



BY-LAWS

CANADIAN UNION OF PUBLIC EMPLOYEES

LOCAL 2936

2021

Approved by the executive on

Approved by the membership on February 22, 2021

Approved by the National on June 25, 2021

PREAMBLE

In order to improve the social and economic welfare of its members, regardless of 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 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 2936.

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 11 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 members and their employers.
- (e) Establish strong working relationships with the public we serve and the communities in which we work and live.

SECTION 3 - INTERPRETATION & DEFINITIONS:

- (a) Masculine pronoun shall be understood to include the female gender.
- (b) Numbers of Articles at the end of sections or subsections refer to relevant articles of the CUPE Constitution which should be read in conjunction with these by-laws.

SECTION 4 - MEMBERSHIP MEETINGS - REGULAR & SPECIAL:

- (a) Regular membership meetings shall be held monthly with the first monthly meeting to be on the third Saturday of the New Year at 9:30 a.m. and second monthly meeting of the New Year to be held during the week, in the evening at 6:30, and the meetings will continue to alternate throughout the year. (This is to accommodate members who work weekend shifts, and those who are part time

employees.) The first half (1/2) hour of the meeting will be devoted to Unit matters. Dates, times and locations may vary as long as it has been posted with reasonable notice for the members.

- (b) A quorum for the transaction of business at any regular or special meeting shall be seven (7) members, including at least three (3) members of the Executive Board.
- (c) The order of business at regular membership meetings is as follows:
 - 1. Roll call of officers
 - 2. Reading of the Equality Statement
 - 3. Voting on new members and initiation
 - 4. Approval of agenda (any additions to agenda or suspension of agenda for appeals)
 - 5. Reading of minutes and approval
 - 6. Matters arising
 - 7. Treasurers report
 - 8. Communications and bills
 - 9. Executive committee report
 - 10. Reports of committees and delegates
 - 11. Nominations, elections, or installations
 - 12. Unfinished business
 - 13. New business
 - 14. Good of the union
 - 15. Adjournment (Article B.VI)
- (d) Summer month(s) may be designated as "Summer Break" by notice of Motion posted at the previous month's general membership meeting and approved by the members.
- (e) Special membership meetings may be ordered by the Executive Board or requested in writing by no fewer than seven (7) 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.

SECTION 5 - VOTING OF FUNDS

Except for ordinary expenses and bills as approved at meetings, no sum over One Hundred Dollars shall be voted for the purpose of a grant or contribution to a member or any cause outside of CUPE, except by a notice of motion given in writing and then dealt with at the following membership meeting.

(Article B.4.4)

SECTION 6 - OFFICERS

The Officers of the Local shall be the President, a Vice-President, a Unit Chairperson or chief steward from each unit, Secretary-Treasurer, Recording Secretary, three (3) trustees and the Sergeant of Arms. All officers shall be elected by the membership. The term of office of the Officers, except trustee's, shall be for two (2) years. No member may hold more than one elected position on the Executive Board.

(Articles B.2.1, B.2. & 2.4)

SECTION 7 - EXECUTIVE BOARD

- (a) The Executive Board shall comprise all Officers, except Trustees and the Sergeant of Arms.
(Article B.2.2)
- (b) The Board shall meet at least once every month.
(Article B.3.14)
- (c) A majority of the Board constitutes a quorum.
- (d) The Executive Officers shall hold title to any real estate of the Local as trustees for the Local. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and having it approved.
- (e) The Board shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees.
- (f) All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE constitution.
(Article B.11.1 to B.11.5)
- (g) Should any Board member fail to answer the roll call for three consecutive membership meetings, or three consecutive executive Board meetings without having submitted good reasons for those failures, his office shall be declared vacant, he shall be informed via registered letter and the position shall be filled in accordance with section 12.
- (h) The newly elected Executive Board shall participate in Effective Communication/Team Building training of not more than three (3) days, two (2) nights, provided by CUPE, as soon as practical following the bi-annual elections if needed and is recommended by the Executive Board. Mileage if out of Durham region, any cost for the facilitator(s), out of pocket expenses and lost wages will

be paid for this training workshop.

- (i) The Executive Board shall be empowered to make purchases or donations not to exceed One Hundred Dollars (\$100.00) without having such a purchase or donation first approved by the membership meeting. Such expenses will be submitted at the next membership meeting, along with an explanation of the amount and the reason for such expense. During the summer break, regular day to day operations of the local will continue to be made without prior approval such as paying hydro, telephone and rent. Any and all such payments shall be reported to the membership at the first (1st) membership meeting after the summer break.
- (j) Should an office fall vacant on the Executive Board, the Executive Board may appoint a replacement on a short term, temporary basis, but a by-election must be conducted as soon as possible in accordance with Section 12 (d) of Local 2936's bylaws and Article B 2.5 of the National Constitution. At least seven (7) days' notice shall be provided to the membership prior to the by-election. Nominations and filling the vacant position may be done at this meeting.

