the office of President falls vacant, be Acting President until a new President is elected;
- c) in the absence of the President, be chairman at Executive Board meetings;
- d) render assistance to any member of the Board as directed by the Board;
- e) preside over at least two (2) general membership meetings per year;
- f) attend classes in union education wherever possible;
- g) on termination of office, surrender all books, seals and other properties of the Local to his successor.

9.3 The Secretary-Treasurer shall:

- a) 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.
- b) be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union.
- c) make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- d) make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
- e) receive all revenue, initiation fees, dues and assessments, keep a record of each members payments, and deposit promptly all money with a bank or credit union;
- f) prepare all CUPE; per capita tax forms and remit payment;
- g) record all transactions in a manner acceptable to the Board and in accordance with good accounting practices;
- h) *prepare annual budgets for the local's activities, committees and regular expenses to be approved by a membership vote.*
- i) provide a monthly statement of revenue and expenditures;
- j) preside over membership and board meetings in the absence of the President, Vice-President and Recording Secretary and shall appoint an Acting Recording Secretary for such meeting;
- k) ensure that vouchers are submitted before expense payments are paid;
- l) make all books available for inspection by the auditors and for Trustees on reasonable notice, and have the books audited semi-annually;

- m) provide the Trustees with any information that may be needed to complete the audit report forms supplied by CUPE and thereafter forward audit report to the National Office;
- n) be empowered, with the approval of the President, to employ necessary clerical assistance to be paid out of the Local's funds;
- o) have authority to sign cheques.
- p) attend classes in union education wherever possible

9.4 The Recording Secretary shall:

- a) keep full and accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records shall include a copy of the full financial report for Executive meetings and the written financial report for membership meetings presented by the Secretary-Treasurer. The record will also include the Trustees' reports.
- b) record all motions, with the mover's and seconder's names, in the minute book of the Local;
- c) record all alterations in the By-laws;
- d) answer correspondence and fulfill other secretarial duties as directed by the Board;
- e) assign and coordinate union representation for members
- f) perform new member orientation
- g) attend classes in union education wherever possible;
- h) file a copy of all letters sent out and keep on file all communications;
- i) prepare and distribute all circulars and notices to members;
- j) have all books and papers ready on reasonable notice for auditors and Trustees;
- k) on termination of office, surrender all books, seals and other properties of the Local to his successor;
- l) preside over membership and board meetings in the absence of both the President and Vice-President;
- m) be empowered, with the approval of the President, to employ necessary administrative or other assistance to be paid for out of the Local's funds.

9.5 The Stewards shall:

- a) be a member of the Local #859 Executive Board;
- b) represent their area to the fullest possible extent on the Executive Board;
- c) report back Executive Board decisions and other union business to the members in their area;
- d) acquaint new members with the operation of the Union;
- e) act as Sergeant at Arms if required;
- f) deal with problems in their areas;

- g) attend classes in union education wherever possible;
- h) attend all regular and Executive meetings.

9.6 The Chief Shop Steward shall:

- a) perform the duties of a Shop Steward;
- b) direct and advise the stewards in the performance of their duties;
- c) sit on the Grievance committee.
- d) attend classes in union education wherever possible
- e) preside over all matters in the absence of the Executive Board

9.7 The Trustees shall:

- a) act as an auditing committee and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary and the Standing Committees semi-annually or at a minimum on an annual basis;
- b) 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 Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct and proper manner;
- c) send to the National Secretary-Treasurer and the assigned National Representative, the following documents:
 - i. completed Audit Report
 - ii. completed Trustee Report to the Membership
 - iii. Secretary-Treasurer Report to the Trustees
 - iv. Trustee recommendations made to the President and Secretary-Treasurer
 - v. Secretary-Treasurer response to recommendations
 - vi. Concerns that have not been addressed by the Executive Board
- d) report in writing their findings to the first general membership meeting following the completion of each audit;
- e) be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization;
- f) ensure that proper financial reports have been made to the membership;
- g) audit the record of attendance;
- h) inspect at least once a year any stocks, bonds, securities, office furniture and equipment, titles or deeds to property that may at any time be owned by the Local and report their findings to the membership;
- i) evaluate all tangible assets in dollars and report same to the membership at least once yearly.
- j) form the Grievance Appeals Committee to hear and decide all grievance appeals.
- k) attend classes in union education wherever possible

