

**CANADIAN UNION OF**

**PUBLIC EMPLOYEES**

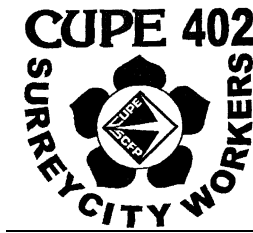
**LOCAL 402**

**(SURREY, SURREY LIBRARIES, WHITE ROCK and LOWER  
FRASER VALLEY EXHIBITION ASSOCIATION)**

**CONSTITUTION**

**AND**

**BY-LAWS**



**March 2012**



**PREAMBLE** ..... 1

**CONSTITUTION** ..... 2

SECTION 1 - NAME..... 2

SECTION 2 - PRINCIPLES AND OBJECTIVES ..... 2

SECTION 3 - MEETINGS OF THE LOCAL ..... 2

SECTION 4 - QUORUMS OF THE LOCAL..... 3

SECTION 5 - ELIGIBILITY FOR OFFICE OF THE LOCAL ..... 3

SECTION 6 - VOTING OF THE LOCAL AND SUB LOCALS ..... 3

SECTION 7 - OFFICERS OF THE LOCAL..... 4

SECTION 8 - EXECUTIVE-AT-LARGE, COMMUNICATIONS EXECUTIVE AND SERGEANT-AT-ARMS OF THE LOCAL..... 4

SECTION 9 - TRUSTEES OF THE LOCAL ..... 4

SECTION 10 - TRUSTEE TERMS OF OFFICE OF THE LOCAL ..... 4

SECTION 11 - SERGEANT-AT ARMS COMMITTEE AND SHOP STEWARDS OF THE LOCAL ..... 5

SECTION 12 - TERMS OF OFFICE ..... 5

SECTION 13 - NOMINATIONS AND ELECTIONS ..... 6

SECTION 14 -EXECUTIVE BOARD..... 6

SECTION 15 - SIGNATORIES..... 6

SECTION 16 - DUTIES OF EXECUTIVE BOARD MEMBERS OF THE LOCAL..... 6

SECTION 17 - INITIATION FEES AND UNION DUES OF THE LOCAL AND SUB LOCALS ..... 10

SECTION 18 - GENERAL PROVISIONS OF THE LOCAL AND SUB LOCALS ..... 10

SECTION 19 - DISCIPLINE ACTION AND TRIAL PROCEDURE OF THE LOCAL AND SUB LOCALS ..... 11

SECTION 20 - AMENDMENTS..... 11

SECTION 21 - RITUALS AND OBLIGATIONS ..... 11

**BY-LAWS**..... 12

SECTION B1 - PRESIDENT OR CHAIRPERSON AS EX-OFFICIO..... 12

SECTION B2 - LAW & CONSTITUTION COMMITTEE ..... 12

SECTION B3 - NEGOTIATING COMMITTEE ..... 12

SECTION B4 - GRIEVANCE COMMITTEE ..... 13

SECTION B5 - MEMBERSHIP RIGHTS REGARDING COMMITTEES ..... 13

SECTION B6 - DELEGATE REPRESENTATION SELECTION ..... 13

SECTION B7 - DELEGATE SELECTION BY EXECUTIVE BOARD OF THE LOCAL ..... 13

SECTION B8 - SUB LOCALS ..... 14

SECTION B9 - OFFICE STAFF..... 14

SECTION B10 - APPLICATION FOR MEMBERSHIP..... 14

**RULES OF ORDER** ..... 16

SECTION R1 - BROTHER OR SISTER ..... 16

SECTION R2 - PREPARING TO VOTE ON A MOTION ..... 16

SECTION R3 - SPEAKING AT A MEETING ..... 16

SECTION R4 - MAKING A MOTION ..... 16

SECTION R5 - AMENDING A MOTION ..... 16

SECTION R6 - URGENT BUSINESS MOTION ..... 16

SECTION R7 - MOTIONS IN WRITING ..... 16

SECTION R8 - DIVIDING A MOTION ..... 16

SECTION R9 - WITHDRAWING A MOTION ..... 16

SECTION R10 - SPEAKING TO A MOTION ..... 17

SECTION R11 - SPEAKING ORDER ..... 17

SECTION R12 - ADHERENCE TO THE MOTION ..... 17

SECTION R13 - CALL TO ORDER ..... 17

SECTION R14 - SECTARIAN DISCUSSION ..... 17

SECTION R15 - SPEAKING TIME LIMITS ..... 17

SECTION R16 - CHAIRPERSON PARTICIPATION ..... 17

SECTION R17 - CHAIRPERSON VOTING ..... 17

SECTION R18 - MOTION NOT IN ORDER ..... 17

SECTION R19 - ASKING THE QUESTION ..... 18

SECTION R20 - MOTION TO ADJOURN ..... 18

SECTION R21 - MOTION TO ADJOURN - DEFEATED ..... 18

SECTION R22 - STANDING VOTES ..... 18

SECTION R23 - APPEALING THE CHAIR ..... 18

SECTION R24 - VOTING ON AN APPEAL ..... 18

SECTION R25 - RECONSIDERATION OF A VOTE ..... 18

SECTION R26 - ENTERING/LEAVING A MEETING ..... 18

SECTION R27 - CONFIDENTIALITY ..... 18

SECTION R28 - BOURINOT’S RULES OF ORDER ..... 19

**REIMBURSEMENTS: OUT OF POCKET EXPENSES, ETC. & DISBURSEMENTS** ..... 20

SECTION 1 ..... 20

SECTION 2 ..... 20

SECTION 3 ..... 20

SECTION 4 ..... 20

SECTION 5 ..... 21

**AMENDMENTS OF THE BY-LAWS** ..... 21

SECTION 1 ..... 21

**ORDER OF BUSINESS** ..... 21

**APPROVAL AND EFFECT** ..... 22

SECTION 1 ..... 22

