

# BY-LAWS

## C.U.P.E. LOCAL 3433 MOUNT ALLISON STAFF ASSOCIATION (MASA)

*Clerical, Secretarial and Technical Units*

Approved by membership:

**November 27, 2024**

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## **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 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 No. 3433 (Mount Allison Staff Association).

## **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 employers.

## **SECTION 3 - INTERPRETATION AND DEFINITIONS**

Numbers of articles at the end of sections or sub-sections refer to relevant articles of the CUPE Constitution which should be read in conjunction with these By-Laws. For the purpose of these By-Laws, "written notice" may take the form of e-mail communication.

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

- (a) Regular membership meetings will be held at least three times per year at 11:30 a.m. and the Annual General Meeting shall be held in the spring of each year. At least two advance written notices of each membership meeting shall be provided.

At the discretion of the executive, membership meetings may be offered in-person-only, hybrid, or online-only formats. Meetings that require a secret vote, such as AGMs, will be scheduled in-person-only. Online-only and hybrid formats are subject to the executive members or volunteers who are comfortable working with the technology required. Members joining virtually will follow as closely as possible, the regular rules of the meeting.

- (b) Special membership meetings may be ordered by the Executive or requested in writing by no fewer than eight (8) percent of the membership. 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 fifteen (15%) percent of the membership, including at least three (3) members of the Executive, the latter not including the Past Officer if there is one.
- (d) The normal order of business at regular membership meetings will be as follows unless otherwise determined by the President or the Executive:
1. Land Acknowledgment
  2. Roll call of officers
  3. Reading of the Equality Statement
  4. Voting on new members and initiation
  5. Reading of the Minutes
  6. Business Arising
  7. Correspondence / Announcements
  8. Treasurer's Report
  9. Committee Reports
  10. President's Report
  11. Other

## SECTION 5 - VOTING OF FUNDS

### (a) Operating Expenses

Expenditures necessary for the day-to-day operations of the Local may be paid without the approval of the membership. The annual budget shall be approved at the first members' meeting of the calendar year.

### (b) Charitable Donations

#### *(i) Objectives*

The main objectives are to give support to members of the local community in need and to safeguard the rights of members of CUPE and other local trade unions.

#### *(ii) Guidelines*

The budget for donations will be a line-item in the annual budget referred to in Section 5 (a). The Executive will decide on the disbursement of donations based on these guidelines and will report to the membership donations that have been made.

In order to assist as many organizations as possible in any given year, each donation may not exceed two hundred and fifty dollars (\$250). The only exceptions to this limit are donations to CUPE or other local trade unions on strike or undergoing labour disputes, which may be no more than one thousand dollars (\$1000) per donation.

No donations will be made during a MASA strike or lockout.

Priority will be given to the following:

CUPE, or other local trade unions on strike or undergoing labour dispute;  
Organizations which demonstrate an interest in the wellbeing of the local community;  
Mount Allison University initiatives:

which promote the development of student leadership/citizenship, and/or;

which support or benefit CUPE members, and/or;  
which benefit the local community.

The Executive will not make donations to the following:

Churches of any denomination for religious purposes;  
Any political party;  
Assistance for individuals;  
Sports teams or athletic clubs;  
Third party donations (donations will only be made directly to the organization);  
Multi-year donation commitments.

(iii) Other Funds

From time to time there may be requests for other disbursements of funds.

These amounts will be in addition to the annual budgetary amount for charitable donations in Section 5(b)(ii).

Members will be given ten (10) days' notice prior to a membership meeting of motions to request donations in excess of one thousand dollars (\$1,000), or donations that fall under the prohibited list above. Motions from the floor to request donations of up to one thousand dollars (\$1,000) may be taken at any membership meeting.

Funds will be released so long as there is a majority vote by the membership in favour of the motion and the Secretary/Treasurer confirms that funds are available.

## **SECTION 6 - OFFICERS**

- a) The Officers of the Local shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, three (3) Trustees, a Communications Officer, Education Officer, Grievance Officer, and Membership Officer. All officers shall be elected by the membership.
- b) When a member is elected as President or Treasurer for the first time and has not served on the executive within the previous two years, then the Executive may by resolution appoint a member with past Executive experience to the

position of Past Officer for that year. This position will be non-voting, cannot serve as a signing officer and will receive regular out of pocket expenses but will not count towards the quorum required for Executive meetings.

