

# **CANADIAN UNION OF PUBLIC EMPLOYEES**

## **LOCAL 37**

# **BY-LAWS**



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## BY-LAWS

### **You are the UNION!**

A few DO'S and DON'T'S calculated to test the sincerity of we, the UNION:

- You should study the Constitution.
- You should study the By-laws.
- You should study the Collective Agreement.
- You should attend as many meetings as possible.
- You should get acquainted with the Steward in your department.
- You should learn the difference between a legitimate grievance and a complaint, whether such be frivolous or well-founded.
- You should memorize the order of business and follow it when attending meetings (when in doubt ask the guidance of the Chair).
- You should think before you vote.
- You shouldn't say "why doesn't the Union...?" "instead of "why don't we...?"
- You shouldn't stay away from meetings and gripe about *unwise* decisions afterwards.
- You shouldn't go *over the head* of your Steward.
- You shouldn't think that if things are not your liking, there just isn't anything you as an individual can do about it.
- You shouldn't believe the Union is not vitally important to you. Next to your home and family, the Union is your most important interest.
- You shouldn't hesitate to bring to the attention of the meeting your problems; they are the Union's problem too.
- You shouldn't leave this booklet at home – carry it at all times.

### **PREAMBLE**

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

The following 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**

The name of this Local shall be:  
Canadian Union of Public Employees, Local No. 37 (Alberta).

## **SECTION 2 OBJECTIVES**

The Union has as its objectives:

1. The organization of workers generally, and in particular all workers in the public service in Canada.
2. The advancement of the social, economic and general welfare of public employees.
3. The defence and extension of the civil rights and liberties of public employees and the preservation of free democratic trade unionism.
4. The improvement of the wages, working conditions, hours of work, job security and other conditions of public employees.
5. The promotion of efficiency in public service generally.
6. The promotion of peace and freedom in the world and the cooperation with free and democratic labour movements throughout the world.
7. Conducting an educational program designed for the education of Local 37 members in Union matters.

## **SECTION 3 INTERPRETATION**

In these By-laws, masculine pronouns, whenever used, shall include female gender.

## **SECTION 4 MEETINGS**

- A.**
1. The regular general meeting shall be held on the second Tuesday of each month at or about 7:00 pm.
  2. There will be no general meetings in the months of July and August unless called for by the Executive Board.
  3. The regular monthly meeting will follow the special meeting.
  4. If a statutory holiday and/or official Union business intervene, where practicable, the Executive Board shall give a month's notice of any change in the date of the regular meeting.

5. The annual election shall be held the first Saturday in March of each year for the purpose of electing officers.
6. A quorum for the transaction of business at any regular or special meeting shall consist of at least 25 members in good standing, including 3 Table Officers and 2 Executives-at-Large.
7. Sub-locals are exempt from this section.

## **B. Special Called Meeting**

Special meetings may be called at the discretion of the President, the Executive, or on written request of 25 members in good standing. The purpose for calling the meeting must be in writing and signed by 25 members. No business but the mentioned in the written request may be discussed at the special called meeting. All members are to be notified of the meeting.

## **SECTION 5 ELECTIONS FOR OFFICE**

### **PART 1**

#### **A. General Eligibility**

All those eligible to hold office shall:

1. Have been members of and paid dues to CUPE Local 37 continuously for the 12 consecutive months prior to the election.
2. Have attended six regular scheduled general meetings in the previous 12 months prior to the nomination meeting.

- B.**
1. No member shall be allowed to be elected to more than one executive board position.
  2. No nomination shall be accepted unless the member is in attendance at the nominations meeting, or has allowed to be filed, at such meeting, his consent in writing, duly witnessed by two members. A member in attendance at the nomination meeting will be asked to complete a Nomination Form on site.
  3. Nothing contained in Section 5 Elections of Office, shall be deemed to conflict with the provisions of the CUPE National Constitution.
- C.** In the event an elected officer accepts an assignment outside of the jurisdiction of CUPE Local 37 (that is related to Union business, either local, provincial or national), the following rules shall apply:
1. The elected officer in question shall be deemed to be on a leave of absence from all elected positions for the duration of the book-off.
  2. While on assignment, the elected officer shall continue to have seat, voice and vote at regular general or special called meetings.
  3. Any temporary vacancies created by this book off shall be filled interim at the discretion of the Executive and as appointed by the President.

## **PART 2 OPERATIONS**

For the purpose of conducting the annual elections, the President shall, subject to the approval of the members at the regular December meeting of every year, appoint one Returning Officer and up to six Assistant Returning Officers who will not be candidates for office and will preside over the nomination meeting and the election meeting, with the assistance of the CUPE National Representative and shall form the Electoral Committee. The National Representative will conduct the actual election.

