



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

***LOCAL 3131***  
***BY-LAWS***

June 2019

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## **PREAMBLE**

In order to improve the social and economic welfare of its members without regard to sex, color, race or creed, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, Local 3131, the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed.

The following by-laws are adopted by Local 3131 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 No. 3131, CBU Staff union.

## **SECTION 2 – OBJECTIVES**

The objectives of Local 3131 are to:

- a) Secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all worker.
- 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 employer.

## **SECTION 3 – INTERPRETATION AND DEFINITIONS**

- a) Words importing to the feminine gender shall include males; words importing to the male gender shall include females.
- b) Numbers of Articles at the end of sections or subsections refer to relevant articles of the CUPE constitution (2003) which should be read in conjunction with these by-laws.
- c) Once accepted, a member continues as a member in good standing while employed within the jurisdiction of the Local Union unless the member loses good standing under the provisions of this National Constitution.

## **SECTION 4 – REGULAR AND SPECIAL MEMBERSHIP MEETINGS**

- a) Regular membership meetings shall be held monthly in the months of September – November and January – June. If there is to be any change in the regular scheduled meetings, the secretary will post the change one week before the meeting.
- b) Special membership meetings may be ordered by the Executive Board or requested in writing by no fewer than sixteen (16) 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.
- c) A quorum for the transaction of business at any regular or special meeting shall be 10% of the members plus three (3) members of the Executive Board.
- d) The order of business at regular membership meetings is as follows:
  - i. Roll call of Officers
  - ii. Reading of Equality Statement
  - iii. New members and initiation
  - iv. Reading and approving previous minutes
  - v. Matters arising from minutes
  - vi. Treasurer's report
  - vii. Communications and Bills
  - viii. Executive Board Report
  - ix. Reports of committees and delegates
  - x. Nominations, elections and installations
  - xi. Unfinished business
  - xii. New Business
  - xiii. Good of the union
  - xiv. Adjournment

(Article B. VIII)

## **SECTION 5 – OFFICERS**

The officers of Local 3131 shall be: President, Vice-President, Recording Secretary, Treasurer, three (3) Trustees, Membership Officer and three (3) Shop Stewards. All Officers shall be elected by the membership.

(Articles B.2.1. & B.2.3)

## SECTION 6 – EXECUTIVE BOARD

- a) The Executive Board shall be comprised of all Officers, except Trustees.  
(Article B.2.2)
- b) The Board shall meet at least once every month.
- c) A majority of the Board constitutes a quorum.
- d) 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.
- e) All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE constitution.
- f) Should any Board member fail to answer the roll call for three consecutive regular membership meetings or three consecutive Board meetings without having submitted good reasons for failures, his office shall be declared vacant and shall be filled by an election at the following membership meeting.

(Article B.2.5)

## SECTION 7 – DUTIES OF OFFICERS

Each Officer of Local 3131 is required to participate in at least one CUPE educational course of their choosing to enhance their leadership skills and expand their knowledge and expertise.

“All signing Officers of Local 3131 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 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 rulings) and in case of a tie vote in any matter, excluding 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 CUPE National Constitution, Local Union by-laws, or vote of the membership; be allowed necessary funds, not to exceed \$100.00, 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;
- Be ex-officio of all Local Union Committees;
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor;
- Be a standing member of the Bargaining and Negotiation committee.  
(Articles 11.7(b) & B.3.1)

b) The **Vice-President** shall:

- If the President is absent or not eligible, perform all duties of the President;
- Preside over membership and Executive Board meetings in the absence 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 Local as directed by the Executive;
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor.  
(Articles 11.7(b) & B.3.2)

c) The **Recording Secretary** shall:

- Keep full, accurate and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (Membership meetings) presented by the Treasurer. The record will also include Trustee reports. (To be kept in a binder and accessible on reasonable notice);



- Record all amendments and/or additions in the bylaws, and make certain that these are sent to the National President for approval;
- Distribute electronically minutes of previous meetings one week prior to regular monthly meetings;
- 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;
- Be empowered, with the approval of the membership, to employ necessary administrative assistance or other assistance to be paid for out of the Local's funds;
- On termination of office, surrender all books, seals and other properties of the Local to his successor.