## **PREAMBLE**

This Constitution is designed to *provide direction for* the administration of the Local.

Duties and responsibilities of elected Officers and *Committee Members* should be as widely dispersed as possible. It should not be left to the willing few to have to serve in multiple capacities.

While various Committees have been designated as “Standing Committees”, this does not preclude the possibility of special Committees being established from time to time as may be required and necessary, in order to maintain the social and colour, race or creed, to promote efficiency in Public Employment and to give clear evidence of its recognition of the unity of organized labour, this Local has been formed and does now establish these By-Laws for its Government.

## CONSTITUTION

### SECTION 1 - Name

The name of this Local shall be: Canadian Union of Public Employees, Local No. 402 (Surrey, *Surrey Libraries*, White Rock and *Lower Fraser Valley Exhibition*).

### SECTION 2 - Principles and Objectives

- (a) To establish co-operative relations between employer and employees and to secure adequate remuneration for work performed;
- (b) To obtain the various occupations of the Membership upon a high plane of efficiency and skill, and a continuous level of employment;
- (c) To place the various occupations of the Membership upon a high plane of efficiency and skill, and to encourage a sense of pride in the fulfillment of duties and responsibilities;
- (d) To promote and develop social relations between Members of the Local;
- (e) To support the Canadian Union of Public Employees in the objects as set out in Article II of the C.U.P.E. Constitution.

### SECTION 3 – Meetings of the Local

The Regular Meeting shall be held a minimum of nine (9) times a year, on the second Wednesday of each month at five-fifteen (5:15) p.m. The time and dates may be changed by a motion made at a previous Regular Meeting. A Special Meeting will be held prior to negotiations for the purpose of preparing for the revisions or renewal of the Collective Agreements.

*(November 2000)*

Executive Board Meetings shall be held on the first Wednesday of each month or at such other time as may be determined by the Executive Board.

Special Meetings may be called by order of the Executive Board or by written request of a *minimum* twenty (20) members, provided, however, that no business shall be transacted at such Special Meetings other than that for which the Special Meeting has been called. At least twenty-four (24) hours notice of all Special Meetings must be given in writing by the Secretary to Shop Stewards and all members of the Executive Board.

Regular meetings of Local 402-01 shall be held on the second Tuesday of each month.

Regular meetings of Local 402-02 shall be held a minimum of nine (9) times a year, on the third Wednesday of each month.

*(February 2008)*

**SECTION 4 – Quorums of the Local**

A quorum for Regular or Special Meetings of Local 402 shall be thirty (30) Members.

A quorum for Regular or Special Meetings of Local 402-01 shall be eight (8) Members

A quorum for Regular or Special Meetings of Local 402-02 shall be twelve (12) Member (November 2007)

A quorum for Executive Board Meetings shall be a majority of the Executive.

In the absence of a quorum at any Regular Meeting, the Executive Board *has the authority* to process routine administrative business including regular payments for which the Local is liable. Routine administrative business does not include leave-of-absences, except where provided in Section 16, and Section 18 Paragraph (a).