## **PART 3 ELECTION PROCEDURES**

**A.** 1. Even year elections shall include the following 2 year term positions:

- President
- Treasurer
- Sergeant-at-Arms
- 3 Executives-at-Large
- Trustee – 3 year term

2. Odd year elections shall include the following 2 year term positions:

- Recording Secretary
- Vice President
- 2 Assistant Sergeants-at-Arms
- 3 Executives-at-Large
- Trustee – 3 year term

3. The candidate receiving the most ballots cast shall be declared elected.

- B.** 1. A nomination meeting shall be held in conjunction with the scheduled general meeting in January of each year. In the event this meeting is cancelled due to lack of quorum, only those nominations received by Nomination Form or Letter of Nomination will be accepted.
2. If work or other reasons precludes a member from attending this meeting, a Nomination Form or Letter of Nomination signed by the nominee and witnessed by two members must be forwarded to a Returning Officer or CUPE National Representative.
3. Only nominations at the nomination meeting, Nomination Form or by Letter of Nomination will be accepted.
4. Members may be nominated for more than one position.
5. The Returning Officer and the Assistant Returning Officers, with the assistance of the CUPE National Representative, shall process the nominations and make preparation for the election, including preparing the ballots.
6. Nomination Forms will be available at the CUPE Local 37 Union office, during regular union office hours, commencing 4 calendar weeks prior to the scheduled January general meeting until the election meeting.
- Nomination Forms will also be available at the nomination meeting.

## **PART 4 ELECTIONS**

### **A. Mail In**

1. Ballots shall be prepared by the Electoral Committee, listing the positions and the names of all persons running for each position. Names shall be listed in alphabetical order on each ballot.
2. A record will be kept of all persons who vote by marking their names off on the Union membership list.
3. Ballots will be mailed out to eligible members.
4. The Electoral Committee will ensure that the ballots are picked up at the post office on the Thursday before Election Day by 11:00 am. No other ballots received after this date and time will be counted.
5. The Electoral Committee will open the ballot envelopes to prepare for counting.

### **B. Election Day**

1. Election Day will be held the first Saturday in March starting at 9:00 am sharp and close at 12:00 noon sharp. The results will be posted.
2. Nominees who choose to have a scrutineer, should have their scrutineer be present by 9:00 a.m. the first Saturday in March, election day, as the Election Committee shall commence counting ballots at 9:00 a.m.
3. Members, who have not voted and are in attendance at the election meeting, shall be issued ballots for all vacant positions.
4. The ballots shall be added to the counting process for voting on each position.
5. Any vacant position created as a result of an incumbent being elected to another position at the election meeting shall be filled at the next regular general meeting.

### **C. Subsequent Ballots for Scheduled Elections**

In the event two or more candidates receive the same amount of ballots (tie) and these candidates received more ballots than any other candidate for that position the following shall apply:

1. A run-off election shall be held for the tied position.
2. Only those candidates who are tied shall appear on this ballot.
3. This election shall take place at the next Regular General Meeting.
4. A new ballot specific to the tied position shall be issued to all members present.
5. Balloting as above shall continue until only one candidate receives the most ballots cast.

## **SECTION 6 EXECUTIVE BOARD**

1. The Executive Board shall comprise of the seven elected Table Officers and six elected Executives-at-Large.
2. The Executive Board shall meet at least once every month, this being the first Tuesday of each month, when practicable.
3. The Executive Board shall be the governing body of the Local, subject always to the wishes of the membership.
4. Seven (7) of these shall constitute a quorum of whom two must be Table Officers, for the purpose of the executive board meeting.
5. All duly elected Executive Board members shall be installed at the next regular membership meeting or at the election meeting.
6. Should any Executive Board member fail to attend three consecutive regular general membership or executive board meetings without having submitted good and sufficient cause in writing, their office shall be declared vacant.

## **SECTION 7 OFFICERS**

**A.** CUPE Local 37 Officers shall be the following: President, Recording Secretary, Treasurer, Vice President, Sergeant-at-Arms, 2 Assistant Sergeants-at-Arms and 3 Trustees.

### **B. Table Officers**

1. Shall consist of in order: President, Recording Secretary, Treasurer, Vice President, Sergeant-at-Arms, 2 Assistant Sergeants-at-Arms, all of whom shall be elected by the membership at large at the annual elections.
2. The signing officers shall consist of the Treasurer and any one of the following: President, Vice President or Recording Secretary
3. All signing officers shall be bonded.
4. CUPE Local 37 recognizes the autonomy of the Sub-locals in conducting their business and they shall have full protection and rights under these By-laws.