(Article B.3.3)

d) The **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;
- Sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the National constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences;
- Prepare all CUPE per capita tax forms and remit payment no later than the last day of the following month;
- Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union;

- Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices;
- Make a written financial report prior to each regular membership meeting, detailing all income and expenditures for the period;
- Be bonded through the master bond held by the CUPE National Office. Any Treasurer who cannot qualify for the bond shall be disqualified from office;
- Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the President and one other member of the Executive Board as determined by the Executive Board or any two other members of the Board;
- Make all books available for inspection by the Auditors and/or Trustees on reasonable notice, and have the books audited annually;
- Provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE;
- On termination of office, surrender all books, records and other properties of the Local to his successor;
- Any other required duties not listed shall comply with the required duties of this Officer in the National Constitution.

(Articles B.3.4 & B.3.9)

d) The **Trustees** shall:

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Treasurer, the Recording Secretary and the Standing Committee annually;
- Report their findings to the first membership meeting following the completion of each audit; be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
- 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;
- Ensure that proper financial reports are made to the membership;

- Audit the record of attendance; inspect at least twice 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;
- Use audit forms supplied by the National Office and send a copy of each yearly audit to the National Secretary-Treasurer in accordance with the provisions of the CUPE Constitution;
- 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 Treasurer of the Local Union
  - v. Treasurer's response to recommendations
  - vi. Concerns that have not been addressed by the Local Union Executive Board
  - vii. Any other required duties not listed shall comply with the required duties of this Officer in the National Constitution.  
(Articles B.3.10 to B.3.12)

e) 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 the Treasurer in maintaining the record of membership attendance at meetings;
- Perform such other duties as may be assigned by the Board from time to time.

f) The **Shop Stewards** shall:

- Investigate, write, and file grievances on behalf of members;
- Help to solve problems outside the grievance procedure;

- Ensure good communication between the members and the executive;
- Educate members about the collective agreement, about the union's role in the workplace – and about important social issues;
- Stand up as a strong ally with members from equity-seeking groups;
- Mobilize members to support the union's role in bargaining, to attend public rallies, etc.;
- Act as a mediator when members are in conflict with each other;
- Help a member get an accommodation or return to work after an injury or illness;
- As a steward, your role is to watch and listen to what's happening in your workplace, on behalf of your local. As part of this role, you will want to inform the executive of issues that the local needs to deal with in bargaining; watch for early warning signs of privatization or contracting out; and stay alert for other problems.

## **SECTION 8 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS**

- a) Nominations
  - i) An Elections Committee consisting of a Returning Officer and two assistants shall be selected from the general membership in the month of April.
  - ii) This Committee shall collect names of nominees from the membership and present them at a general meeting in May.
  - iii) In order for members to be eligible for nomination, they shall have attended at least fifty (50%) percent of the membership meetings held during the previous 12 months unless a valid reason, acceptable by the local, has been given for non-attendance. They must also have been a member in good standing of the bargaining unit for the previous 12 months.
  - iv) 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.

- v) No member shall be eligible for nomination if they are in arrears of dues and/or assessments.
- b) Elections
- i) The Election and Installation of Officers will take place at an Annual General Meeting to be held in June. The Elections Committee shall comprise 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.
  - ii) 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.
  - iii) The Returning Officer shall be responsible for issuing, collecting, and counting ballots. All arrangements are to be unquestionably democratic.
  - iv) The voting shall take place at the regular membership meeting in June. The vote shall be by secret ballot.
  - v) Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
  - vi) A majority of votes 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 case of a final tie vote a second ballot shall be distributed.
  - vii) 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.
  - viii) 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

- i) All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for or until a successor has been elected and installed, provided, however, that no term of office be longer than three years.
- ii) The term of office of Executive Board members and officers, except Trustees, shall be not less than one year nor more than three years. No member may hold more than one elected position on the Executive Board. In the event there are no nominees for Executive positions, current position holders can let their name stand.  
(Article B.2.4)
- iii) The terms of office for Trustees shall be elected so that one shall serve for a period of three years, one for two years and one for one year, as laid down in Article B.3.10 of the CUPE National Constitution. Each year after that, the Local shall elect one Trustee for a three 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.
- iv) The Oath of Office to be read by the newly-elected officers is:

*“I, \_\_\_\_\_, do most sincerely promise that I will truly and faithfully, to the best of my ability, perform the duties of my office for the ensuing term, as prescribed in the Constitution and laws of the Canadian Union of Public Employees, and as an Officer of this Local Union will at all times endeavour, both by counsel and example, to promote the harmony and preserve the dignity of its sessions.*

*I further promise that at the close of my official term, I will promptly deliver all monies, books, papers, or other property of this Local Union in my possession to my elected successor.”*

(Article B.3.10)

d) By-Election

Should an office fall vacant for any reason, the resulting by-election should be conducted as closely as possible in conformity with this Section.