**SECTION 5 - Eligibility for Office of the Local**

- (a) To be eligible for nomination for any office in the Local, it is necessary that such nominee be a member in good standing for a period of not less than twelve (12) months.
- (b)
  - i. To be eligible for nomination for the office of President, a member shall have served on the Executive of the Local for a period of not less than one (1) year.
  - ii. *The Office of the President is a full time position.*
  - iii. The wage of President shall be equal to the highest wage rate of the existing Local 402 members. *(May 2001)*
  - iv. Nominations for the position of President must be received by the end of the regular membership meeting held in April. Nominations will then be closed for the position of President. The nomination will then be forwarded to the Union Office to verify that the nominations are valid as outlined in Section 5(a). Once approved, nominations will be forwarded to the Annual General Membership meeting in May, for election of said position. *(April 2003)*
- (c) A member may hold only one office in the Local at any one time.

**SECTION 6 – Voting of the Local And Sub-Locals**

- (a) Voting during Elections shall be by ballot, and the successful candidate must receive a majority of the votes cast. When three (3) or more candidates are nominated for the same office and no candidate on the first ballot receives a majority of the votes cast, the candidate receiving the lowest number of votes shall drop out; a second ballot shall then be taken and the same procedure followed; if necessary, until one candidate having received a majority of the votes cast shall be elected. The Presiding Officer shall have the deciding vote in the event of a tie.

- (b) When only two (2) candidates are nominated for the same office, the candidate receiving the higher number of votes cast shall be duly declared to the office.
- (c) Where only one (1) candidate is nominated for an office, the Presiding Officer shall declare such candidate “elected by acclamation”.
- (d) For the purpose of clarification, a candidate is a duly qualified and eligible member of the Union who has been nominated for an office and who has indicated either in writing or by vote, a willingness to stand for election to such office.

### **SECTION 7 – Officers Of The Local**

The Officers of the Local shall consist of:

The President, First Vice-President, Second Vice-President Third Vice-President, Fourth Vice-President, *Fifth Vice-President*, Secretary, Treasurer and Chief Shop Steward.

The Third Vice-President shall be designated by the Library Sub-Local.

The Fourth Vice-President shall be designated by the White Rock Sub-Local.

*The Fifth Vice-President shall be designated by the Lower Fraser Valley Exhibition Association.*

The Third, Fourth and *Fifth* Vice-President shall have equal status in the Executive.

### **SECTION 8 - Executive-at-Large, Communications Executive and Sergeant-at-Arms Of The Local**

There shall be seven (7) Executive Members-at-Large, one of whom must be an auxiliary or regular part time employee; one (1) Communications Executive and one (1) Sergeant-at-Arms, who are Members of CUPE Local 402 and who are eligible in accordance with SECTION 5 hereof

*(September2007)*

### **SECTION 9 – Trustees of the Local**

In addition, there shall be elected three (3) Trustees who shall be elected in accordance with the provisions of SECTIONS 5 and 11.

### **SECTION 10 - Trustee Terms of Office Of The Local**

The term of office of Trustees shall be three (3) years, and shall be elected on the basis of:

- (a) One Trustee for a term of three (3) years;
- (b) One Trustee for a term of two (2) years; and



- (c) One Trustee for a term of one (1) year.

Thereafter, at each succeeding Annual General Meeting, there shall be elected one Trustee to fill the place of the Trustee whose term of office expires. Such Trustee so elected shall hold office for three (3) years from such election and shall hold office of Trustee until a successor has been elected in accordance with the provisions of this section.

### **SECTION 11 - Sergeant-at- Arms Committee and Shop Stewards Of The Local**

- (a) A Sergeant-At-Arms Committee shall consist of not more than four (4) members of the Local, one of whom shall be an Officer of the Union. For the purpose of this SECTION, the Sergeant-At-Arms shall be the Chairman. In the absence of the Committee Chairman, or any of its Members, the President of the Union or in their absence, the Presiding Officer, shall have the authority to appoint such number of members as may be necessary to permit the Sergeant-At-Arms Committee to fulfill its duties and functions as outlined in SECTION 18(1).
- (b) Any crew, yards or department of members working together may by majority vote elect one or more Shop Stewards. The number of Shop Stewards representing any particular group shall be determined by the Executive Boards, and shall be dependent upon the circumstances and problems of the members directly concerned, but in no case shall there be more than one Shop Steward for each ten (10) members.

### **SECTION 12 - Terms of Office Of The Local**

- (a) At the Annual General Meeting, in every odd numbered year, the following Officers shall be elected for two (2) years;

FIRST VICE-PRESIDENT;

TREASURER;

FOUR (4) EXECUTIVE MEMBERS AT LARGE; one of whom must be an auxiliary or regular part time employee;

CHIEF SHOP STEWARD;

SERGEANT-AT-ARMS

*(December 2001)*

At the Annual General Meeting, *in every even numbered year*, the following Officers to be elected for two (2) years;

PRESIDENT;

SECOND VICE-PRESIDENT;

SECRETARY;

THREE (3) EXECUTIVE MEMBERS AT LARGE;

COMMUNICATIONS EXECUTIVE

- (b) At the Annual General Meeting, *in every odd numbered year*, the Fifth Vice-President from the Lower Fraser Valley Exhibition Association will be elected.