Article 10 – Duties of Sergeant at Arms

10.8 The Sergeant at Arms shall:

- a) guard the inner door at general 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;
- b) assist in maintaining the record of membership attendance at meetings;
- c) perform such other duties as may be assigned by the Board from time to time.
- d) attend classes in union education wherever possible

Article 11 – *Honorariums*

11.1 The following honorariums shall be provided:

	Monthly
a) President	\$450.00
b) Vice-President	\$400.00
c) Recording Secretary	\$400.00
d) Secretary-Treasurer	\$400.00
e) Chief Shop Steward	\$300.00
f) Shop Stewards	\$200.00
g) Trustees	\$200.00

In Town	\$60.00 full day (over 3 hours) \$40.00 partial day (3 hours or less)
Out of Town	\$100.00 per day plus accommodation paid by the Local
Out of Province	\$120.00 per day plus accommodation paid by the Local

In the event of registration fee covering meals and accommodations, the rate of \$30.00 per day shall apply.

Receipted parking expenses shall be reimbursed by the Local.

11.2 An honorarium shall not be paid to any Executive member who fails to answer the roll call for the Executive and/or regular meeting in any month without having submitted good reason (e.g. working a regular shift, illness, vacation) for failure to attend.

11.3 Local 859 will not pay any expenses to any member, when expenses are already being paid by another organization (e.g. travelling, hotel and meal allowance).

- 11.4 Any union member who spends time overnight in a hospital will receive a fruit basket on behalf of all the members.
- 11.5 Any union member who experiences the loss of an immediate family member will receive flowers on behalf of all the members.

Article 12 – Retirement

- 12.1 On retirement, a member in good standing, shall receive a *logoed gift, equivalent to the value of:*

Twenty-five dollars (\$25.00) for each year of service.

Article 13 – Fees, Dues and Assessments

13.1 Monthly Dues

- a) Initiation Fee: All new members will be assessed an initiation fee of two dollars (\$2.00) upon first application for membership.
- b) The monthly dues shall be one and one-half (1.50%) percent of gross earnings.
- c) Changes in the monthly dues, or the levying of any special assessments, can be affected only by following the procedure for amendment of these by-laws (see Article 16.2).
- d) Notwithstanding the above provisions, if the CUPE convention raises minimum fees and/or dues above the level herein established, these by-laws will be deemed to have been automatically amended to conform to the new CUPE minimum.
- e) A member who fails to pay dues and assessments for three months is automatically suspended from membership. The suspension will be reported to the Executive Board by the Secretary-Treasurer. The Executive Board will report all suspensions to the next membership meeting. The member may return to membership in good standing by paying a readmission fee of two- dollars (\$2.00) and any other penalty set by the Local Union in accordance with the National Constitution.
- f) The readmission fee cannot be less than the initiation fee of the Local Union. A member who has been unemployed or unable to work because of sickness shall pay the readmission fee but may not be required to pay arrears.”

Article 14 – Nomination, Election and Installation of Officers & Committee Members

14.1 Nomination

- a) Nominations shall be received at the regular membership meeting held in the month of April.
- b) No nomination 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.
- c) Members are entitled to accept more than one (1) nomination.
- d) Members who notify the union in advance of a General Membership that they will be working a regular shift at the time of the meeting shall be considered to have attended for the purpose of 13.1 a) and 5.5 l).

14.2 Elections

- a) An election committee will be elected by the membership. They shall have full responsibility for voting arrangements and shall treat information submitted to it as confidential.
- b) The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the most experienced election committee member.
- c) The election committee shall be responsible for issuing, collection and counting ballots. They must be scrupulously fair and impartial and see that all arrangements are unquestionably democratic.
- d) The voting shall take place at the regular membership meeting in the month of May. If quorum is not achieved in May, the vote will be conducted at the next meeting at which quorum is achieved. The vote shall be by secret ballot.
- e) Voting to fill one (1) office shall be conducted and completed, the recounts dealt with before balloting may begin to fill another office.
- f) 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 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 and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next general membership meeting.
- g) When two or more nominees are to be elected to any office by vote, each member voting will be required to vote for the full number of candidates to be elected or the member's vote will be declared spoiled.