## SECTION 9 – OUT OF POCKET EXPENSES

a) Committee Expenses:

The following expense allowance shall be provided for members of the Local who are required and authorized to attend meetings and/or educational, conferences or Conventions on behalf of the Local as follows:

- i) Off campus all day meetings: \$60.00 per day or part day breakdown of: Breakfast - \$10.00; Lunch - \$20.00; and Supper - \$30.00.
- ii) Wage loss for any time lost due to attendance of meetings or Council, on behalf of the Local.
- iii) Mileage incurred as a result of attendance of business on behalf of the Local as follows: .54 cents per km.
- iv) Airfare shall be paid, if necessary, to attend union business on behalf of the Local and authorized by the Local.
- v) Travel expense original receipts will be submitted for payment if a member is required to incur such expense as authorized by the Local.

b) Honorariums:

- i) The following honorariums shall be paid in the month of March yearly for the previous year's service or pro-rated for months served:

1) President	\$500
2) Vice-President	\$500
3) Recording Secretary	\$500
4) Treasurer	\$500
5) Shop Stewards	\$500
6) Membership Officer	\$500
7) Web Administrator	\$250

- ii) Any member who is on authorized Local business shall be eligible for childcare, dependent care, and/or elder care expenses where required. Upon proof of payment, claims shall be reimbursed to a maximum of the living wage for the area for each hour of care required.

## SECTION 10 – FEES, DUES, AND ASSESSMENTS

a) Initiation Fee

Payment of initiation fees is a tangible confirmation of the desire to become a member of your Local Union and the Canadian Union of Public Employees. Each application for membership in the Local shall be directed to the Treasurer and shall be accompanied by an initiation fee of two (\$2) dollars which shall be in addition to monthly dues. The Treasurer shall issue a receipt. If the application is rejected, the fee shall be returned.

(Article B.4.1 & B.10.2)

b) Readmittance Fee

The readmittance fee shall be two (\$2) dollars.

(Articles B.4.1 & B.11.2)

c) Monthly dues

The monthly dues shall be 1.5% of bi-weekly wages.

Changes in the levels of the Initiation Fee, the Readmittance Fee, or the Monthly Dues can be effected only by following the procedure for amendment of these by-laws (see section 16), with the additional provision that the vote must be by secret ballot.

(Articles B.4.1)

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 minima.

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



## SECTION 11 – NON-PAYMENT OF DUES AND ASSESSMENTS

Any member in arrears for a period of three months or more shall be automatically suspended and his/her suspension shall be reported to the Executive Board by the Secretary-Treasurer. The Executive Board shall report to the next membership meeting with a recommendation. Any member under suspension wishing to be reinstated shall, upon application, pay the readmittance fee, plus any dues and assessments in arrears. This money will be returned if the application is rejected. If a member has been unemployed or unable to work because of sickness, he/she shall pay the readmittance fee but not be required to pay his arrears.

(Article B.11.1)

## SECTION 12 – DELEGATES TO CONVENTIONS

- a) Except for the President's option [Section 7(a)], all delegates to conventions shall be chosen by election at membership meetings.
- b) Delegates to the District CUPE 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) Delegates to the Cape Breton District Labour Council shall be elected annually. A member responsible for reporting back to the Local Union membership shall be appointed by the President from among these delegates, and the member appointed shall report at each Local Union membership on proceedings at recent meetings of the Council.
- d) All delegates elected to attend a convention held outside the Cape Breton Regional Municipality, and who are authorized and required to stay overnight, shall receive the same allotment outlined in Section 9: Out-of-Pocket Expenses. *The Union membership cannot authorize this expense unless the union finances are stable.* The Local Union will reimburse the employer for any loss of wages (salary continuance).
- e) Representation at educational institutes and seminars shall be on the recommendation of the Education Committee, subject to final approval by the membership.
- f) Local 3131 will provide members with their per diem allowance prior to their attending the convention, conference or educational.

