



By-Laws of
CUPE
Local 3339



Support Staff
University of New Brunswick
Saint John

Revised August 2010

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**By-Laws of
CUPE Local 3339
Support Staff of the University of New Brunswick
Saint John**

As approved by the CUPE National President July 5,
2010

Preamble:

In order to improve the social and economic welfare of its members without regard to sex, colour, race or creed, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, this Local 3339 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 – NAME

The name of this Local shall be: *Canadian Union of Public Employees, Local Number 3339 (Support Staff of the University of New Brunswick, Saint John Campus).*

SECTION 2 - OBJECTIVES

The objectives of the Local are to:

- (a) Secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
- (b) Support CUPE in reaching the goals set out in Article II of the CUPE Constitution;
- (c) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (d) Encourage the settlement by negotiation and mediation of all disputes between the members and their employer;

SECTION 3 - INTERPRETATION and DEFINITIONS

Numbers of Articles at the end of sections or sub-sections refer to relevant articles of the most recent CUPE Constitution which should be read in conjunction with these By-laws.

SECTION 4 - MEMBERSHIP MEETINGS - Regular and Special

- (a) Regular membership meetings shall be held each month on the first Tuesday at 4:45 p.m. during winter hours and 4:15 p.m. during summer hours. If

a quorum (see section 4 – c) is not formed by 5:00 p.m. (winter) and 4:30 p.m. (summer), the meeting will not take place. If a statutory holiday intervenes the Executive Board shall give a week's notice of any change in the date of the regular meeting. Meetings will be suspended for the months of July and August.

- (b) Special membership meetings may be ordered by the Executive Board or requested in writing by no fewer than nine (9) 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 seven (7) members, including at least two (2) members of the Executive Board.
- (d) The order of business at regular membership meetings is as follows:
 - 1. Roll call of Officers
 - 2. Voting on new members
 - 3. Reading of Minutes
 - 4. Matters arising
 - 5. Treasurer's report
 - 6. Communications and bills

7. Executive Committee report
8. Reports of Committees and Delegates
9. Nominations, Elections, or Installations
10. Unfinished Business
11. New Business
12. Good of the Union
13. Adjournment (Article B.VIII)

SECTION 5 - VOTING OF FUNDS

Except for ordinary expenses and bills as approved at membership meetings, no sum over one hundred (100) dollars shall be voted for the purpose of a grant or contribution to a member, or any other cause outside CUPE, except by a notice of motion given in writing and dealt with at the following membership meeting. (Article B.4.4)

SECTION 6 – OFFICERS

The officers of the Local shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, three (3) Trustees, three (3) Shop Stewards, a Sergeant at Arms, and a Guide. All officers shall be elected by the membership. (Articles B.2.1 & B.2.3 and Article 11.1 – 11.13))

SECTION 7 - EXECUTIVE BOARD

- (a) The Executive Board shall comprise all officers, except Trustees, Sergeant at Arms and the Guide. (Article B.2.2)

- (b) The Executive Board shall meet at least once every month prior to the regular monthly meeting of the local. (Article B.3.14)
- (c) A majority of the Board constitutes a quorum at board meetings.
- (d) The Board shall do the work delegated to it by the Local and shall be 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. (Articles B.6.1 to B.6.7)
- (f) All press releases and other publicity material shall be directed through the Executive Board.
- (g) Should any Board member fail to answer the roll call for three (3) consecutive regular membership meetings or four regular Board meetings without having submitted good reasons for those failures, that office shall be declared vacant and shall be filled by an election at the following membership meeting. (Article B.2.5)

SECTION 8 - DUTIES OF OFFICERS

(a). President shall:

- Enforce the CUPE Constitution and these By-laws;
- Preside at all membership and Executive Board meetings and preserve order;
- Decide all points of order and procedure (subject always to appeal to the membership);

- Have a vote on all matters (except appeals against the President's rulings) and in case of a tie vote in any matter, including elections, have the right to cast an additional vote to break the tie;
- Ensure that all officers perform their assigned duties;
- Fill committee vacancies where elections are not provided for;
- Introduce new members and conduct them through the initiation ceremony;
- Ensure that the Local's funds are used only as authorized or directed by the constitution, by-laws, or vote of the membership;
- Have first preference as a delegate to the CUPE National Convention. (Article B.3.1)
- Be allowed necessary funds, not to exceed \$50.00 monthly, to reimburse
- Any officer (including the president) for expenses supported by vouchers, incurred on behalf of the Local;
- Have first preference as a delegate to the CUPE National Convention. (Article B.3-1)

(b). Vice-President shall:

- If the President is absent or incapacitated, perform all duties of the President;
- If the office of President falls vacant, be Acting President until a new President is elected;
- Render assistance to any member of the Board as directed by the Board.
(Article B.3.2)