**C.** In the event an elected officer accepts a position outside of the jurisdiction of CUPE Local 37 (that is not related to Union Business, either local, provincial or national) the officer shall resign their elected position.

**D.** If any elected official cannot fulfil their term of office, the position will be deemed vacant. The position will then be filled according to the pecking order for the interim. At the next Regular Meeting, an election will be held to fill the vacant position(s).

## **SECTION 8 FULLTIME POSITIONS**

### **A. Fulltime positions shall be:**

1. The President, Recording Secretary and Treasurer.
2. Booked off for a 2-year period after the annual election.
3. Paid \$1.00 per hour more than the highest rate in effect in the Collective Agreement.
4. The hours of Full Time Officers shall be 9.5 hours per day, 4 consecutive days per calendar week, to a total of 38 hours per week, with consecutive days off.

### **B. Fill any vacancy created following Appendix I.**

#### 1. Annual vacations and illness:

The Executive Board shall deem the necessity to appoint a Table Officer to fill any fulltime position. Such appointments shall be reported to the next scheduled general meeting.

#### 2. Conferences, Schools, Seminars and Conventions:

The Executive Board shall deem the necessity to appoint an Executive Board member to fill any fulltime positions. Such appointments shall be reported to the next scheduled general meeting.

#### 3. The relieving rate shall be the highest rate in the Collective Agreement.

### **C. Any fulltime officer shall have the authority to book-off an executive member in an emergency situation provided that the Executive Board has been notified.**

## **SECTION 9 DUTIES**

### **A. President**

The President shall:

1. Enforce the CUPE Constitution and By-laws.
2. Preside at all general and special called meetings, except annual election meetings.
3. Decide all points of order and procedure (subject always to appeal to the membership).
4. Have a vote on all matters (except appeals against his rulings) and in case of a tie, vote to break the tie.
5. Ensure that all members perform their prescribed duties.
6. Fill any vacant elected positions at the next meeting.
7. Appoint Executive Board members *pro tem* until such vacancies are filled, if necessary.

8. Sign authorizations on the treasury and ensure that the Local's funds are used only as authorized or directed by the Constitution, By-laws or vote of the membership.
9. Be Ex-officio on all committees.
10. In conjunction with the other fulltime officers, be aware of all grievances and act on them where applicable.
11. Recruit new Job Stewards.
12. The President shall have automatic delegate status at all conventions, conferences, seminars or schools that the membership has approved.
13. Be responsible for the normal operations of the office and the staff and shall recommend any changes to the Executive Board.

## **B. Recording Secretary**

The Recording Secretary shall:

1. Keep full and accurate account of the proceedings of all regular, special membership and board meetings.
2. Record all alterations in the By-laws.
3. Answer correspondence and fulfil other secretarial duties.
4. File a copy of all letters sent out and keep other secretarial duties.
5. Prepare and distribute all circulars and notices to members.
6. Preside over all membership and board meetings in the absence of both the President and Vice President.
7. Have prepared and sign all authorizations for payments.
8. Be Ex-officio on all committees.
9. In conjunction with the other fulltime officers, be aware of all grievances and act on them where applicable.
10. Recruit new Job Stewards.
11. Receive assistance from the office staff to fulfil his union responsibilities.
12. Be responsible for the normal operations of the office and the staff and shall recommend any changes to the Executive Board.

## **C. Vice President**

The Vice President shall:

1. Render assistance to any member as directed by the Board.
2. Be Chairperson of the Executive Board.
3. Have first choice to relieve fulltime positions for annual vacations, illnesses, etc.

## **Treasurer**

The Treasurer shall:

1. Shall be responsible for the receiving of all revenue, initiation fees, dues and assessments, keeping a record of each member's payments and deposit promptly all money to the Local's bank or credit union.
2. Shall be responsible for the preparing of all CUPE National per capita tax forms and remit payment.
3. Shall be responsible for the recording of all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices.
4. Make a financial report to the membership at each monthly meeting.
5. Pay no money except on authorization duly signed, except that no authorization shall be required for payment of per capita tax to any organization to which the Local is affiliated.
6. Make all books available for inspection by the Auditors or Trustees on reasonable notice and have the books audited.
7. Be on hand to provide Trustees with any information they may need to complete the audit report forms supplied by CUPE.
8. Have all records ready on reasonable notice for Auditors and Trustees.
9. In conjunction with the other fulltime officers be aware of all grievances and act on them where applicable.
10. Be Ex-officio on all committees.
11. Recruit new Job Stewards.
12. Be responsible for the normal operations of the office and the staff and shall recommend any changes to the Executive Board.
13. Shall ensure an independent outside audit is conducted each calendar year.
14. Shall be responsible for all book-offs, hotel bookings and travel arrangements for Union Business.