- (c) Notwithstanding the above, the membership may call for a special election, by Notice of Motion, for one or more officers. This election shall be held at a Special Meeting. Upon passage of this Notice of Motion, the time for this special meeting will be set by the General Membership.  
(September 2002)

### **SECTION 13 - Nominations and Elections Of The Local And Sub Locals**

- (a) Notwithstanding the provisions hereinbefore contained, members of the Union who are in good standing, shall be permitted to place in nomination other nominees for offices in the Union; provided, however, such nominee is eligible for office in accordance with SECTION 5 and its various subsections.
- (b) Any member eligible for nomination who is unable to attend the meeting at which elections are to be conducted, shall give notification in writing of intention to stand for election, to the Secretary of the Union prior to the meeting being called to order. It shall be responsibility of the member giving such intent, to have his name placed in nomination for the office from the floor of the meeting. The nomination shall then in due course be accepted by the Presiding Officer, where the notice of intent has been delivered to the Secretary in the manner hereinbefore outlined.

### **SECTION 14 - Executive Board of the Local**

The Executive Board shall consist of the President, the First Vice-President, the Second Vice-President, the Third Vice-President, the Fourth Vice-President, *the Fifth Vice-President*, Secretary, Treasurer, Chief Shop Steward, Sergeant-At-Arms, the Executive At Large and the Communications Executive. The Executive Board shall institute Administrative and Financial Policy and give direction to the Executive members.

### **SECTION 15 – Signatories of the Local**

- (a) The authorized signing Officers shall be the President or other representatives as delegated by the Executive Board. These representatives shall affix their signatures to all documents on behalf of the Union, when so directed by the Executive Board of the Union.
- (b) The signing Officers, on behalf of the Union, for the purposes of the Treasury, shall be the Treasurer together with either the President or First Vice-President.

### **SECTION 16 - Duties of Executive Board Members of the Local**

- (a) **PRESIDENT:** The President shall preside at all meetings of the Union; sign all Orders other than those on the Treasury, when directed by the Union or the Executive Board; appoint all Committees not otherwise provided by the Constitution and By-Laws. Appointment to Committees shall be upon advisement by the respective Committee as to their recommendations for membership.

- (b) **FIRST VICE-PRESIDENT:** The First Vice-President shall preside at all meetings of the Executive Board. The First Vice-President shall perform the duties of the President, in the absence of the President, and in the case of death or resignation of the President, shall perform the duties of the office of President until a successor is elected. The First Vice-President shall also preside at Union Meetings when called upon by the President and shall render such other assistance and perform such other duties as the Executive Board or the Union may direct.
- (c) **SECOND VICE-PRESIDENT:** The Second Vice-President shall preside at all meetings of the Grievance Committee and shall act as liaison between such Grievance Committee, Chief Shop Steward, and the Executive Board. The Second Vice-President shall perform the duties of the office senior to his office, in the event of the absence of the President and/or First Vice-President; and shall perform such other duties as may from time to time, be assigned by the Executive Board or the Union.
- (d) **THIRD VICE-PRESIDENT:** The Third Vice-President shall perform such duties as may from time to time be assigned by the Executive Board, or the Union, or the Library Sub-Local.
- (e) **FOURTH VICE-PRESIDENT:** The Fourth Vice-President shall perform such duties as may from time to time be assigned by the Executive Board, or the Union, or the White Rock Sub-Local.
- (f) ***FIFTH VICE-PRESIDENT: The Fifth Vice-President shall perform such duties as may from time to time be assigned by the Executive Board, the Union, or the Lower Fraser Valley Exhibition Association.***
- (g) At the will of the Membership, the Third or the Fourth Vice-President may perform the duties of the office senior to their office in the event of the absence of the President, First Vice-President, and/or Second Vice-President.
- (h) **SECRETARY:** The Secretary shall:
- a. Keep a correct full and impartial account of each meeting of the Union and the Executive Board and Executive Committee;
  - b. Be responsible for the maintenance and safe preservation of the Minute Books;
  - c. Attend all meetings, Regular, Special, Executive Board, Executive Committee and any other that may be called by the appropriate authority;
  - d. Maintain proper and adequate files, documents, and other property of the Union entrusted to the office of Secretary;
  - e. Write all letters and answer such communications as the appropriate authority may direct.
  - f. ***Perform the duties (when able) of the office co-ordinator in the absence of the office co-ordinator.***
- (i) **TREASURER:** The Treasurer shall at all times comply with the Administrative and Financial Policies established by the Union.
- a. Keep all financial accounts of the Union and maintain correct and proper records of the membership of the Union;