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 in office.

All signing Officers of Local 2936 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for 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 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 and in case of a tie vote in any matter, have the right to cast an additional vote to break the tie (except appeals against his rulings).
 - Ensure that all officers perform their assigned duties.
 - Fill committee vacancies where elections are not provided for, or temporarily appoint to fill the vacancy as recommended by the Executive Board or the membership until such time that the vacancy can be filled by an election.
 - Introduce new members and conduct them through the initiation ceremony.
 - May sign all cheques and ensure that the Locals funds are issued only as authorized or directed by the Constitution, by-laws, or vote of the membership.
 - Be allowed necessary funds, not to exceed \$100.00 monthly, to

reimburse himself or any officers for expenses, supported by vouchers, incurred on behalf of the Local. Have first preference as a delegate to CUPE National Convention and Ontario Division Convention. (Article B.3.1).

- Direct and guide Unit Chairs and arbitrate disputes within sub units.
- Assign grievance numbers upon request.
- Chair General Membership Meetings.
- In the absence of the Vice President shall chair executive meetings.

(b) The Vice President Shall:

- If the President is absent or incapacitated, perform all duties of the President.
- If the office of the 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).
- Perform other such duties as may be assigned by the Board from time to time.
- Fill committee vacancies where elections are not provided for, as recommended by the Executive Board or the membership.
- Assign grievance numbers upon request
- May sign all cheques and ensure that the Locals funds are issued only as authorized or directed by the Constitution, by-laws, or vote of the membership.

(c) The Recording Secretary Shall:

- Record all alterations in the by-laws.
- 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, with assistance from Unit Chairs.
- Have all records ready on reasonable notice for auditors and Trustees.
- Be empowered, with the approval of the membership, to employ necessary stenographic or other assistance to be paid for out of the Locals funds.
- On termination of office, surrender all books, seals and other properties of the Local to his successor. (Article B. 3.3).
- Fill committee vacancies where elections are not provided for, as recommended by the Executive Board or the membership.
- Preside over membership and Board meetings in the absence of both the President and the Vice-President.
- Post agenda's.
- Make arrangements for schools/conferences etc.
- Keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the

written financial report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustees' reports.

- May sign all cheques and ensure that the Locals funds are issued only as authorized or directed by the Constitution, by-laws, or vote of the membership.
- Make arrangements for conferences/conventions, including registering early without delegate names which will follow.
- Be responsible for updating and maintaining the local's social media, including functioning as the local's contact for the website.

(d) The Secretary-Treasurer shall:

- Prepare all CUPE National per capita tax forms and remit payment no later than the 15th day of each month; only if no provisions of employer remittance.
- Not later than February 28th of each year furnish each member on the forms supplied by the National office with a statement showing the net amount of tax deductible dues paid by him during the proceeding calendar year.
- Notify all members who are one month in arrears and report to the Board all members two or more months in arrears in the payment of union dues.
- Receive all revenue, dues and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union.
- Record all financial transactions in a manner acceptable to the Board and in accordance with good accounting practices.
- Be bonded 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 and one other member of the Board or any two other members for the Board, except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated.
- Make all books available for inspection by the auditors and/or Trustees on reasonable notice, and have the books audited annually and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
- Provide the Trustees with any information they may need to complete the audit report on forms supplied by CUPE.
- Shall regularly make a full financial report to meetings of the Locals Executive Board as well as a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- Throughout his/her term, and on behalf of the Local Union membership, be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or vouchers for every disbursement made, receipts for all money sent to CUPE headquarters, as well as records and supporting documents for all income received by the Local Union.
- On termination of office, surrender all books, records and other properties of

the Local to his successor or designate. (Article B. 3. 4. to B. 3. 9.).

- Be empowered with the approval of the membership to employ necessary clerical assistance/accounting to be paid for out of the local's funds.
- 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.

(e) UNIT CHAIR PERSONS:

- The Unit Chair Persons shall report to the Executive Board and the Membership on all grievances and arbitrations.
- Maintain communication with all elected Committee members and Stewards within their Units.
- Inform the Executive Board of any new Management policies, etc.
- Oversee and provide communication and information to the members and the Executive Board about problems and potential problems in the workplace.
- Ensure that all monthly, yearly or special notice of membership meetings as approved by the Executive Board and/or the membership are posted at all worksites, in a timely fashion.
- Introduce new members and conduct them through the initiation ceremony.
- Fill committee vacancies where elections are not provided for.
- Enforce the CUPE constitution and these by-laws.
- Preside at all Unit membership meetings and preserve order.
- Know and police the Collective Agreement and Provincial or Federal legislation affecting the Local.