## **D. Sergeant-at-Arms and Assistants**

The Sergeant-at-Arms and Assistants shall:

1. Guard the inner door at the membership meetings and admit no one but members in good standing, or Officers and Officials of CUPE, except on the order of the Chairperson and by consent of the members present.
2. Assist in maintaining the record of membership attendance at meetings.
3. Perform such other duties as may be assigned by the Executive Board from time to time.

## **E. Trustees**

The Trustees shall:

1. Act as an auditing committee and submit findings to the membership.
2. Audit the books and accounts as supervised by the Treasurer.
3. Be booked off a minimum of 1 day per audit.
4. Audit the record of paid attendance.
5. Inspect all books, ledgers, accounts and any stocks, bonds, securities, titles or deeds to property that may at anytime be owned by the Local, at least twice annually and submit a report of findings to the membership.
6. Be responsible to ensure that monies are not paid out without proper constitutional or membership authorization.
7. Use audit forms supplied by the National office and send a copy of the audit(s) to the National Treasurer in accordance with the provisions of the CUPE Constitution.

## **F. Executive at Large**

1. Render assistance to any member.
2. Render assistance to all officers of the Local.
3. Assist stewards in grievance investigations when required.

## **SECTION 10 COMMITTEES**

### **A. Negotiating Committee**

The Negotiating committee shall:

1. Consist of the seven Table Officers.
2. Have representation from CUPE National.
3. At any time call on other members to meet with the employer if it is felt necessary.
4. Prepare and present the final bargaining proposals.
5. Be paid at the highest rate in the Collective Agreement for time booked off for negotiating.
6. Entitled to a Lieu Day at straight time for the shift you normally work, or a day's pay (9.5 hours); if you wish to be paid out. *Provided that the proper documentation is submitted.*

The Sub-local negotiating committees shall be established by the President.

**\*Note:** No National Representative will have the authority to sign a Collective Agreement.

## **B. Special Committees**

1. A special ADHOC committee may be established for a specified purpose and period by the membership at a general meeting, or by the President or the Executive Board.
2. The members shall be elected at the same or another membership meeting or be appointed by the President or the Executive Board.

## **C. Job Steward Committee**

The Job Steward committee shall:

1. Be a committee as a whole.
2. Meet monthly.
3. Have the Stewards elected from within their own work areas.
4. Have the Stewards, while on lay-off; continue to attend meetings with voice but no vote.
5. Have the Stewards, upon recall be reconfirmed.
6. Elect a Chairperson and Recording Secretary, of which one must be an Executive Board member, for a 2-year term.
7. Hold these elections at the April meeting following the annual elections if necessary.
8. Not be able to attend the meeting(s) if relieving outside the bargaining unit on the day of the meeting(s).

## **D. Health and Safety Committee**

The Health and Safety Committee shall:

1. Be a committee as a whole.
2. Meet Monthly.
3. Have the committee members elected from within their own work units.
4. Have the members, while on layoff, continue to attend meetings with voice but no vote.
5. Have the members, upon recall be reconfirmed.
6. Elect a Chairperson and Recording Secretary. Of which one must be an Executive Board member, for a two year term.
7. Hold these elections at the April meeting following the annual elections if necessary.
8. Not be allowed to attend meeting(s) if relieving outside the bargaining unit on the day of the meeting(s).
9. Establish, maintain and monitor programs, measures and procedures respecting the occupational health and safety of the membership.

## **Standing Committees**

The Standing committee shall:

1. Elect a Chairperson and Recording Secretary, of which one must be an Executive Board member, for a 2-year term.
2. Comprise of not less than three members and not more than seven members.
3. Meet monthly or at designated times agreed to the committee.
4. Submit their reports, first to the Executive Board and then to the general membership.
5. Be held responsible for the proper maintenance and functioning of these committees by the Executive Board.
6. Have informal meetings and rules of order shall govern if need be.
7. Declare a position vacant should any member fail to attend three consecutive meetings without having submitted good and sufficient cause. Members are expected to call the office during regular business hours to give notification that they will not be in attendance.
8. Perform committee duties that may be prescribed by the committee and/or Executive Board.
9. Be removed from the committee by the Executive Board if they fail to comply with the above.
10. Notwithstanding the above, should a committee member be scheduled to work at the same time as a committee function (not scheduled meetings), they may be booked off by the Executive Board in order to attend.