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- b. Sign all orders on the Treasury of the Union, when directed or authorized by the Union or the Executive Board;
  - c. Receive all initiation fees, dues, assessments and fines from the members of the Union, and shall receive such other monies due and payable to the Local Union; and shall thereupon deposit such sums in the name of the Canadian Union of Public Employees, Local 402 (Surrey City) in such Chartered Bank or Credit Union as the Executive Board may direct;
  - d. Pay all bills and accounts sanctioned by the Union, by cheque;
  - e. Make or cause to be made a report on the financial standing of the Union at each Regular General Meeting;
  - f. Submit the books, records and accounts to the Trustees quarterly for Audit, together with such other documents and statements that will assist the Trustees in the Audit and verify the accuracy of the Union financial accounts and standing;
  - g. Be properly bonded with a faithful performance of duty bond by a Bonding Company and such bond shall not be less than Ten Thousand Dollars (\$10,000.00). Any Treasurer who cannot qualify for a bond shall immediately be disqualified from their office and the Local shall proceed with the election of another Treasurer;
  - h. The Treasurer shall chair the Finance Committee.
- (j) **TRUSTEES:** The Trustees shall ensure that the Treasurer has adhered to the Administrative and Financial Policies established by the Union.
- a. Audit the financial records and accounts of the Union semi-annually and shall exercise general supervision over the property and assets of the Union;
  - b. Report to the Union, at the meeting following such Audit, on the condition of the funds and accounts; the number of members in good standing, the number of members initiated, expelled or suspended, admitted or withdrawn during the period of such report, together with such other information as they may deem necessary and essential for the efficient, good and honest administration of this Local Union;
  - c. The Trustees shall elect a Chairperson from their members, who shall co-ordinate their activities and shall forward all reports to the membership.
- (k) **SERGEANT-AT-ARMS:** The Sergeant-At-Arms:
- a. Shall chair the Sergeant-at-Arms Committee;
  - b. Or committee designate(s) shall take charge of the door of the General and Special Meetings of the Local Union and shall prevent members not in good standing and other unauthorized persons from entering the meeting;
  - c. Shall perform such other duties and carry out such functions as the Executive Board may direct.
- (l) **CHIEF SHOP STEWARD:** The Chief Shop Steward shall:
- a. Chair the Shop Stewards Committee and sit on the Grievance Committee;
  - b. Direct the gathering of all pertinent information relative to Grievances and process the Grievances through the initial stages of the procedure contained in the appropriate Collective Agreement;
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- c. Work in liaison with the Second Vice-President regarding all Steward and grievance matters;
  - d. Perform such duties and carry out such functions as the Executive Board may direct.
- (m) **SHOP STEWARDS:** The Shop Stewards shall adhere to the established policies of the Union and:
- a. Gather all pertinent information relative to Grievances and process the Grievances through the initial stages of the procedure contained in the appropriate Collective Agreement;
  - b. Take those measures necessary to ensure that the provisions and conditions of the Collective Agreement are upheld, and notify the Executive Committee of any apparent violations;
  - c. Familiarize the members of their rights, privileges and obligations, as such matters relate both to this Constitution and By-Laws and the Collective Agreement(s);
  - d. Know thoroughly the Collective Agreement(s), Constitution and By-Laws, Rules of Order, and work for their enforcement both on the job and at meetings of the Union;
  - e. Whenever possible, meet with all new members in their department or section and keep all members advised of the time, date and place of all Union meetings;
  - f. Actively encourage all members to attend meetings of the Union.
- (n) **EXECUTIVE MEMBERS-AT-LARGE:**  
Executive Members-at-Large shall:
- a. Sit on a minimum of two committees, serving as the Chair of one committee;
  - b. Perform such duties and carry out such functions as the Executive Board may direct.
- (o) **COMMUNICATIONS EXECUTIVE:**
- a. Compile, edit, and produce the Local's newsletter;
  - b. Maintain the Local's website;
  - c. Ensure that there are union bulletin boards on all worksites and ensure that all information on the bulletin boards is current;
  - d. Produce leaflets or other informational material as required from time to time by the Local;
  - e. Chair the Communications Committee;
  - f. Perform such duties and carry out such functions as the Executive Board may direct.  
(April 12, 2006)
- (p) If any executive board member is absent from his/her duties, such absence shall be no longer than one year or the length of the remaining term of office, whichever comes sooner. (April 20, 2006)

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**SECTION 17 - Initiation Fees and Union Dues of the Local and Sub-Locals**

- i. INITIATION FEE: The Initiation Fee shall be established from time to time by a General or Special Membership Meeting, but in any event, shall not be less than One Dollar (\$1.00).