(f) CHIEF STEWARD (Where the employer's Group of Union Members totals 200 or more or there is no Unit Chair)

- Ensure that all stewards perform their assigned duties.
- Know and police the Collective Agreement and Provincial or Federal legislation affecting the Local.
- Oversee the definition, detection, preparation and presentation of all grievances at the initial level and subsequent level thereafter.
- Maintain contact with the stewards in order to provide ongoing Union awareness and education.

- Perform such other duties as are required of him/her by the membership; All duties will be performed in conjunction with the Unit Chair.
- The Chief Steward will act in the absence of the Unit Chair at all meetings with the employer and the Union and will give all necessary reports.
- The Chief Steward will act in the absence of the Unit Chair in handling all steps of the grievance procedure.

(g) THE TRUSTEES shall:

- Examine the books and records of the Secretary-Treasurer and inspect or examine all properties, bonds, and all other assets of the local at least once each calendar year and in special circumstances, as directed by the membership.
- Report their findings in writing at the first membership meeting following the completion of the 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. This should be done prior to the report being brought to the membership.
- Be responsible to ensure that monies are not paid out without proper constitutional or membership authorization.
- Ensure the proper financial reports are made to the membership.
- Audit the record of attendance.
- Inspect once a year any stocks, bonds, securities, office furniture equipment, and titles or deeds to property that may at any time be owned by the Local and report their findings to the membership, send a copy of the completed audit report (on the prescribed form provided by the National Secretary-Treasurer), as well as a copy of their report to the Local Union membership along with a copy of their recommendations and/or concerns to the President and Secretary-Treasurer and the Secretary-Treasurer's response, to the National Secretary-Treasurer of the Canadian Union of Public Employees, with a copy to the assigned servicing representative; (Article B.3.10 to B.3.12).

(h) THE SERGEANT-AT-ARMS shall:

- Guard the inner door at membership meetings and admit no one but the members in good standing or officers and officials of CUPE, except on the order of the President and by the consent of the members present.
- Assist in maintaining the record of membership attendance at the meeting.
- Perform other such duties as may be assigned by the Board from time to time.

SECTION 9 - OUT OF POCKET EXPENSES

The following expense allowance shall be provided:

President	\$2,360.00 per annum
Vice President	\$1,770.00 per annum
Rec/Secretary	\$2,360.00 per annum
Sec-Treasurer	\$2,360.00 per annum

Unit Chair	\$1,475.00 per annum
Sergeant at Arms	\$885.00 per annum
Chief Steward	\$1,180.00 per annum (only for 200 union members/employer)
Trustees	\$200.00 each per annum (for a written annual report to National & a verbal report to the local, plus lunch, lost wages and mileage for one day)
By-Law Committee	\$200.00 each per review of by laws (as need arises within local for review) not to be paid until committees presents proposed changes to the general membership for voting and any membership amendments have been made.
DSSCC Rep	\$1,475.00 per annum (only to be paid if person is not already receiving out of pocket for any of the above named positions). To qualify for out of pocket, must send monthly reports to the executive; if there is nothing to report then they must state that.

Payment will be made in four instalments three months apart. January to March, April to June, July to September, and October to December. Out of pocket expenses shall be pro-rated on the basis of completed months served. This does not apply to the Trustees or By-Law committee as they shall be paid upon completion of their responsibilities.

Payment of each instalment will be based on a minimum attendance at three (3) out of six meetings during the quarter year. One (1) meeting MUST be a General Membership meeting and one (1) MUST be an Executive Meeting.

MILEAGE

- (a) The rate of mileage that will be paid per kilometre will be in line with which ever collective agreement within the local has the highest rate of reimbursement.
- (b) If a delegate is doing the work of the union and is therefore required to travel to and from a destination to represent another member, mileage will be reimbursed.
- (c) The executive will determine and pre-plan a cost effective means of travel.
- (d) When attending a school, conference, or convention you will not be reimbursed any mileage costs that exceed \$100.00 unless you include the name of the person who you carpoled with on your expense voucher. If there was a valid reason why you could not car pool, then this rationale must be noted on the voucher and brought to a GMM for consideration.
- (e) Executive Board Members may utilize up to four (4) hours of union book off time once per month as needed, to perform the duties of their office.