### **i. Social Committee**

The Social committee shall:

1. Arrange and conduct all social and recreational functions of the Local.

## **F. Electoral Committee**

The Electoral Committee shall:

1. Arrange and conduct the election of officers.
2. Abide by all By-laws and constitutional rules of CUPE Local 37 and CUPE National in regards to the election of officers.

## **G. Funding**

1. Each committee shall have access to a maximum of \$250.00 per year for normal operating expenses. The disposition of these monies shall be recorded in the standing committee minutes.

## **SECTION 11 DELEGATES TO CONVENTIONS, SEMINARS AND CONFERENCES**

- A.** 1. All delegates to conventions, seminars and conferences shall be on the recommendation of the Executive Board and subject to final approval by the membership.
2. No member shall be eligible for nomination to represent CUPE Local 37 to conventions, seminars and conferences unless he has attended three of the previous ten scheduled general meetings.
3. Members so delegated shall be credited with attendance for any regular general meeting missed for the purpose of maintaining eligibility for election.
4. Members from Sub-Locals may attend without minimum requirements with the approval of Local 37 members.
- B.** All delegates attending conventions, conferences and seminars outside of the City of Calgary shall:
1. Be paid transportation costs at CUPE Alberta Division rate, including to and from arrival point and hotel. Only the driver will receive this rate.
2. Have approved mode of transportation decided by the Executive Board.
3. Submit incidental expense receipts for reimbursement, subject to approval by the Executive Board.
4. Be paid a per diem expense rate of \$75.00 per day in the province and \$100.00 per day outside the province.
5. Have function tickets included with registration fees.
6. Turn receipts in to the Treasurer confirming hotel payments.
7. Not have personal telephone calls or room service deemed as part of room costs.
8. Be reimbursed for airport and parking charges.
9. Receive a penalty for hotel costs and per diem to those delegates that miss a full day or portion thereof, when attending conventions, conferences, seminars or workshops on behalf of the union without legitimate excuse. This will be enforced by the fulltime officers.
- C.** All delegates will receive \$40.00 per day for attending conferences, conventions and seminars inside the City of Calgary.

## **SECTION 12 SCHOOLS**

1. For schools being held outside the City of Calgary, the general qualifications for eligibility are as contained in Section 11 A.
2. Any residential school where all meals are supplied, the in town per diem shall apply.

3. All delegates will receive \$40.00 per day for attending schools inside the City of Calgary.
4. Members from Sub-Locals may attend without minimum requirements with the approval of Local 37 members.

### **SECTION 13 INITIATION FEES, DUES AND ASSESSMENTS**

1. Upon receipt of application for membership into the Local, each applicant shall remit the sum of \$5.00 either directly or through payroll deduction.
2. Such initiation fee shall be in addition to bi-weekly dues and a receipt shall be issued.
3. The dues shall be:
  - a) 0.8% of gross pay or 0.8% of the adjusted sick leave pay above CUPE National per capita.
  - b) Payable every 2 weeks.
4. Members on Long Term Disability shall have the option of continuing to pay normal per capita in order to remain a member in good standing. Those choosing not to pay normal per capita shall be limited to voice but no vote and are not eligible to hold elected positions within CUPE.
5. The dues for the Sub-locals will be 0.4% above the CUPE National per capita.

### **SECTION 14 VOTING OF FUNDS**

1. Except for ordinary expenses and bills, be approved by the general membership. The Executive Board shall have the right to vote and act on all matters when the general membership meetings are not held, and report such actions back to the membership at the following general meeting.
2. Any expenditure of funds not recommended or in excess of the executive recommendations shall be by notice of motion.
3. The above shall not apply to strike appeals. The Executive Board shall have the authority to donate up to \$1000.00 to such strike appeals, reporting such action at the following general meeting.