The Initiation Fee may be waived upon the recommendation of the Executive Board where :

1. The applicant for union membership can accompany the application for membership with a withdrawal card from this or any other body chartered by the Canadian Union of Public Employees.
- ii. UNION DUES: The regular union dues payable by each member shall be established from time to time by Notice of Motion at a General or Special Membership Meeting.
- iii. Any Union member who is in arrears in the payment of union dues, for a period of three (3) months shall stand suspended until all dues, assessments and fines owed by the member to the Union are paid.

**SECTION 18 - General Provisions Of The Local and Sub-Locals**

- (a) ATTENDANCE OF OFFICERS:

Should any Officer fail to answer the Roll Call for three (3) consecutive regular Union meetings, or fail to attend three (3) consecutive regular Executive Board Meetings, without having good and sufficient cause for such absence, then the office held by such officer shall be declared vacant. Such office shall be filled at the next following regular Union meeting, and the provisions of Section 5 and 6 shall apply in filling the vacancy.

- (b) TEMPORARY ABSENCE Of the Local:

During the temporary absence of:

- (i) Any officer, except the Third and Fourth Vice-Presidents, the Junior Officer(s) shall assume the duties of the next Senior Office(s). The Third and fourth Vice-Presidents may, subject to approval of the membership, assume the of the next Senior Office(s);
- (ii) The First Vice-President, Second Vice-President or the Secretary will perform the duties of the President.

**SECTION 19 - Discipline Action and Trial Procedure Of The Local and Sub-Local**

- (a) Any Union member on being reproached by a Shop Steward concerning a breach of the Constitution, By-Laws or the Collective Agreement(s) between the Union and the Employer, disparages, insults or otherwise does not recognize the authority of a Shop Steward, shall be subject to the provisions of the Trial procedure herein contained. Any Union member who is found guilty of an offense under this subsection shall be liable to a fine not exceeding fifty dollars (\$50.00) or two hours wages, whichever is the lesser sum.
- (b) The Trial Procedure for the Local shall follow exactly the Trial Procedure as contained in the Constitution and By-Laws of the Canadian Union of Public Employees, in force and effect at the time of any such trial of a member of the Local.

**SECTION 20 – Amendments Of Local and Sub-Locals**

- (a) All Amendments to this Constitution must be by Notice of Motion presented at a General Meeting in writing and signed by two (2) members in good standing.
- (b) A Notice of Motion shall be processed in the following manner :
  - a. The presentation of the Notice of Motion as contained in subsection (a), shall constitute the first reading. No discussion or debate shall be permitted at this reading.
  - b. Such Notice of Motion to amend this Constitution shall be considered at the meeting specified, and shall be subject to debate, but no amendment shall be entertained without the unanimous consent of the members present and voting.
  - c. A Two-Thirds (2/3's) majority of those present and voting shall be required, in all instances, of Constitutional amendments, save and except as applicable in subsection (ii) hereof.
  - d. Where Notice of Motion has been made in accordance with the provisions of this section; a copy of such Notice of Motion shall be posted in such places as may be designated by the Executive Committee of the Local Union, so that such Notice of Motion will be readily accessible to all Union Members, who may be interested.
  - e. All Notices of Motion must be posted for a minimum of twenty-five (25) days before a vote on the motion can take place.
  - f. All amendments to the Law and Constitutions, whether by the Local or a Sub-Local, must be passed by the Local using the notice of motion procedure.

**SECTION 21 - Rituals and Obligations Of The Local and Sub-Locals**

The Rituals and Obligations to be followed by the Local shall be those authorized and distributed by the Canadian Union of Public Employees, including, and not limited to, Section B.X of the CUPE National Constitution, which reads:

## **BY-LAWS**

### **SECTION B1 - President or Chair Person as Ex-Officio**

- (a) The President of the Local shall be a member, Ex-Officio, of all Committees of this Local. The chairperson of a Sub-Local shall be a member, Ex-Officio, of all Committees of their Sub-Local. However in matters where there may be a conflict of interest, the Finance Committee and the Law and Constitution Committee retain a right of exclusion.