## **SECTION 13 – VOTING OF FUNDS**

- a) Local 3131 will pay out funds under the following circumstances:
  - i) When the expenditure has received prior authorization through a membership approved budget.
  - ii) When these bylaws approve the expenditure; or
  - iii) Through a vote of the majority of members at a membership meeting
- b) Authorization to pay per capita tax to CUPE National, CUPE Nova Scotia Division, or any labour organization the Local Union is affiliated with, is not required.
- c) Except for ordinary expenses and bills as approved at membership meetings, any sum over \$100.00 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.
- d) No member of Local 3131 will be allowed to spend any Local Union funds without first having received authorization under Section 13(a) of these bylaws.

(Article B.4.4 - B.1.2.)

## **SECTION 14 – COMMITTEES**

No member can be a part of any Committee unless they are a member in good standing; they shall have attended at least fifty (50%) percent of the membership meetings held during the previous 12 months unless a valid reason, acceptable by the local, has been given for non-attendance.

- a) Negotiating Committee

This shall be a special ad hoc committee established at least three (3) months prior to the expiry of Local 3131'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 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, including any MOA's\MOU's. The Local Union President shall be an ex-officio member of the negotiating committee.

All members of Local 3131's negotiation committee shall attend Level 1 and Level 2 of CUPE's collective bargaining educational courses.

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) Standing Committees

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

Termination of a Member from a Standing Committee:

- Retirement or resignation of a Member shall automatically constitute immediate termination of a Member on any standing committee. That position would then be considered vacant.
- If an active member had been discharged from Cape Breton University and the Local disputes or grieves such a discharge the person shall be deemed not to have terminated their position on a standing committee until all proceedings with respect to the discharge has been exhausted or abandoned.
- A motion of non-confidence shall follow the following procedure:
  - i) A motion of non-confidence of any member of a Standing Committee may be presented at any duly constituted General Membership meeting.
  - ii) A hard and electronic copy of the text of any proposed motion of non-confidence, as well as a written summary of the

grounds for the motion, must be presented to the Secretary or President no later than forty-eight (48) hours prior to the commencement of the meeting at which it will be considered.

- iii) The Secretary or President shall, at the earliest opportunity following the receipt of the text of the motion and the written grounds, provide a copy of the same to the person who is the subject of the motion.
- iv) The mover of a motion of non-confidence may speak and the person named in the motion may respond. No further debate shall be allowed.
- v) If a non-confidence motion directed toward the holder of any position on a standing committee is approved by at least two-thirds (2/3) of the votes cast by members at the General Membership meeting at which it is considered, the Member shall be immediately removed from office and the position declared vacant.

d) Joint Job Evaluation Committee (JJEC)

- The JJE Committee shall be elected at the annual general meeting and shall consist of three members of the bargaining unit plus an alternate member.
- The terms will be: four years for Co-chair; three years and two years respectively for the other members.
- The alternate will serve two years and can serve as a member of the committee after the two-year term served as an alternate.
- No one committee member can act alone or sign off on any job description without the consent of the local president and vice president. If the President or Vice-president of the local acts as vice chair then the Secretary and the Treasurer must agree to the job description whether it is a new job or a changed job.
- In the case of a dispute, then the CUPE executive and the JJEC CUPE committee members must meet and resolve the problem with the assistance of a CUPE National Representative in attendance.
- Should a committee position fall vacant for any reason, the resulting by-election should be conducted as closely as possible in conformity with Section 8.

e) Grievance Committee (Shop Stewards)

This Committee shall process all grievances not settled at the initial stage and its reports shall be submitted first to the Executive Board, with a copy to the CUPE Representative, and then to a membership meeting. Grievances must be in writing on the forms provided by the National Office and be signed by the complainant or complainants, as provided for in the collective agreement. The Committee shall be comprised of two (2) shop stewards to be voted on at the annual general meeting.

All pertinent information on cases, complaints or disagreements that cannot be resolved by internal procedures will be brought before the general meeting for a vote, before proceeding to arbitration.

f) Education Committee

It shall be the duty of this Committee to:

- Arrange for representation of the Local at any appropriate and available educational seminar or conference and submit recommendations accordingly to the Executive Board;
- Instruct delegates in the preparation of reports to the membership on seminars and conferences and maintain a referee file of these reports;
- Co-operate with the Executive Board in preparing press releases and other publicity materials;
- Co-operate with the Education and Public Relations Departments of CUPE, and with the regional Education Representative, in implementing both the Local and CUPE's policies in these fields. The Committee shall be comprised of either two (2) and three (3) members and shall appoint its secretary from among its members.

g) Membership Support Committee

Social:

- It is the function of this Committee to arrange and conduct all social and recreational activities of the Local either on the Committee's own initiative or as a result of decisions taken at membership meetings.
- The Committee shall submit reports and proposals to the Executive Board or to the membership as required.
- A ceiling for the Committee's net expenditures shall be fixed annually by the membership.
- The executive Board shall be held responsible for the proper and effective functioning of this Committee.