### **SECTION 15 OUT-OF-POCKET EXPENSES**

1. President  
\$450.00 per month
2. Recording Secretary  
\$450.00 per month
3. Vice President  
\$125.00 per month

4. Treasurer  
\$450.00 per month
5. Sergeant-at-Arms  
\$100.00 per month
6. Assistant Sergeants-at-Arms  
\$100.00 per month
7. Executive at Large  
\$75.00 per month
8. When it becomes necessary for fulltime officer(s) or designate(s) to travel out of town to the Sub-locals, they shall submit mileage expenses and be reimbursed by the Local. The rate shall be determined by the Executive Board and approved by the membership. Any other expenses to the Sub-locals shall be submitted to the Executive Board for approval.
9. When it becomes necessary for a fulltime officer(s) or designate(s) to travel out of town, but not out of province, the out of town per diem of \$75.00 shall be paid.
10. Executive Board members shall be paid \$40.00 per meeting for board meetings attended.
11. Committee members shall be paid \$40.00 per meeting for committee meetings attended.
12. Delegates to the Calgary & District Labour Council, CUPE Calgary District Council shall be paid \$40.00 per meetings attended.
13. Trustees shall be paid \$40.00 for each day the Local requires them to attend to their duties.
14. Chair person of Committees shall be paid \$10.00 per month out of pocket expenses.
15. When Full-time Officers are on vacation or on sick leave for 4 consecutive working days or more, they will not be eligible for, or paid out-of-pocket expenses for the period of time they are away.

## **SECTION 16 PROPERTY OF LOCAL**

1. The four signing officers shall have access to the Local as Trustees for the Local.
2. They shall have no right to sell, convey or encumber any property without first submitting the proposition to a special meeting of the Local and having such proposition approved.
3. Any change or deletions to said property besides the normal operation shall be upon recommendation of the Executive Board and final approval by the membership.

## **SECTION 17 RULES OF ORDER (SEE APPENDIX “A”)**

In matters not regulated by CUPE National Constitution, Bourinot’s Rules of Order shall govern.

## **SECTION 18 AMENDMENTS AND ALTERATIONS**

These By-laws shall not be amended, added to, or suspended except upon notice at a previous meeting (at least 7 days in advance on the vote of the amendments) or if notice is in written form, 60 days written notice and a two-thirds majority vote of those present and voting at the next scheduled regular or special membership meeting.

# The following Appendixes are guidelines and definitions and are not part of the By-laws of CUPE Local 37

## **APPENDIX “A”**

### **RULES OF ORDER**

1. The President or, in his absence, the Vice President shall take the Chair at the time specified at all regular and special meetings. In the absence of both the President and the Vice President, the Recording Secretary shall act as President and in his absence, a President *pro tem* shall be chosen by the Local membership.
2. The presiding officer shall state every question coming before the Local and before putting it to a vote, shall ask, *Is the Local ready for the question?* Should no member rise to speak, and the Local indicates readiness, the question will then be put to a vote after the presiding officer has arisen. No member shall be permitted to speak upon the question.
3. A motion to be entertained by the presiding officer must be moved and seconded. The names of both the mover and seconder will be recorded upon request.
4. A motion to amend, or to amend an amendment, shall be in order, but no motion to amend and amendment to an amendment shall be permitted. No amendment or amendments to an amendment, which is a direct negative of the resolution, shall be in order.
5. On a motion, the regular order of business may be suspended by a two-thirds vote on those present to deal with any urgent business.
6. All resolutions and motions other than those named in rule #1, 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.
7. 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.
8. Any member having made a motion can withdraw it with consent of the seconder, but a motion, once debated, cannot be withdrawn except by a majority vote of those present.
9. When a member decides to speak on a question, or offers a motion, he shall rise in his place and respectfully address the presiding officer, but shall not proceed further until recognized by the Chair, except to state that he rises to a point of order or on a question of privilege.
10. When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
11. Every member, while speaking, shall adhere to the question under debate and avoid all personal indecorous, or offensive language, as well as any member thereof.
12. If a member, while speaking, is called to order, he shall cease speaking until the point is determined, when, if decided in order, he may again proceed.
13. No sectarian discussion (i.e. religious discussion) shall be permitted in the meeting at any time.
14. No member, except the presiding officer of a committee or the mover or seconder of a resolution, shall speak more than 5 minutes at any one time or more than once on the same question, until all members wishing to speak have had an opportunity to do so, when he may be allowed, by permission of the Chair, to speak a second time.