Note: Payments such as honorarium (payment as recognition or thank you for services rendered) are fully taxable from the first dollar. Canada Revenue Agency (CRA) permits honoraria of up to \$500 per year, without receipts. For any amount above \$500, the local union should be issuing T4's as the CRA considers this as taxable income. Above \$500, the CRA expects receipts to be provided or it will treat the amounts as taxable income. The local does not require said receipts however the onus will be on the individual to produce receipts.

SECTION 10 - FEES, DUES AND ASSESSMENTS:

- (a) Each application for membership in the Local shall be directed to the Secretary-Treasurer and shall be accompanied by an initiation fee of \$1.00 which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected the fee shall be returned.
- (b) The re-admittance fee shall be \$1.00.
- (c) Monthly Dues

The monthly dues shall be 1.5% (Article B.4.3) and shall not include any temporary enhancements to wages. Changes in the levels of monthly dues, initiation fees and re-admittance fees can be affected only by the procedure for amendment of these by-laws (see Section 16) with the additional provision that the vote must be by secret ballot.

(Article 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.

- (d) Strikes

In the event that any unit goes on strike, they will be given sufficient funds to cover the cost of renting and maintaining a Strike Headquarters. If the Union Hall cannot be used all Units will have the option of renting space in their area. The union shall Form a strike committee. All strike committees shall operate within CUPE's National Strike Fund Regulations and with the guidance of the National Staff Rep assigned to them.

SECTION 11 - NON-PAYMENT OF DUES AND ASSESSMENTS

Any member in arrears for a period of three months or more shall be automatically suspended and his suspension shall be reported to the Executive Board by the Secretary

Treasurer. The Executive Board shall report to the next membership meeting with a recommendation. Any member under suspension or owing an assessment wishing to be reinstated shall, upon application, pay the re-admittance fee, plus any dues and assessments in arrears. This money will be returned if the application is rejected. If a member has been unemployed or unable to work because of sickness or has been granted a leave of absence by their employer, he shall pay the re-admittance fee but may not be required to pay his arrears. Union dues shall be by direct remittance to the National.

SECTION 12 – NOMINATION, ELECTION & INSTALLATION OF OFFICERS:

At the November Executive meeting, every other year in even number years the President shall, subject to the approval of the members present, appoint an Elections Committee consisting of two (2) a Returning Officers for the upper and unit elections (point persons in charge of the elections) the unit chair or their designate from each employer group. The committee members shall have the full responsibility for voting arrangements and shall treat information submitted to it in commensurate with its responsibilities as confidential. The committee members shall be entitled to any lost wages and meals when the election occurs over four (4) hours or more.

The Returning Officer and their committee shall be responsible for issuing, collecting, and counting ballots. He must be fair and impartial and see that all arrangements are unquestionably democratic.

The upper election and all-day unit elections will be conducted by Returning Officers who are neither officers no candidates for office for that particular election. Should they later decide to accept a nomination for office they would be required to resign from conducting this election.

The Durham North Units shall have the option of holding Unit election meetings in the North. These elections will be conducted by Returning Officers who are neither officers no candidates for office for that particular election. Should they later decide to accept a nomination for office they would be required to resign from conducting this election.

upper election will be for the President, Vice President, Recording Secretary, Trustees, Treasurer, Sergeant-At-Arms, Education Committee, Social Committee, Delegates to Durham Region District CUPE Council and the Durham Regional Labour Council:

- (a) Elections will take place at the January GMM, every other year in even number years. Nominations for such will occur in December at the general membership or may come from the floor during the GMM in January. A member can consent to their nomination as per section (a) under election rules in these by-laws. The recording secretary shall record the names of all nominees. The officers will be

sworn in at this GMM immediately following elections and will take office at the next GMM.

- (b) For the upper election will be voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
- (c) 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.
- (d) The terms of office for Trustees shall be as laid out in Article B.2.4 of the CUPE Constitution.

The elections for Unit Chairs and Unit Positions:

- (a) Unit elections will be held on a separate all day election and are to occur within one (1) month of the upper election meeting or at such other time as approved by the membership. The location of the election shall be at the recommendation of the Executive Board.
- (b) Nomination forms will be used for Unit Chair or other Unit positions and these forms will be made available in December and January at the general membership meetings and all candidates must declare their intention to seek election by the close of the upper election meeting; no new nominations will be accepted after this point. The nomination form will clearly indicate what position the person is seeking; the names of the candidates will be placed on the ballot. Elections will occur throughout the day at times identified by the Executive Board so most members will have an opportunity to vote. At the conclusion of the election, ballots will be counted, and the successful candidates will be sworn in at the following membership meeting.
- (c) For unit positions the declared, candidate shall be the one with the most votes
- (d) Elections for units with more than 200 members will be held in accordance with the election rules outlined in the local's by-laws. The candidate getting the most votes in the steward election will become the chief steward. Elections for the negotiation/bargaining committees will be conducted separately as per section 14. (a).