## **SECTION 7 - EXECUTIVE**

- (a) The Executive shall comprise all Officers, except Trustees. (Article B.2.2)
- (b) The Executive shall meet at least once every month. (Article B.3.14)
- (c) A majority of the Executive constitutes a quorum.
- (d) The Executive 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.  
(Articles B.11.1 to B.11.5)
- (f) Should any Executive member fail to answer the rollcall for three consecutive regular membership meetings or three consecutive Executive meetings without having submitted good reasons for those failures, his/her 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**

All Officers must give all properties, assets, funds, and all records of the Local Union to their successors at the end of their term of office.

All signing Officers of Local 3433 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 these By-Laws;
  - preside at all membership and Executive 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/her rulings);
- ensure that all officers perform their assigned duties;
- fill committee vacancies where elections are not provided for;
- introduce new members;
- ensure that the Local's funds are used only as authorized or directed by the Constitution, By-Laws, or vote of the membership;
- inform the Secretary-Treasurer of any changes in the status of employees;
- be the spokesperson for all delegations representing the local, unless some other member is appointed by the Executive;
- serve on the Labour Management Committee;
- be empowered, with the approval of the membership, to employ necessary stenographic or other assistance to be paid for out of the Local's funds;
- have first preference as a delegate to the CUPE National Convention.

(b) The 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 Executive as directed by the Executive;
- be responsible for the efficient administration of the Local and its operations in collaboration with the President;
- be a liaison between the executive and the Local's committees, and between the executive and representatives on joint university committees;
- be responsible to ensure that committees meet as required, and that committees are actively filled (in collaboration with the nominations committee);
- be responsible for preparing the 'committee reports' document in advance of general meetings;
- serve on the Labour Management Committee;

(c) The Recording Secretary shall:

- keep full, accurate and impartial account of the proceedings of all regular or special membership and Executive 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 Secretary-Treasurer. The record will also include the Trustees' reports;

- record all alterations in the By-Laws;
- fulfil other secretarial duties as directed by the Executive;
- file or retain a copy of all letters and emails 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 Executive 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 the successor;
- keep an accurate record of attendance at all meetings.

(d) The Secretary-Treasurer shall:

- sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences;
- 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;
- make a written financial report to each regular membership meeting, detailing all income and expenditures for the period;
- make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited in writing to any recommendations and concerns raised by the Trustees;
- based on a calendar-year fiscal year, circulate an annual budget ten day before the first members' meeting of the calendar year;
- based on a calendar-year fiscal year, present a statement listing incoming, expenses and deficit and surplus from the previous fiscal year at the first members' meeting of the calendar year;
- receive all revenue and deposit promptly all money with a bank or credit union;
- prepare all CUPE National per capita tax forms and remit payment;
- record all financial transactions in a manner acceptable to the Executive and in accordance with good accounting practices;
- regularly make a full financial report at regular Membership Meetings

- detailing all income and expenditures for the period, and to the Executive as requested;
- be bonded through the master bond held by the National Office. Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office;
- pay no money unless approved by the Executive or membership, except that no approval shall be required for payment of per capita fees to any organization to which the Local is affiliated;
- 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 the successor.

(e) The Trustees shall:

- Make a written report of their findings to the first membership meeting following the completion of each audit;
- Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct, and proper manner;
- Act as an Auditing Committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary and the standing committees on an annual basis;
- 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, Executive, or membership authorization;
- ensure that proper financial reports are made to the membership;
- 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 audit to the National Secretary-Treasurer in accordance with the provisions of CUPE policy.

(f) The Communications Officer shall:

- be responsible for creating a portal for open communications and dialog between MASA members (CUPE 3433) and CUPE;

- communicate to MASA members items of interest that concern our members, including but not limited to, union, labour, and social awareness by providing content to the website and through a newsletter;
- be responsible for website maintenance and development.

g) The Grievance Officer shall:

- oversee the handling of all local grievances (violations of the collective agreement);
- help to solve members' problems outside the grievance procedure;
- take primary responsibility for responding to members' requests for assistance and representation;
- assist in the education of members about the collective agreement, and about the union's role in the workplace;
- act as a mediator when members are in conflict with each other;
- know the collective agreement, grievance procedures, and workplace policies;
- represent all members fairly; Respect members' right to privacy.

h) The Membership Officer shall:

- maintain an up-to-date record of membership in the Local / maintain the seniority list;
- maintain a list of all job vacancies and hiring decisions / track staffing changes;
- file copies of all job postings for the Local's records;
- be responsible for greeting new members of the Local and collecting signed membership cards;
- develop a guide for new members to introduce them to the Local, etc., and be responsible for keeping it up to date;
- ensure that the Local email list is updated.