- h) Any member may request a recount of the votes for any election, and a recount shall be conducted immediately if the request is supported in a vote by a majority of members attending the meeting.
- i) Nominees will accept or decline nomination the night of nominations. Should the nominee not be present to accept the nomination, they will indicate their intention in writing to a member of the Executive Board.
- j) Those members who have accepted table officer nominations will be afforded the opportunity of speaking to the membership for no longer than five (5) minutes if they so desire.

14.3 Installation

- a) All duly elected officers shall be installed at the meeting 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, except for Trustees, shall be longer than two (2) years.
- b) President and Secretary-Treasurer should be elected on alternate years to the Vice-President and Recording Secretary.
- c) Stewards shall be elected by the membership in odd years for a two (2) year term.
- d) The Trustees shall be elected so that one (1) shall serve for a period of three (3) years, one (1) for two (2) years and one (1) for one (1) year. Each year thereafter the Local union shall elect one (1) Trustee – for a three (3) year period, or in the case of vacancies occurring, elect Trustees to fill only the unexpired terms in order to preserve overlapping terms of office.

14.4 By-Elections

Should an office become vacant pursuant to Article 3.7 these By-laws, or for any other reason, the resulting by-election should be conducted as closely as possible in conformity with Article 13.

Article 15 – Delegates

15.1 The President, Vice-President, Treasurer and Secretary shall attend the Bi-ennial CUPE National Convention.

Except for the President's option (Article 9.1 (h)) all delegates to conventions and conferences shall be chosen by the Executive at Executive meetings. At the general membership meeting this Executive recommendation will be put to the membership for their approval.

15.2 The delegates to all other conventions, conferences, committee mtgs. and seminars, shall be chosen by the Executive at the Executive meetings and will be put to the membership for approval.

For all delegates to conventions, conferences, committee meetings, seminars and schools held outside the City of Saskatoon the Local shall pay:

- a) Transportation expenses or car allowance shall be paid to driver of vehicle at the same mileage rate as CUPE Sask or fifty-eight (\$.58) cents per kilometer, whichever is the greater.

Article 16 – Committees

All Committee terms are two (2) years unless otherwise indicated. Committee nominations fall under Art. 13.1 a) and will be held at the December general membership meeting of the applicable year commencing in December 1996. Elections will be held at the following January general membership meeting. In the event of no quorum at either meeting terms will be extended until nominations and elections can be held.

In the event of a mid term vacancy the Executive may appoint committee members until by-elections can be held.

16.1 Negotiating Committee

- a) This shall be a special ad hoc committee established at least six (6) months prior to the expiration 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 the four table officers and the Chief Shop Steward.
- b) The function of this committee shall be to prepare collective bargaining proposals and to negotiate a Collective Agreement.
- c) The CUPE Representative assigned to the Local shall be one of the spokesmen and 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.
- d) Advisors to the negotiating committee shall be selected as necessary by the committee to provide the necessary expertise at the bargaining table.

16.2 Special Committees

- a) A special ad hoc committee may be established for specified purpose and period by the membership.
- b) The members shall be elected at any membership meeting, or may be specific authorization of the membership, be appointed by the President or the Executive Board.

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

16.3 Standing Committees

- a) Unless otherwise specified, the chairpersons of standing committees shall be elected or, with the approval of the membership, are appointed by the President. The Chairperson and the Executive Board may, with the concurrence of the membership, jointly appoint other members to serve on a committee. At least one (1) Board member shall occupy a seat on the Standing Committees, with voice and vote, and act as a liaison to the Executive. The Standing Committee shall be as follows:
 - (1) Grievance Committee
 - (2) Pension Benefits Committee
 - (3) Sick Bank Committee
 - (4) Social Committee
 - (5) Municipal Steering Committee (Sask. Div. CUPE)
 - (7) Assoc. of Civic Employees (ACE)
 - (8) EFAP Board Member
 - (9) Good and Welfare
 - (10) Seasonal Pension
 - (11) General Pension

16.4 Grievance Committee

- a) The committee shall be comprised of the four table officers and the Chief Shop Steward. 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. The Committee shall appoint its secretary from among its members.
- b) The Committee has the authority to decide if the grievance is acceptable and to take the grievance to the first step, the second step and to the Executive Board for discussion.
- c) The grievance may proceed to the Arbitration State subject to approval from the Executive Board.