- (e) Each polling station will have a list of employees from that unit and will mark their name out when the member votes, the member shall receive a ballot with all candidates names and the position they are running for, after casting their vote they shall place ballot in sealed ballot box at polling station.
- (f) The newly elected officers will be sworn in at the next GMM and will then immediately take office.
- (g) Should an office fall vacant on Unit positions/Unit committees, the Executive Board may appoint a replacement on a short term, temporary basis. Each Unit will be responsible to ensure notice is given to the Recording Secretary so as to make the vacancy known. All vacancies shall be posted on the upcoming GMM agenda and every agenda thereafter until the vacancy is filled. Once a position has been posted as vacant, any member can attend at a membership meeting and announce their intention to fill the vacancy, if there is more than one nominee then a by-election can take place on the spot during the unit portion of the meeting. A member can consent to their nomination as per section (a) of the election rules.

RULES:

- (a) No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting his consent in writing, duly witnessed by another member. No member shall be eligible for nomination if he is in arrears of dues/or assessment.
- (b) The Executive Board shall determine the form of the ballot in November prior to the voting year and ensure that sufficient quantities are made available in good time to the Returning Officer.
- (c) No Proxy voting will be allowed for any election.
- (d) 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 for each section of the ballot or the member's entire ballot will be spoiled.
- (e) 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 membership meeting as laid down in Section 4.8.
- (f) The voting for Unit Chair, Chief Steward, Stewards, as well as other committees as outlined in the unit collective agreements will be held simultaneously.
- (g) Voting will be by secret ballot.

- (h) The Sergeant-at-Arms will be invited and encouraged to attend each election.
- (i) All voters will need to show photo identification. No one will receive a ballot without it.
- (j) If a member shows up to vote and he/she is not on the list but does have photo identification, the Returning Officers will attempt to confirm their employment status with Human Resources of their Employer. Failing this, at least two members who are on the list, will need to vouch for this person. The names of the two people vouching, will be recorded.
- (k) All members will be asked to vote and then leave the premises immediately for all-day votes.
- (l) Each nominee can ask a scrutineer to attend for the counting of the ballots, however this would be on their own time. The Local will not pay lost wages for such. Nominees will be entirely responsible for making arrangements to have a scrutineer attend; should the scrutineer not attend; this will have no bearing on the election. Nominees must advise the Returning Officer of the name of their scrutineer prior to the start of election, should they choose to use one.
- (m) Once the completed ballot is placed in the box, it will not be handled by anyone other than the Returning Officers and/or Elections Committee conducting the election. Officers, scrutineers and members will NOT be permitted to handle, photograph, duplicate or remove ballots and/or voters lists.

SECTION 13 - DELEGATES TO CONVENTIONS, SEMINARS, SCHOOLS AND EXECUTIVE RETREAT

- (a) The local shall send as many delegates as we have credentials for including the president and the equity delegate as per CUPE National Resolution to conventions and/or conferences. All delegates to conventions and conferences shall be chosen using an up to date record to form a rotation list to promote fairness and/or by election at membership meetings except by president's option (Section 8 (a)). Executives in office at the time of the convention and/or conference, shall be given priority when selecting delegates to send, with the exception of the Ontario Convention. The local shall hold an election for one delegate to attend the Ontario Convention from the membership at large. If no members express an interest in attending, the credential will be filled by a member of the Executive. The membership must approve the motion to send delegates to conventions/schools/seminars etc., and at the time of presenting such, a quote for all associated costs must be available. President's option applies only to Ontario Convention and National Convention.

- (b) Delegates to the Durham Region District CUPE Council and the Durham Regional Labour Council shall be required to report at each membership meeting of the Local on proceedings at recent meetings.
- (c) The local will send up to 10 delegates to the CUPE Health & Safety Conference. Half of the delegates will be selected from the unit's Health & Safety committees.
- (d) All delegates elected to the conventions, seminars, schools or executive retreats held outside the Region of Durham shall be paid transportation expenses (at economy, tourist or coach rate), or mileage to and from the convention, seminar, school or retreat. A meal allowance of a maximum of \$20.00 (twenty dollars) will be paid when they wish to commute to and from the convention, seminar, school or executive retreat. A meal allowance of \$70.00 (seventy dollars) will be paid to all delegates staying at hotel accommodations as well as compensation for any loss of salary incurred by attendance at the convention, seminar, school or executive retreat. The per diem cheques will be brought to the function by an executive member and handed out on the day of arrival.
- (e) Delegates to conventions or seminars held locally shall have no travel allowance. There shall be a diem allowance of a maximum of \$20.00 (twenty dollars) if no meal is provided and compensation for any loss of salary incurred by attendance at the convention or seminar. This can include delegates to the Durham Region Labour Council, seminars schools or retreat.
- (f) Delegates who incur child care expenses will be reimbursed up to a maximum of fifty dollars (\$50.00) per day upon submitting an invoice. Reimbursement shall only be paid to the care provider. This also applies to delegates with elder care responsibilities and/or delegates who are responsible to provide continuous support to a person with a disability.
- (g) Any member can attend in-town education courses etc., whenever they become available, no lost wages will be paid for those attending educational courses, nor will per diem, travel or accommodation be given by the Local unless approved by the membership.
- (h) Out of Town Courses, Seminars, Etc.