i) The Education Officer shall:

- be responsible for union development in collaboration with other executive members, and committees.
- promote a wide range of educational activities to develop the knowledge, skills, and confidence of all members of the Local (to improve our Local organization, our workplaces, and our society).
- in collaboration with other executive members (e.g. membership officer / grievance officer), coordinate the education of members about the

- collective agreement, and about the union's role in the workplace.
- be primarily responsible for organizing Lunch and Learn sessions.

j) The Past Officer shall:

- Be appointed by the Executive, in an advisory capacity, when a President or Secretary-Treasurer is elected for the first time who has not served on the executive within the previous two years, or at the discretion of the executive;
- Provide advice to the President and Executive on the routines and past practices of the union;
- Be non-voting and cannot be a signing officer.

## **SECTION 9 - SIGNING OFFICERS**

The Signing Officers shall be the Secretary-Treasurer, President, Recording Secretary and the Vice-President. Two signatures will be required on all cheques, one of which must be the Secretary-Treasurer's, unless the cheque is made payable to the Secretary-Treasurer. A cheque payable to the Secretary-Treasurer must be signed by the President and one other signing officer.

## **SECTION 10 - OUT OF POCKET EXPENSES AND TRAVEL ALLOWANCE**

(a) Out of Pocket Expenses

The following out of pocket expense allowance shall be provided for unreceipted items of the Executive, the Trustees and Social Committee Chair: five hundred dollars (\$500) per year for each Executive member, Trustee, and Social Committee Chair, plus an additional two hundred and fifty dollars (\$250) per year for the President. If any member receiving out of pocket expenses serves less than the full term of his/her office, this amount will be prorated. Payments will be made semi-annually (normally October and April).

(b) Travel Expenses

Travel expenses incurred while on official business of the Local, as approved by the membership or Executive, shall be reimbursed based on the per diem schedule provided for by CUPE New Brunswick. No receipts shall be required.

## **SECTION 11 - FEES, DUES, AND ASSESSMENTS**

### Monthly Dues

The monthly dues shall be 1.5% of an employee's regular monthly wages. Changes in the levels of the initiation fee or the monthly dues can be affected only by following the procedure for amendment of these By-Laws (see Section 17), with the additional provision that the vote must be by secret ballot. Special assessments may be levied in accordance with Article B.4.2 of the CUPE Constitution.

## **SECTION 12 – NON- PAYMENT OF DUES AND ASSESSMENTS**

A member who fails to pay dues and assessments for three months is automatically suspended from membership. The suspension will be reported to the Executive Board by the Secretary-Treasurer. The Executive Board will report all suspensions to the next membership meeting. The member may return to the membership in good standing by paying a readmission fee and any other penalty set by the Local Union. The readmission fee cannot be less than the initiation fee of the Local Union.

## **SECTION 13 - 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) A delegate and one alternate shall be elected annually to attend the Regional Action Council (RAC). A report shall be presented by the delegate or alternate at membership meetings.
- (c) All delegates elected to attend conventions held outside the Town of Sackville, N. B. shall be reimbursed transportation expenses (airfare or ground transportation at CUPE rates), hotel expenses, and a per diem rate for meals at the same rate as specified in 10(b) and compensation for any loss of salary incurred by attendance at the Convention.
- (d) Delegates to conventions held in Sackville shall have no travel allowance. Delegates shall be paid a per diem rate for meals at the same rate as is specified in 10(b) and any 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 relevant committee, subject to final approval by the Executive.

## **SECTION 14 - HONORARY MEMBERS**

- (a) Members reaching retirement age or becoming incapacitated, whether in receipt of a pension or not, and providing they are in good standing and free from delinquency in the Local Union, can, on leaving employment, make application to the Secretary-Treasurer of the Local Union for an Honorary Retiring Card. The application for an Honorary Retiring Card shall be voted on at a regular meeting of the Union, and, if passed as favourable, the Secretary-Treasurer shall forward the name and address of the retiring member, and necessary particulars to the National Secretary-Treasurer of the Canadian Union of Public Employees who will issue the Retiring Card. Should a member in possession of an Honorary Retiring Card resume his/her employment for any reason, the Retiring Card should be immediately deposited with or forwarded to the Secretary-Treasurer of his/her Union. A member while holding such Retiring Card shall be exempt from all dues to the Local Union and per capita tax to the National Office of the Canadian Union of Public Employees.