16.5 Appeals Committee (*see APPENDIX "C"*)

- a) Trustees who have not participated in the initial decision-making process shall comprise the Appeals Committee.
- b) Grievors who are dissatisfied with the decision of the Executive Board have the right to submit a grievance appeal to the Appeals Committee.

16.6 Sick Bank Committee

- a) To consist of one (1) member.
- b) To be elected by the membership.
- c) This person to be Local #859 representative on the joint Sick Bank committee.

16.7 Social Committee

- a) To consist of the Secretary Treasurer, led by two (2) other members.
- b) To be elected by the membership.
- c) 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.
- d) The membership shall vote on an annual Social Committee budget that includes a maximum amount for social committee expenditures and all social and recreational activities and events shall be self-supporting.
- e) The Secretary-Treasurer will be responsible for all finances.
- f) The committee shall submit reports and proposals to the Executive Board or to the membership, as required.
- g) The Executive Board shall be held responsible for the proper functioning of this committee.

16.8 Municipal Steering-Committee (Sask. Div. CUPE)

- a) To consist of the four (4) table officers and the Chief Steward.
- b) The function of this committee shall be to co-ordinate, as far as possible, bargaining strategy and to maintain a line of communication on all matters considered in the best interest of the Local.

16.9 Association of Civic-Employees (ACE)

- a) To consist of the President.
- b) The function of this committee shall be to act as liaison between Local #859 and other civic Locals.

16.10 Pension Benefits Committee

- a) To consist of two (2) members.
- b) To be elected by the membership.
- c) These persons shall recommend improvements and changes to the General Superannuation Plan.

16.11 EFAP Board Member

- a) To consist of one (1) member.

- b) To be elected by the membership.
- c) The duties of this person include sitting on the Employee and Family Assistance Board of Directors and ensuring that compassion and confidentiality are maintained and that the program is fiscally sound.

16.12 Good and Welfare

- a) To consist of two (2) members.
- b) To be elected by the membership.
- c) The duties of these persons are to report sick, ~~and~~ injured and bereaved members to the Executive and fruit baskets or flowers delivered (within city limits) to members who have spent the night in hospital or suffered the loss of an immediate family member.

16.13 Seasonal Pension Plan

- a) To consist of one (1) member.
- b) To be elected by the membership.
- c) Represents the Local on the Seasonal Pension Plan.
- d) Formulates ideas for plan improvements.

16.14 General Pension Plan Trustee

- a) To consist of one (1) member.
- b) To be elected by the membership.
- c) To hold a three-year term (when the Local is entitled).
- d) The duties of this person are to act as a trustee on the General Superannuation Plan as prescribed in the trust agreement.

Article 17 – Amendment

17.1 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.

17.2 These bylaws shall not be amended, added to, or suspended except upon:

- a notice of the intention to propose the amended or additional Bylaws given at least seven days before at a previous membership meeting or sixty (60) days before in writing and
- at a vote of support of at least two-thirds (2/3) of those present and voting at a special membership meeting following written notice given at a previous regular membership meeting.

17.3 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.

APPENDIX "A"- RULES OF ORDER

In situations not covered by Appendix A, the National Constitution, Bourinot's Rules of Order shall be consulted and apply.

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-term 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 (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 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 there on, 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 names 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 these present.
10. When a member wishes to speak on a question or to make a motion, he shall rise to 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 (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.
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. Discussion will be limited to union matters and the labour movement.
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 (2) 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.

APPENDIX “B” 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, language and ethnic origin.

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

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

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

APPENDIX “C” GRIEVANCE APPEAL PROCESS GUIDELINES

Employees who have filed a grievance shall be provided the following information:

1. The decision of the Local;
2. The reasons for its decision;
3. The ability of the grievor to appeal the Local’s decision to an Appeals Committee that consists of one (1) to two (2) Local 859 Executive members who have not participated in the Local’s initial grievance decision;
4. The names of members on the Appeals Committee, time and date of the Appeals Committee meeting and invitation to the Appeal hearing if the grievor so chooses;
5. A deadline for the grievor to advise the Local of attendance to the Appeal Hearing; and
6. The Appeal Committee Guidelines.

When a grievance is subject to appeal the Local shall advise the Employer the grievance is in abeyance until the decision of the Appeals Committee is issued.