Any member of the Local may attend two out of town Union Seminars and/or courses. After attending two courses and/or seminars the member must either be involved in the business of the Local or they must have offer themselves for election or appointment to a position within the local at the elections that were most recently held, or they must have previously attended three (3) out of six (6) past regular membership meetings.

- (i) The local will cover the cost of mileage, per diem, and hotel accommodations if applicable as dictated by the bylaws above for any member who sits on a National/Divisional committee. In order to receive said funds the individual must

complete the local's expense voucher detailing all expenses and how much of that money will be recovered from National/Divisional. They must attach to this voucher the photocopy of the National/Divisional expense voucher which shall indicate that local 2936 will be reimbursed directly in lieu of the member. If there are any hotel accommodations that are not being covered by National/Divisional the hotel receipt must also be attached.

All delegates to seminars, schools, conferences, and conventions will agree to:

1. Reimburse the Local for the registration fees, which have to be paid in advance of attendance, if they fail to attend for part of or for the complete Seminar, School, Conference or Convention, without just cause.
2. Reimburse the Local for any per diem paid on a day that the delegate failed to attend.
3. Failure to reimburse the Local will result in the member being disqualified from attending all future CUPE Seminars, schools, conferences and conventions.
4. The Executive Board will assess any "Just Cause" for failure to attend. However, a repetition of non - attendance for all or part of a Seminar etc. could result in a non-eligibility for the following 12 months.
5. Delegates will be asked to sign a reimbursement form, before attending any Seminar, Schools, Conferences and Conventions, and this form will include the above caution.

Note: If a member owes money to the local, they will be notified in writing and given a date to pay it back. If the money is not paid back the executive and/or membership will be notified promptly.

SECTION 14 – COMMITTEES:

(a) NEGOTIATION COMMITTEE:

This shall be a special ad hoc committee elected ~~at a regular membership meeting~~ at least six (6) months prior to the expiry of the present Collective Agreement. The function of this committee is to prepare Collective Bargaining proposals and to negotiate a Collective Agreement.

The Unit Chair shall be a member of the committee. Elections for the committee will be conducted in the same manner that elections are conducted for Unit Chairs. Elected members will be sworn in at the next GMM and take office immediately.

Lost wages will be paid to committee members scheduled to work while putting proposals together. Meals will be paid for all committee members when negotiation meetings last 4 hours or longer. Individual receipts for meals will be reimbursed up to \$20.00 per meal. Elected members will be sworn in and take office at the next membership meeting.

(b) **Executive Meeting Meals:**

During meetings when a meal is not provided, receipts for meals will be reimbursed up to \$20.00 per meal.

CUPE LOCAL 2936 consists of the following Units:

Community Living Ajax, Pickering & Whitby 36 Emperor St. Ajax ON L1S 1M7	Unit 00 (formerly Ajax, Pickering & Whitby ACL)
Participation House 55 Gordon St. Whitby ON L1N 0J2	Unit 01
Community Living Oshawa Clarington 39 Wellington Ave W. Oshawa L1H 3Y1	Unit 02 (combines Units 3 & 4 Mar 1998, formerly Oshawa, Clarington ACL)
Community Living Oshawa Clarington	Unit 03 (formerly Our Home)
Durham Mental Health Services 519 Brock St. S Whitby ON L1N 4K8	Unit 05 (formerly Colborne Community Services)
Y. W. C. A. Oshawa 1 McGregor St. Oshawa ON L1H 1X8	Unit 06
Community Living Durham North 60 Vanedward Dr. Scugog L9L 1G3	Unit 07 (formerly Central Seven ACL)
Community Living Durham North	Unit 11 PT (formerly Central Seven ACL)
Kerry's Place Autism Services 1077 Boundary Rd, Unit 212, Oshawa, L1J 1P8	Unit 12

All officers of each Unit will be elected at a membership meeting by their respective Units. The CUPE Representative assigned to the Local shall be a non-voting member of the Committee and shall be consulted at all stages from formulation proposals, through negotiations, to contract ratification by the membership. No Unit can amend their respective Collective Agreement during the life of each of the Agreements, without:

- A Notice of Motion being made at the Regular Union Membership Meeting, posted at least two weeks prior, and
- The motion must be made at the Regular Union Membership Meeting, and
- In order for the Notice of Motion to pass, 2/3 of the members present at the Regular Union Meeting must vote in the majority in order to amend the Collective Agreement by the Notice of Motion.