(c). Recording Secretary shall:

- Keep full, accurate and impartial account of the proceedings of all regular or special membership and Board meetings,
- Record all alterations in the By-laws;
- Receive the records of attendance from the Sergeant at Arms and keep record on file;
- Answer correspondence and fulfil other secretarial duties as directed by the Board;
- File a copy of all letters sent out and keep on file all communications;
- Prepare and distribute all circulars and notices to members;
- Have all records ready on reasonable notice for auditors and Trustees;
- Preside over membership and Board meetings in the absence of both the President and the Vice-President;
- On termination of office, surrender all books, seals and other properties of the Local to his successor. (Article B.3.3)

(d). Secretary-Treasurer shall:

- Receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union;
- Prepare all CUPE National per capita tax forms and remit payment no later than the 15th day of each month;
- Record all financial transactions in a manner acceptable to the Board and in accordance with good accounting practices;

- Make a full written financial report to the Local union monthly.
- Be bonded for no less than \$1000.00 through the master bond held by the National Office, and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office;
- Pay no money unless supported by a voucher duly signed by the President except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated;
- Provide the Trustees {on reasonable notice 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. (Articles B.3.4 to B.3.9)

(e). Trustees shall:

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording and the Standing Committee annually;
- Examine all properties, bonds, and all other assets of the Local 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;
- Ensure that proper financial reports are made to the membership;
- Audit the record of attendance;
- 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. (Articles B.3.10 to B.3.12)

(f). Sergeant-at-Arms 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;
- Maintain the record of membership attendance at meetings and present the record to the Recording Secretary to be kept on file;
- Perform such other duties as may be assigned by the Board from time to time.

(g). Guide Shall:

- Escort candidates for election from the meeting while voting takes place;
- Render assistance to the returning officer as required
- Perform other such duties as may be assigned by the board from time to time.

(h). Shop Stewards Shall:

- Greet new employees and introduce them to the benefits and duties of union membership;
- Encourage participation in union activities;
- Inform members of union, workplace, and legislative policies that affect them and their work;
- Encourage the solutions of problems;
- Keep written records of all grievances, even those settle through informal negotiations;
- Take at least one CUPE Shop Steward course during their term;
- On termination of Office surrender all books, records and other property of the Local to their successor.

Section 9 -HONORARIUMS

The following members of the Executive Board will receive annual honorariums, paid at the completion of one full year in office, in the following amounts:

| | |
|-----------------|---|
| President: | \$400.00 |
| Vice-President: | \$400.00 |
| Secretary: | \$400.00 |
| Treasurer: | \$400.00 |
| Shop Stewards: | \$200.00 |
| Trustees: | \$50 for each 6 month balancing of books for those Trustees who involved in the |

auditing procedure in each audit.

If a position is vacated mid-term then the local will decide how to award the honorarium.

Section 10 -FEES, DUES, and ASSESSMENTS

(a). Initiation Fee

Each application for membership in the Local shall be directed to the Secretary-Treasurer and shall be accompanied by an initiation fee of (1) one dollar which shall be in addition to monthly dues. The Treasurer shall issue a receipt. Any member paying the initiation fee shall be a member in good standing and shall be eligible to vote at membership meetings, nominate, and be nominated for Local office in accordance with other applicable By-laws.

(Articles B.4.1 & B.10.2)

(b). Monthly Dues

The monthly dues shall be one and one half (1.5) percent of regular wages of each employee. (Article B.4.3)

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

(Articles B.4.1 & B.4.3)

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 12 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS AND ELECTED COMMITTEE MEMBERS

(a). Nomination

Nominations shall be received at the regular membership meeting held in the month of October. To be eligible for nomination a member shall have attended at least fifty (50) percent of the membership meetings held in the previous twelve months or in the period he was a member, if less than a year, unless a valid reason, acceptable to the Local, has been given for non-attendance. No nomination shall be accepted unless the member is in attendance at the meeting or has given consent in writing, duly witnessed by another member, to be filed at the meeting.

(b). Elections

1) At a membership meeting at least one month prior to election day the President shall, subject to the approval of the members present, appoint an Elections Committee consisting of a Returning Officer and assistant(s). The committee shall include members of the Local who are neither officers nor candidates for office. It shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.

- 2) The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
- 3) The Returning Officer shall be and impartial and see that all arrangements are unquestionably democratic, and shall be responsible for issuing, collecting and counting ballots.
- 4) The voting shall take place at the regular membership meeting in November. The vote shall be by secret ballot.
- 5) Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
- 6) 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 selected and additional ballots shall be taken, if necessary to obtain a majority. On second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot shall be dropped. In case of a final tie vote, the presiding officer may cast the deciding vote.
- 7) 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.