Good of the Local Committee:

- Gifts of flowers or baskets for a sick member should not exceed \$55.00. The Committee shall visit members who are ill (if a member is ill for more than two weeks, have sent some token of the Local's concern and desire to help, whether the member is at home or in hospital)
- Retiring members of CUPE 3131 will receive a gift in the value of \$250.00 upon their retirement.
- Members of CUPE 3131 with 25 years service will receive a cheque for \$100.00 upon completion of their 25 years service.
- Extend the Local's condolences in the event of the death of a member or one of his immediate family and make other appropriate gestures in accordance with custom or the wishes of the family concerned.
- The Committee shall be comprised of either two (2) and three (3) members and may appoint a secretary-treasurer from among its members. It shall be reimbursed by the Executive Board for expenses incurred in the performance of its duties.
- Donations to outside organizations may not exceed \$100.00 (unless approved by membership).

h) By-Law Committee

- Review the bylaws annually and make recommendations to the Executive Board on proposed amendments.
- Review any proposed amendments received from the Executive Board or membership of the Local Union to ensure that the amendment will conform to the remainder of the bylaws and the CUPE National Constitution.
- Ensure that the Local Union's bylaws are written in clear language, ensuring that clear language does not change the intent or meaning of the bylaws.
- The committee members will be the elected chairperson and two (2) members.

i) Other Committees

- Benefits
- Pension
- OH & S
- Food service

## **SECTION 15 – 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 by-laws as Appendix "A". These rules shall be considered as an integral part of the by-laws and may be amended only by the same procedure used to amend the by-laws.

In situations not covered by Appendix "A", the CUPE constitution may provide guidance, but, if the situation is not dealt with there, *Bourinoit's Rules of Order* shall be consulted and applied.

## **SECTION 16 – 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.
- 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 days notice at a previous meeting or at least sixty 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.  
(Article B.7.1)

## **SECTION 17 – COMPLAINTS AND TRIALS**

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

(Articles B.6.1 to B.6.5)



**APPENDIX “A”**  
TO THE BY-LAWS OF CUPE LOCAL 3131

**Rules of Order**

1. The President or, in his absence, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President and Vice-President, the Recording Secretary shall act as President, and in his absence a President protem shall be chosen by the local.
2. No member, except the Chairperson of a committee making a report or the mover of a resolution, shall speak more than five minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had an opportunity. Chairpersons and movers of a resolution shall be limited to fifteen minutes, except with the consent of the meeting.
3. The President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask: “Is the Local ready for the question?” Should no member rise to speak, the question shall then be put.
4. A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
5. A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
6. On motion, the regular order of business may be suspended by a two-thirds vote of those present, to deal with any urgent business.
7. All resolutions and motions other than those named in Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being put to the Local.
8. At the request of any member, and upon a majority vote of those present, a question may be divided when the sense will admit of it.
9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.

10. When a member wishes to speak on a question or to make a motion, he shall rise in his place and respectfully address the presiding officer, but, except to state that he rises to a point of order or 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 not take 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 (a) to adjourn; (b) to put the previous question; (c) to lay on the table; (d) to postpone for a definite time; (e) to refer; (f) to divide or amend, which motions shall be 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 (a) when a member has the floor; and, (b) 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 lapsed.

21. After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, a 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.

## **APPENDIX “B”**

### **CUPE NATIONAL EQUALITY STATEMENT**

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behaviour that creates conflict prevents us from working together to strengthen our union.

As unionists, mutual respect, cooperation, and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile, or offensive environment.

Discriminatory speech or conduct which is racist, sexist, transphobic or homophobic hurts and thereby divides us. So too, does discrimination on the basis of ability, age, class, religion and ethnic origin.

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

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

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

# EXECUTIVE SIGNATURE SHEET

Dated at Sydney, Nova Scotia this                      day of                      2019.

\_\_\_\_\_  
President

\_\_\_\_\_  
Vice-President

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Treasurer

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Dated this                      day of                      2019.

\_\_\_\_\_  
National President