- (b) A member possessing an Honorary Retiring Card shall be entitled to attend general membership meetings of the Local Union with voice but no vote. Retired members shall not be entitled to either voice or vote at conventions of the Canadian Union of Public Employees.
- (c) On behalf of all Union members, a gift shall be given to any member leaving the Local due to disability or retirement (as defined in the Collective Agreement), provided that the member is in good standing with the Union. Said gift shall not be worth less than \$150.00 and shall increase by \$5.00 for each year of service, or part thereof, with the Employer. Years of service shall be determined by the seniority list provided by the Employer.

## **SECTION 15 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS**

### **(a) Nominations**

Elections will be held at the Annual General Meeting in in the spring of each year. Nominations will be accepted from members in attendance at the nomination meeting or from those members who have allowed their name to be filed in writing at the meeting, witnessed by another member. No member of the bargaining unit shall be eligible for nomination unless s/he is a member in good standing of MASA. Elections for union standing committees shall be held at the first membership meeting of the Fall term, unless otherwise stated in Section 15.

### **(b) Elections**

- (1) All Executive positions will be elected for staggered, two-year terms. Beginning in spring 2026 the President, Grievance Officer, Recording Secretary and Education Officer will be elected to two-year terms, with biennial elections to occur regularly thereafter. As a transitional measure the Vice-President, Secretary-Treasurer, Membership Officer and Communications Officer will be elected to one-year terms in May 2026 and will then be elected to two-year terms in spring 2027, with biennial elections to occur regularly thereafter. A member who currently sits on the Executive Board may run for any other position during the election. If they are elected, they must resign from their previous position and a by-election will be called to fill that vacant position.

- (2) At the first membership meeting of the winter term, the membership shall appoint a Nominating Committee to select at least one willing candidate for each office. The committee will be members of the Local who are not officers. It shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.
- (3) The Nominating Committee shall determine the form of the ballot and ensure that sufficient quantities are made available in good time.
- (4) The Chair of the Nominating Committee shall be responsible for issuing, collecting, and counting ballots; must be fair and impartial and see that all arrangements are unquestionably democratic.
- (5) The voting shall take place at the Annual membership meeting in the spring. The vote shall be by secret ballot. In the case of committee elections, a secret ballot will be held only if the number of nominated candidates exceeds the number of committee positions.
- (6) Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
- (7) A majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots shall be taken, if necessary, to obtain a majority. On the second and subsequent ballots the candidate receiving the lowest number of votes in the previous ballot shall be dropped. In the event of a tie vote, a second and subsequent ballot(s) will be taken, if necessary, until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.
- (8) When two or more nominees are to be elected to any office by ballot, each member voting will be required to vote for the full number of candidates to be elected or the members' ballot will be declared spoiled.
- (9) 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

- (1) All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for the stated term or until a successor has been elected and installed. No term of office shall be extended for more than one year, or three years in total.
- (2) The terms of office for trustees shall be laid down in Article B.2.4 of the CUPE Constitution.

(d) By-Election

Should an office fall vacant pursuant to Section 7 (f) of these By-Laws or for any other reason, the Executive may appoint a member to fill the position in an Acting capacity, pending a by-election at the next members' meeting. The resulting by-election should be conducted as closely as possible in conformity with this section. The position will be filled through by-election for a term not to exceed the period until said position would regularly be filled through biennial election. If a special by-election is held between membership meetings, the ballots of this election will be held securely until the next membership meeting.

## **SECTION 16 - COMMITTEES**

(a) Negotiating Committee

This shall be a special Ad Hoc Committee established at least six (6) months prior to the expiry of the Local's collective agreement and be 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, appointed by the Executive, shall consist of four (4) members with one (1) alternate. At least one member of the Committee should have previous negotiating experience. 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 Executive or by the membership at a general meeting. The members may be appointed by the Executive, or elected at a membership

meeting, if the membership so chooses.

(c) Standing Committees

Each standing committee shall meet a minimum of once per calendar year and a report will be sent to the Executive Committee following every meeting. Each committee shall submit a written report to the Executive in advance of each regular membership meeting. The membership shall elect the members on the Standing Committee for two-year terms. The Committee shall appoint a chairperson from among its members. There shall be standing committees as follows:

(1) Social Committee

This committee shall be comprised of no less than two (2) and no more than five (5) members and may appoint a chair from among its members.

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, according to the Social Committee Guidelines approved by the membership. The Committee shall submit reports and proposals to the Executive or to the membership as required.