8) 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 a quorum. (see Section 4 (c).

(c). Installation

- 1) All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for one year or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three years. (Article B.2.4)

- 2) The terms of office for Trustees shall be as laid down in Article B.3.10 to B.3.13 of the CUPE Constitution.

(d). By-Election

Should an office fall vacant pursuant to Section 7 (g) of these by-laws or for any other reason, the resulting by-election should be conducted as closely as possible in conformity with this Section.

SECTION 12 - DELEGATES TO CONVENTIONS

- (a). Except for the President's option [Section 8 (a)], all delegates to conventions shall be chosen by election at membership meetings.

- (b). Delegates to the Saint John District Council shall be elected annually. An official reporter for these delegates shall be appointed annually by the

President from among these delegates, and she/he shall be required to report at each membership meeting of the Local on proceedings at recent meetings of the Council.

- (c). All delegates elected to the conventions held outside of the City of Saint John, NB shall be paid transportation expenses (at economy, tourist or coach rates), a *per diem allowance* of up to \$55.00 dollars for expenses, and an amount equal to any loss of salary incurred by attendance at the convention. All travel claims must be supported by appropriate receipt, however *per diem claims* will not require receipts.
- (d). Delegates to conventions held locally shall have no travel allowance. There shall be a *per diem* allowance of up to \$30.00 dollars if meals are not provided and compensation for any loss of salary incurred by attendance at the convention.
- (e). Representation at educational institutes and seminars shall be on the recommendation of the Education Committee or the President if such a committee is not in place, subject to final approval by the membership.

SECTION 13 - COMMITTEES

(a). Negotiating Committee

This shall be a special ad hoc committee established at least 6 months prior to the expiry 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 3 elected members and the current President. The CUPE representative assigned to the Local shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

(b). Special Committees

A special ad hoc committee may be established for a specified purpose and period by the membership at a meeting. The members shall be elected at the same or another membership meeting or may, by specific authorization of the membership, be appointed by the President or the Executive Board. Two members of the Board may sit on any special committee as ex-officio members.

(c). Standing Committees

The Chairperson of each standing committee shall be elected by the members at a membership meeting. The Chairperson and the Executive Board may, with the concurrence of the membership, jointly appoint other members to serve on a committee. The Vice-President shall be a member, ex-officio, of each committee. There shall be two (2) standing committees as follows:

1. Grievance Committee

This committee shall process all grievances not settled at the initial stage and its reports shall be submitted first to

the Executive Board, with a copy to the CUPE representative, and then to a membership meeting. Grievances must be in writing on the forms provided by the National Office and be signed by the complainant or complainants, as provided for in the collective agreement. The committee shall comprise the elected chairperson and two (2) other members to be selected from among the shop stewards. The committee shall appoint its secretary from among its members.

2. Good and Welfare Committee

This committee may visit members who are ill, and if a member is ill for more than one week, have sent some token of the Local's concern and desire to help, whether the member is at home or in hospital. The committee shall extend the Local's condolences in the event of a death of a member of one of his/her immediate family and make appropriate gestures in accordance with custom or the wishes of the family concerned. This committee shall be made up of two elected members, including a Chairperson.

SECTION 14 - RULES OF ORDER

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these 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.

SECTION 15 - AMENDMENT

- (a) These By-laws are always subordinate to the CUPE Constitution (including Appendix "B") as it now exists or may be amended from time to time, and in the event of any conflict between these By-laws and the CUPE Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President. (Articles 9.2(c), 13.3, & B.7.1)
- (b) These By-laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following seven 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. (Articles 13.3 & B.7.1)

APPENDIX "A" TO THE BY-LAWS OF LOCAL 3339, CUPE

RULES OF ORDER:

1. The President or, in his/her absence, the Vice-President, shall take the chair at all membership meetings.
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. 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.
7. When a member wishes to speak on a question or to make a motion, he/she shall rise in his/her place and respectfully address the presiding officer, but, except to state that he/she rises to a point of order or on a question of privilege, he shall not proceed further until recognized by the chair.
8. When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
9. Every member, while speaking, shall adhere to the question under debate and avoid any personal, criticism of the Local or any members thereof. Offensive language shall not be tolerated.
10. If a member, while speaking, is called to order, he shall cease speaking until the point is determined; if it is decided he/she is in order, he/she may again proceed.

11. No religious discussion shall be permitted.
12. 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.
13. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he/she may in addition give a casting vote, or, if he chooses, refrain from breaking the tie, in which case the motion is lost.
14. A motion to adjourn should be called by the President.
15. If any member wishes to challenge (appeal) a decision of the chair, he/she 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/her challenge. The Chairperson may then state briefly the basis for his/her 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.
16. Members should try to be on time for meetings. 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.

17. 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.