### **SECTION B2 - Law and Constitution Committee For The Local and Sub Locals**

There shall be a Standing Committee on Constitution and Law comprised of seven (7) members in good standing, one of whom shall be a member of the Executive Board. There shall be a member from each sub-local and the remaining members shall come from the Local membership.

*(March, 2004)*

### **SECTION B3 - Negotiating Committee of Local and Sub-Locals**

- (a) *The Negotiating Committee of the Local* shall be comprised of the President, Secretary, First Vice-President, Second Vice-President, Treasurer and one (1) Executive Board Member, and one (1) member as designated by the general membership.
- (b) For the Sub-Local 402-01 there shall be a negotiating Committee comprised of the Chair Person, the Secretary and one member as designated by the Sub-Local membership. An alternate member may also be elected.
- (c) For the Sub-local 402-02 there shall be a negotiating committee comprised of the Chair- Person, the Vice-Chairperson and the Secretary. An alternate member may also be elected.
- (d) The Executive Member at Large from the Lower Fraser Valley Exhibition Association shall be the Executive Board member on the Negotiating Committee for the Lower Fraser Valley Exhibition Association contract negotiations. *(September 2002)*



**SECTION B4 - Grievance Committee Of The Local and Sub-Locals**

- (a) For the Local there shall be a Grievance Committee comprised of the Chief Shop Steward, the *First Vice-President*, the Shop Stewards directly concerned, and the Second Vice-President.
- (b) For the Sub-Locals there shall be a Grievance Committee comprised of the Chair Person, Vice Chair Person and the Shop Steward directly concerned.
- (c) It shall be permissible for a grievance committee to secure the services and/or advice of a National Representative of the Canadian Union of Public Employees.

**SECTION B5 - Membership Rights Regarding Committees**

A General Membership Meeting of the Local and/or Sub-Locals shall have the authority to add to the numbers comprising a Committee in special circumstances. The members shall also have the authority to modify any or all particulars of any Committee by Notice of Motion.

**SECTION B6 - Delegate Representation Selection Of The Local and Sub Locals**

It shall be within the competence of the Executive Board to recommend nominees and alternates for appointment as Delegates to represent the Local at Meetings or Conventions of Organizations to which the Local is associated, or affiliated, including Conventions of the Canadian Union of Public Employees, or any of its subordinate's bodies.

The General Membership Meeting may amend, revise, delegate, reject, or adopt the recommendation of the Executive Board

**SECTION B7 - Delegate Selection by Executive Board Of The Local and Sub Locals**

In exceptional circumstances only the Executive Board shall have the authority to appoint "Pro Tem" Delegates to represent the Local at Meetings or Conventions specified in Section B6, until the procedure contained in Section B6 can be carried out.

Exceptional circumstances shall be defined as a Special or Emergency Meeting called by an organization referred to in Section B6.

**SECTION B8 - Sub -Locals**

In the case of the Sub-Locals of Local 402, Advisory Officers shall be elected at a Special or General Meeting of the Sub-Locals, at least one month prior to Local 402's Annual Meeting.

In *odd numbered years* the following officers shall be elected for two years.

Chairperson

Secretary

Executive member at large

In *even numbered years* the following officers shall be elected for two (2) years.

Vice Chairperson

Sergeant-At-Arms

Chief Shop Steward

*(January 2003)*

The President of Local 402, or his/her designate, shall be a Member of the Advisory Officers and an ex-officio of any standing committee.

**SECTION B9-Office Staff****Office Coordinator**

The office of CUPE 402 will maintain a full time office administrator to be paid at Pay Grade 18 Step 1 of the current Collective Agreement. This person will be on a leave of absence from his/her regular job as written in Section 7.5(f) of the Collective Agreement.

When a vacancy occurs in this position it will be posted and the successful candidate will be a member in good standing of the Local. The required knowledge, ability and skills for the position shall be the primary consideration, and where two or more employees are equally capable of filling the position, years of service with the City shall be the deciding factor.

The selection process shall be performed by a committee comprised of the President, Treasurer (or their designates) and a third person from the Job Description Committee. *(March 2005)*

**B.10 APPLICATION FOR MEMBERSHIP**

B.10.1 Any worker employed within the jurisdiction covered by the charter of the Local, or full-time official representative or Business Agent of the Canadian Union of Public Employees, or on the same becoming a full-time officer or official of a central labour federation recognized and approved by the National Executive Board, shall be eligible for membership. He or she must make application on the regular form provided for that purpose and sign his or her name to it. The application must be accompanied by the regular initiation fee or the initiation fee set for an organizing drive.