A petty cash fund of three hundred (\$300) dollars shall be made available to the Committee to assist in its day-to-day activities. The fund shall be administered by the chair or designate of the Committee and may be replenished through the Secretary-Treasurer of the Local upon submission of receipts for amounts used. Other expenses may be arranged through the Local's Secretary-Treasurer.

The Executive shall be held responsible for the proper and effective functioning of this Committee.

(2) Labour Management Committee

The Labour Management Committee shall be comprised of the President, Vice-President, one other Executive member or an alternate approved by the Membership. If the Vice-President position is vacant, the Executive will appoint an alternative until the Vice-President position is filled by election. The Committee shall enjoy the full support of both Parties in the interests of improved service to the public and job security

for the employees. The Committee shall concern itself with the following general matters:

- considering constructive criticisms of all activities so that better relations shall exist between the Employer and the employees;
- improving and extending services to the University community;
- reviewing suggestions from employees and questions on working conditions; and
- correcting conditions causing grievances and misunderstandings.

(3) By-Laws Committee

- (a) This Committee shall be comprised of no less than two (2) and no more than five (5) members and may appoint a chair from among its members. This Committee shall solicit suggestions for changes to these By-Laws from the membership no later than the 15<sup>th</sup> of February of each year with all responses to be in to the Committee by March 1<sup>st</sup>. This Committee shall consider all proposed amendments to the By-Laws and shall submit its report and recommendations to the Executive by March 15<sup>th</sup> of each year. This Committee shall also recommend such additional rules for the conduct of the Local deemed necessary.
- (b) It shall be the duty of this Committee to have all proposed changes to the By-laws in the hands of the members at least ten (10) days prior to the relevant membership meeting.

(4) Grievance Committee

This Committee shall be comprised of no less than two (2) and no more than five (5) members and shall be chaired by the Grievance Officer. The members of this Committee will advise and assist the Grievance Officer, and they may act as alternates in the handling and investigation of grievances. The Grievance Committee shall report regularly in writing to the Executive and to each membership meeting, with copies of these reports also sent to the CUPE servicing representative.

(d) Joint Committees

Representation on all university committees will be appointed at a general membership meeting. In between membership meetings, the Executive may fill, on a temporary basis, vacancies on university committees arising from

resignations or leaves of absence. Before it makes the appointment, the Executive will notify the membership of the vacancy. This opening shall then be filled through election at the next membership meeting.

CUPE 3433 members sit on the following joint committees and shall be elected to the durations provided for in the terms of reference of the committees.

- (1) Health and Safety Committee
- (2) Joint Job Evaluation Committee
- (3) Pension Advisory Committee
- (4) President's Advisory Committee on Women's and Gender Issues

## **SECTION 17 - 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, Bourinot's Rules of Order shall be consulted and applied.

## **SECTION 18 - 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 be amended or added to only if:
  - (i) the amended or additional bylaws do not conflict with the CUPE

- Constitution;
  - (ii) the amended or additional bylaws are approved by majority vote at a regular membership meeting or at a special membership meeting called for that purpose;
  - (iii) notice of the intention to propose the amended or additional bylaws was given at least seven (7) days before at a previous membership meeting or sixty (60) days before in writing.
- (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.

## **APPENDIX "A" TO THE BY-LAWS OF**

### **CUPE LOCAL 3433**

#### **RULES OF ORDER**

1. The President or, in their 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 their absence a President pro-tem 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 ten (10) 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 indicate a desire 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 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 motion shall be in order.
6. On motion, the regular order of business may be suspended by a majority 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, they shall so indicate and respectfully address the presiding officer, but, except to state that they rise to a point of order or on a question of privilege, they shall not proceed further until recognized by the chair.
11. When two or more members indicate the desire 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, they shall cease speaking until the point is determined; if it is decided they are in order, they may again proceed.
14. No religious discussion shall be permitted.
15. The President shall take no part in debate while presiding but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
16. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, the motion fails and a revote is encouraged to resolve the issue.
17. When a motion is before the Local, no other motion shall be in order except (1) to adjourn (2) to put the previous question (3) to lay on the table (4) to postpone for a definite time (5) to refer (6) to divide or amend, which motions shall have precedence in the order named. The first three of these shall be decided without debate.
18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be now put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.

19. A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
20. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen minutes have elapsed.
21. After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken, and the Recording Secretary shall count same.
22. If any member wishes to challenge (appeal) a decision of the chair, they 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.
23. After a question has been decided, any two members who have voted in majority may, at the same or next meeting, move reconsideration thereof.