(a) **SPECIAL COMMITTEES:**

A Special ad hoc Committee may be established for a special 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. Lost wages and meal allowances will be paid to members for meetings lasting longer than four hours.

(b) **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 Unit Chairperson shall be a member, ex-officio, of each committee. All standing committee members attending meetings on behalf of the local not associated with their employer shall be reimbursed lost wages, meal allowance and mileage provided the National and/or Ontario Division are not doing likewise.

(c) **GRIEVANCE COMMITTEE – (This is comprised of the Executive Board):**

The Grievance committee shall consist of the Unit Chair and or Chief Steward the filling Steward and the President. The Committee shall recommend if a grievance shall progress to mediation and/or arbitration subject to the approval of the membership and advice from the National Rep.

(d) **UNIT COMMITTEES:**

The Unit Chair shall be a member, ex-officio, of the following committees: Labour Management and Pay Equity. The remaining positions shall be elected as of section 12 of the bylaws re: 2nd Elections.

GRIEVANCE APPEAL PROCEDURE:

If a grievor is denied access to arbitration, they will be informed, by registered mail, by the Grievance Committee of the decision in writing. Any grievor shall have the right to appeal to the Executive Board on any decision made by the Board relating to the processing of his/her grievance. Such an appeal is to be filed in writing to the Executive Board, through the Recording Secretary of the Local. The grievor must ensure that their

appeal is placed on the agenda to be heard at the next Regular/General Membership Meeting. The grievor must be present, in person, at that meeting to present their appeal. All stewards, Unit Chair and/or President having to attend GMO or Arbitration cases shall have their meals paid for provided the proceedings last 4 or more hours and the president shall be reimbursed for lost wages as well as the members.

SECTION 15 – RULES OF ORDER:

All members of the Local shall be conducted in accordance with the principles of Canadian Parliamentary Procedure. Some of the more important rules ensure free and fair debate and are appended to the by-laws as Appendix A. These rules shall be considered as an integral part of the by-laws and may be amended by the same procedure used to amend the by-laws. In situations not covered by the 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 16 – AMENDMENT:

- (a) These by-laws are always subordinate to the CUPE Constitution (including Appendix B) as it now exists or may be amended from time to time, and in the event of any conflict between these by - laws and the CUPE Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President. (Article 9.2.C; 13.3 & B.5.1)

- (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 special membership meeting following seven (7) days' notice given at a previous regular membership meeting, or at least sixty days written notice. (Article B.5.1)

- (c) No change in these by-laws shall be valid **or** and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President. (Article 13.3 & B.5.1)

SECTION 17 – AFFILIATION:

Local 2936 shall affiliate with:

The Ontario Division of the Canadian Union of Public Employees
The Ontario Division Social Services Jurisdiction
The DSSCC committee
The Region of Durham CUPE Council
The Ontario Federation of Labour
The Canadian Labour Congress
The Durham Region Labour Council

APPENDIX A - TO THE BY - LAWS OF CUPE LOCAL 2936

RULES OF ORDER:

- 1) The President, or in his absence, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President, and the Vice-President, the Recording Secretary shall act as President, and in his 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 fifteen minutes, except with the consent of the meeting.
- 3) The President shall state every question coming before the Local, and before allowing debate there on, and again immediately before putting it to a vote, shall ask: Is the Local ready for the question? Should no member rise to speak, the question shall then be put.
- 4) A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the Chair.
- 5) A motion to amend, or to amend an amendment, shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
- 6) On motion, the regular order of business may be suspended, by two thirds vote of those present, to deal with any urgent business.
- 7) All resolutions and motions other than named in Rule 17, or those to accept or adopt the report of a committee, shall if requested by the presiding officer, be presented in writing before being put to the Local.
- 8) At the request of any member, and upon a majority vote of those present, a question may be divided when the sense will admit of it.
- 9) Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated cannot be withdrawn except by a majority vote of those present.
- 10) When a member wishes to speak on a question or to make a motion, he shall rise in his place and respectfully address the presiding officer, but except to state that he rises to a point of order or on a question of privilege, he shall not proceed further until recognized by the Chair.