15. The presiding officer 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. When a question has been put, no motion shall be in order, except:
  - 1) the previous questions
  - 2) to lay on the table
  - 3) to postpone for a definite time
  - 4) to refer
  - 5) to divide or amend, which motions shall have precedence in the order namedThe first four of these shall be decided without debate. The Chairman shall be the only one empowered to adjourn the meeting when business is finished.
17. 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 to an amendment is adopted, the original resolution as amended shall be put to the Local.
18. Before the presiding officer declares the vote on a question or after a vote has been declared lost or carried by acclamation 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 the same.
19. If any member feels himself personally aggrieved by the decision of the Chair, he may appeal to the Local from such decision.
20. When the decision of the presiding officer is appealed, he shall state his decision and the reasons. Therefore, from the Chair, the party appealing shall state briefly the reason for the appeal after which, without further debate, the question shall be put thus; *Shall the decision of the Chair stated as the decision of the Local?* It shall require a majority vote to sustain such appeal.
21. After a question has been decided, any two members who have voted in the majority may at the same time, or next meeting, move reconsideration thereof.
22. No member shall enter or leave a meeting during the reading of the minutes, the initiation of a new member, the installation of officers, or the taking of a vote, and no member shall be allowed to enter or leave, without permission of the presiding officer.
23. No member will interrupt another member unless to rise to a point of order.
24. All rules and proceedings of debate not herein provided for shall be as defined in the CUPE National Constitution.
25. In matters not regulated by these rules of order or CUPE National Constitution, Bourinot's Rules of Order shall govern.

## **APPENDIX “B”**

1. Ex-officio’s – by reason of their office are automatically members of all committees and will attend meetings if needed. Ex-officio’s shall have voice but no vote.
2. Bonding of signing officers will be in the amount of \$10,000.00. The position shall be bonded, not the person.
3. Duties of the Returning Officer for annual elections are as to Article 10 of the CUPE National Constitution.
4. There shall be a 15 minute waiting period in order to obtain a quorum if necessary.
5. Out going fulltime officers shall, for a 2 week period after the general elections, remain booked off to assist the transition of positions.
6. Where practical, fulltime officers shall schedule all annual vacations 30 days prior to taking them.

## **APPENDIX “C”**

### **MEMBERSHIP APPLICATION**

1. Any person who is within the jurisdiction of CUPE Local 37 is eligible to apply for membership in CUPE Local 37.
2. Upon payment of the initiation fee and acceptance by CUPE Local 37, members remain in good standing unless:
  - a) Employment within the jurisdiction of CUPE Local 37 ceases in any form.
  - b) Permanent exit from the jurisdiction of CUPE Local 37 occurs.
  - c) No normal per capita is paid while on Long Term Disability (see Section 13).
  - d) By decision of a duly constituted trial committee and as approved by the members.
  - e) By non-payment of duly constitutional assessments, levies, fines or any other arrears.

### **MEMBERSHIP RETENTION**

1. Any member whose employment within the jurisdiction of CUPE Local 37 ceases, but has the right to future employment including leaves of absence and layoffs shall:
  - a) Retain the membership card for a 12 month period from cessation of employment date.
  - b) Be able to attend general meetings with voice and no vote.
  - c) Not have to pay another initiation fee to CUPE Local 37 upon subsequent employment under the jurisdiction of CUPE Local 37 within the 12 month period in (a) above.

## **APPENDIX “D”**

1. While in office, the President, Recording Secretary and Treasurer shall be entitled to all benefits as defined in the collective agreement, except shift premiums and over time rates.
2. Members working on behalf of the Local and being paid by the Local shall be entitled to time off at straight time (one hour off for one hour worked) for working on their regular day(s) off. Any exception to the above must be approved by the Executive Board. This shall be reported at the following executive meeting.
3. This applies to fulltime officers and member(s) relieving in the fulltime position(s) only.
4. Total banked City and Union entitlement must not exceed the guidelines in our Collective Agreement (Article 7.08).

<b>Years of Service</b>	<b>Vacation Entitlement</b>	<b>Bankable Vacation</b>
0-1	2 weeks	None
2-4	3 weeks	1 week
5-7	3 weeks	None
8-16	4 weeks	1 week
17-24	5 weeks	2 weeks
25-29	6 weeks	3 weeks
30 or more	7 weeks	4 weeks

5. Fulltime Executive Members must use annual vacation entitlement and pay out of the year's entitlement is prohibited except in extenuating circumstances as approved by the Executive Board.
6. To pay out all lieu days earned by CUPE Local 37 members yearly on or before December 15 of that year.

## **APPENDIX “E”**

### **FINANCIAL CONSIDERATIONS**

From time to time members may be asked to assist the Union in ways that would not be considered “normal” commitments. “Normal” commitments include such activities as OH&S meetings, regular Job Steward duties and Labour Management meetings, etc. The purpose of this section is to provide guidance for those situations that are not directly referenced in these By-laws.