Appeal Committee Guidelines:

The Appeal Committee is comprised of one (1) to two (2) CUPE Local 859 executive members in who have not participated in the Local’s initial grievance decision. The Appeals Committee will review all information presented to it in consideration of the matter and adhere to the principles of natural justice.

The decision and reasons will be communicated in writing to the grievor and the Local. The decision of the Appeals committee is final and not subject to further Appeal. All information is strictly confidential and shall not be shared outside the Local executive or grievance committee.

Process:

The Appeals Committee shall determine the length of time for the Appeals hearing and a date by which its decision will be issued, taking into account any additional time needed for investigation or fact finding.

Grievor:

The grievor shall present their or their case or argument to the appeals Committee. The grievor may make written and/or oral submissions. Any documentation the grievor wishes the Appeals Committee to review shall be supplied to the Appeals Committee either in advance of the hearing or at the hearing.

The Local and the Appeals committee members may ask clarifying questions of the grievor.

Local:

The Local shall present its rationale for the original decision to the Appeal Committee. The Local may make oral or written submissions. Any documentation the Local wishes the Appeals Committee to review shall be supplied to the Appeals Committee either in advance of the hearing or at the hearing.

The grievor and/or the Appeals Committee may ask clarifying questions.

APPENDIX “D” CUPE CODE OF CONDUCT

The mandate of our union, the Canadian Union of Public Employees (CUPE), is to organize and defend workers and to promote economic and social justice for our members and for all workers. In carrying out our work, we in CUPE strive to promote our 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.

CUPE is committed at all levels to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. CUPE needs to ensure that we provide a safe environment for members, staff and elected officers to carry out our work. CUPE’s expectation is that mutual respect, understanding and co-operation will be the basis of all our interaction.

The Code of Conduct sets out standards of behaviour for participants at national convention, national conferences, schools, meetings, and all other events organized by CUPE National. It is also applicable to structures of CUPE – Locals, Provincial and Service Divisions, District Councils, Provincial Unions, Councils of Unions, Provincial Councils of Unions, and Provincial Sectoral Groups. It is consistent with the expectations outlined in the Equality Statement and the CUPE National Constitution.

This Code of Conduct is intended to deal with complaints of inappropriate behaviour at events organized by CUPE National. 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 CUPE members, staff, and elected officers, 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.
- Take responsibility for not engaging in inappropriate behaviour due to use 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 the 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 them 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. At national convention, national conferences, schools, meetings, and all other events organized by CUPE National, a complaint shall be brought to the attention of an ombudsperson.
3. At a meeting, event, or activity held by a structure of CUPE, should an ombudsperson be available, the same process would be used. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint.
4. If the complaint involves a staff member, it shall be referred to the appropriate director for investigation and the complaint shall be dealt with in accordance with the applicable staff collective agreement. If the complaint involves a staff member employed by another part of CUPE, the person responsible for their employment will be the one to whom a complaint is referred and the relevant collective agreement, should it exist, would be applicable.
5. Once a complaint is received where an ombudsperson is being used, the ombudsperson will work to seek a resolution.
6. If this fails to resolve the matter, the ombudsperson 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.
7. At CUPE National events where an ombudsperson is not available, a person properly appointed and designated to be in charge shall receive the complaint.

Depending on the nature of the problem, the person in charge may attempt to resolve it through conflict resolution. If this fails to resolve the matter, the person in charge shall determine whether there is a need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses. The same process is to be used for other parts of CUPE where an ombudsperson is not available.

8. For National events, if the person in charge is a party to the complaint, the director or designate shall assume that role. For all other parts of CUPE, an alternate will be designated to assume the role.
9. In a case where a member has been expelled from an event, the National President shall receive a report on the matter. For all other structures of CUPE, the presiding officer shall receive a report on the matter.
10. For events organized by CUPE National, the National President shall determine if further remedial action is appropriate, including restricting a member's participation in future events organized by CUPE National. A similar process may be applicable to the other parts of CUPE, done in consultation with the National President.

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

All chartered organizations are subject to this Code of Conduct, to apply to Conventions, conferences, schools, and meetings which they organize.

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https://cupe-my.sharepoint.com/personal/hdillabaugh_cupe_ca/Documents/Desktop/Bylaws L 859 Amended February 14 2023.docx