- 11) When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
- 12) Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection on the Local or member thereof.
- 13) No religious discussion shall be permitted.
- 14) 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.
- 15) The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he may in addition give a casting vote, or, if he chooses refrain from breaking the tie, in which case the motion is lost.
- 16) 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 precedence in the order named. The first three of these shall be decided without debate.
- 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 or an amendment to an amendment is adopted, the original resolution as amended, shall be put to the Local.
- 18) A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
- 19) 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.
- 20) After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken, and the Secretary shall count same.
- 21) If any member wishes to challenge (appeal) a decision of the Chair, he must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for his challenge. The Chairperson may then state briefly the basis for his decision, following which the Chairperson shall immediately and without debate put the question: "Shall the decision of the Chair be sustained?" A majority vote shall decide except that in the event of a tie, the

Chair is sustained.

- 22) After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
- 23) No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of officers, or the taking of a vote; and no member shall be allowed to leave without the permission of the Vice-President.
- 24) The Local's business, and the proceedings of meetings, are not to be divulged to any person outside the Local or the Canadian Union of Public Employees.
- 25) The National Rep shall be entitled to attend any executive or membership meeting with voice but no vote.

APPENDIX B - CRITERIA FOR SPONSORSHIP OF LABOUR STUDIES CERTIFICATES:

- 1) The member must have been elected by the Local membership to hold an Executive Committee position for at least two terms.
- 2) The member will NOT be paid any lost wages for attending courses.
- 3) The member will register themselves for each course and successfully complete the course in order to be reimbursed the course fees. Proof of course credit will be submitted to the Treasurer before reimbursement is given to the member via an expense claim form.
- 4) The cost of books and materials can be reimbursed to the member only if they are given back to the membership to be used by other members. Reimbursement will be paid on the receipt of the material by the Treasurer.
- 5) The member should agree to either reporting on or teaching a course on any subject matter that is covered by the eight credit courses and presenting their written material at a General Membership meeting or using their written material for a Local Newsletter. This should happen within six months of the member completing the Labour Studies Certificate Course completely.
- 6) No per diem or hotel accommodation will be paid for while taking the eight courses.
- 7) Those Executive members who are sponsored by the Local must be mindful of the fact the extra cost borne by the Local to sponsor them must be paid back in service to the Local. Any abuse of this consideration could result in withdrawal of the

sponsorship by a simple majority vote of the Executive (sponsored member excluded).

- 8) The sponsored member should sign an agreement to follow these criteria.

Retirement Gift:

All employees, who have been members in good standing shall receive ten (\$10.00) dollars for each year they have been a member of the Union, up to a maximum of Two Hundred (\$200.00) dollars.

Door Prize:

At the conclusion of each general membership meeting there will be a \$25.00 door prize; the executive will not be included in the draw.

Death of a Member:

Upon request to the union, in the event of the death of a member from Local 2936, the local shall donate \$200.00 to the family or to a charity of choice. In the event there is a death of a member's family, the local shall donate \$100.00 to a charity of choice or send flowers in an amount not to exceed \$100.00

CUPE local 2936 youth scholarship (age 18-30) 4 x \$500.00 each September:

To qualify for a scholarship, you must be the child or the grandchild of a member in good standing of local 2936, however first consideration will be given to children of members. You must write an essay on "the importance of Unions and how they work" and submit it to the recording secretary on or before April 30th at midnight. The recording secretary will provide confirmation of receipt to you. The names of all applicants will be added to the minutes of the May executive meeting. You will be asked to present or have someone present on your behalf at a GMM in either May or June (if there is no quorum for such your essay will still be considered valid). All valid entries will be entered into a draw. You may submit an essay each year, however if you've received a scholarship in the past, your name will not be placed in the draw again unless there are less new applicants than the number of scholarships being granted. The scholarship will be awarded to those registered for post-secondary studies. Prior to a cheque being issued the recipients will be required to show proof of enrollment.

Team Sponsorships

To apply for a team sponsorship, you must be a member in good standing, the team must be a not-for-profit organization, the cheque will be written to the team and the amount will not exceed \$500. The amount of donations given each time will be based on the approved

annual budget. Written requests must be submitted to the Recording Secretary and the requests will be entered into a draw. The draws will take place twice a year at the

Executive meetings in January and July. An acceptable acknowledgement of the CUPE 2936 donation is required.

Appeals that have been endorsed by CUPE Ontario and/or CUPE National:

- (a) Local 2936 will support external appeals of this nature in the amount of \$25.00
- (b) Local 2936 will support internal appeals of this nature in the amount of \$100.00
- (c) During Ontario Division, National Convention, or any other convention or conference, if a striking local is being recognized and donations are being made from the floor, Local 2936 may contribute up to \$500.00