1. When a member is booked off by the executive or membership for training purposes (other than table officer training, this would include arbitration);
  - If a working day – no loss of pay and \$25.00 out-of-pocket.
  - If a day-off – 1 day in lieu or 9.5 hours in pay and \$25.00 out-of-pocket.
2. Table officer training;
  - Paid on a pro rata basis the equivalent of a fulltime officer.
  - Paid on a pro rata basis the equivalent of fulltime officers’ out-of-pocket expense.
3. When a member is booked off by the executive or membership to perform a specific task of project under the direction of a fulltime officer;
  - Paid on a pro rata basis the equivalent of a fulltime officer.
  - Paid on a pro rata basis the equivalent of fulltime officers’ out-of-pocket expense.
4. For standing committee meetings, other than the negotiating committee, that require book offs for full days and are authorized by the executive or membership;
  - If a working day – paid on a pro rata basis the equivalent of a fulltime officer’ out-of-pocket expense.
5. For the negotiating committee;
  - If a working day – paid on a pro rata basis the equivalent of a fulltime officer and meeting attendance.
  - If a day-off – 1 day in lieu or 9.5 hours in pay at the equivalent of a fulltime officer and meeting attendance.
6. For an Executive Think Tank;
  - If a working day – paid on a pro rata basis the equivalent of a fulltime officer and meeting attendance.
  - If a day-off – 1 day in lieu or 9.5 hours in pay at the equivalent of a full- time officer and meeting attendance.
  - Executive members in attendance will receive a top up to the Full Time Officers rate of pay.

Any other expenses incurred by a member as above may be submitted to the Executive Board for consideration for reimbursement.

Any situation not contemplated in the above shall be submitted to the Executive Board for final determination.

## **APPENDIX “F”**

1. The office of CUPE Local 37 will be open Monday to Thursday 7:00 am to 4:30 pm and 7:00 am to 4:00 pm on Fridays and the fulltime officers shall be expected to arrange personnel coverage where practical.
2. The office shall coincide with all legal holidays as stated in the Collective Agreement.
3. Notwithstanding the above, the Executive Board may recommend special office hours for specific reasons, subject to final approval by the membership.
4. The rate of mileage in Section 15 (8) shall be at CUPE Alberta division rate.
5. No Table Officer temporarily assigned to a position outside the bargaining unit or as a National Representative shall be entitled to out-of-pocket expenses as per Section 15 for the duration of assignment.

**APPENDIX "G"**

# Canadian Union of Public Employees, Local 37

## Election of Officers

NOMINATION FORM FOR \_\_\_\_\_  
OFFICER POSITION

We, \_\_\_\_\_  
PRINT MEMBER'S NAME MEMBER SIGNATURE

\_\_\_\_\_  
PRINT MEMBER'S NAME MEMBER SIGNATURE

hereby nominate \_\_\_\_\_ for the position of  
PRINT NOMINEE'S NAME

\_\_\_\_\_  
OFFICER POSITION

I \_\_\_\_\_ hereby accept nomination for the  
PRINT NOMINEE'S NAME

position of \_\_\_\_\_ and will take the Oath  
OFFICER POSITION  
of Office.

I further agree to take any in-house training, as specified by the Executive of Local 37, in a timely manner.

\_\_\_\_\_  
NOMINEE'S SIGNATURE

\_\_\_\_\_  
DATE

Return to: CUPE Local 37  
5112 3 Street SE  
Calgary, Alberta T2H 1J6

Attention: CUPE National Representative

## **APPENDIX “H”**

### **CAMPAIGNING**

During the time frame between the January nominations and the Thursday prior to the Friday pre-election:

1. Campaign material shall be restricted to previously approved locations on Union property.
2. Campaign posters may be distributed at scheduled meetings.
3. No campaign material may be distributed on the pre-election day or on the election meeting day – anywhere on CUPE Local 37 property.
4. No candidates or candidates agent shall verbally campaign neither within 3 meters of the election entrance to the Union hall nor anywhere within the polling station room.
5. Every candidate shall be entitled up to 50 colour 8½ x 11 posters prepared by CUPE Local 37 office staff. Additional amounts or sizes may be available at a pre-determined cost.

**APPENDIX “I”**

**CUPE LOCAL 37 PECKING ORDER WILL BE AS FOLLOWS:**

- |        |                                  |   |
|--------|----------------------------------|---|
| 1      | President                        | No matter what the length of service is.  |
| 2 or 3 | Recording-Secretary or Treasurer | The length of unbroken service in that position, longest serving will be 2.   |
| 4      | Vice-President                   |   |
| 5      | Sergeant-At-Arms                 |   |
| 6 or 7 | Assistant Sergeant-At-Arms       | The length of unbroken service in that position.  |
| 8      | Executive-at-Large               | The length of unbroken service in that position determines your place on the pecking order according to your seniority. |

If two members are elected to the Executive-at-Large or Asst. Sergeant-at-Arms position at the same election, then city service will determine the seniority between them.