B.10.2 deleted April 2011

B.10.3 Once a member has been accepted, he/she remains in good standing as long as he/she remains employed within the jurisdiction covered by the charter of the Local or if he/she retains the

office or employ which determines membership in accordance with Article B.10.1 and provided he/she does not lose his/her standing by virtue of the application of other relevant sections of this constitution.

B.10.4 New members shall be obliged to take the following obligation:

“I solemnly promise and declare that I will support and obey the Constitution of this Union; that I will strive to improve economic and social conditions for my fellow members and for working people generally; that I will defend and strive to extend the democratic rights and liberties of all working people; that I will not purposely or knowingly wrong, or assist others in wronging a member of the Union.”

B.10.5 Where an existing organization following a majority vote of its members at a duly constituted meeting, applies for and receives a charter from the Canadian Union of Public Employees, the foregoing provisions shall not apply and the issue of a charter shall confer full membership rights in Canadian Union of Public Employees on all the members of such organization.

## **RULES OF ORDER**

### **SECTION R1 - Brother or Sister**

Any Member addressing an Officer or other Member of this Union shall use the term “Brother” or “Sister”, and no other title.

### **SECTION R2 - Preparing to Vote on a Motion**

The President shall state every question coming before the Meeting, and before allowing debate thereon, and immediately before putting it to a vote, shall ask: “Are you ready for the Question?” Should no Member rise to speak, the Question shall then be put. After the President has risen, no Member shall be permitted to speak upon it.

### **SECTION R3 - Speaking at a Meeting**

Every Member wishing to obtain the floor shall rise and state “Brother/Sister Chairperson” and when the Member is recognized by the Chair, the Member shall then state their name.

### **SECTION R4 - Making a Motion**

A Motion to be entertained by the Presiding Officer must be seconded and the Mover and the Secunder must rise and be recognized by the Chair.

### **SECTION R5 - Amending a Motion**

A Motion to Amend, or 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 shall be in order which is a direct negative to the resolution.

### **SECTION R6 - Urgent Business Motion**

On Motion, the regular order of business may be suspended to deal with any urgent business. Such Motion shall require a two-third (2/3) vote of those present.

### **SECTION R7 - Motions in Writing**

All Resolutions and Motions other than those named in Section R18 or 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 Meeting.

### **SECTION R8 - Dividing a Motion**

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.

### **SECTION R9 - Withdrawing a Motion**

Any Member having made a Motion can withdraw it, with the consent of the Secunder, but a Motion once debated cannot be withdrawn except by a majority vote of those present.

**SECTION R10 - Speaking to a Motion**

When a Member desires to speak on a question, or offer a Motion, they shall rise in their place and respectfully address the Presiding Officer, but shall not proceed further until recognized by the Chair except to state that they rise to a point of order, or on a question of privilege.

**SECTION R11 - Speaking Order**

When two (2) or more Members rise at the same time to speak, the Presiding Officer shall decide which one is entitled to the floor.

**SECTION R12 - Adherence to the Motion**

Every Member while speaking, shall adhere to the question under debate, avoid all personal, indecorous or offensive language, as well as any reflection on the Union or any number thereof.

**SECTION R13 - Call to Order**

If a Member while speaking, is called to order, they shall cease speaking until the point is determined, when, if decided in order, they may proceed.

**SECTION R14 - Sectarian Discussion**

No sectarian discussion shall be permitted in the Meeting at any time.

**SECTION R15 - Speaking Time Limits**

No Member, except the Chairperson of a Committee, or the Mover or Seconder of a Resolution, shall speak more than ten minutes at any one time, or more than once on the same question, until all Members wishing to speak have had an opportunity to do so, then they may be allowed to speak a second time by permission of the Chair.

**SECTION R16 - Chairperson Participation**

The Chairperson shall take no part in debate while presiding, but may yield the Chair to the next senior Executive member present, in order to speak on any question before the Meeting, or to introduce a new question.

**SECTION R17 - Chairperson Voting**

The Presiding Officer shall have the same rights as other Members to vote on any question. In case of a tied vote, he may give a casting vote, or if he chooses, refrain from voting, in which the case the Motion does not prevail and the decision is in the negative.

**SECTION R18 - Motion Not In Order**

When a question has been put, no Motion shall be in order except: (1) to adjourn; (2) the previous question; (3) to lay on the table; (4) to postpone to a definite time; (5) to refer; (6) to divide or amend; which Motion shall have precedence in the order named. The first three (3) and fifth (5th) of these shall be decided without debate.

**SECTION R19 - Asking The Question**

A Motion for the previous question, when regularly moved or seconded, shall be put in this form, "Shall the main question now be put?" If adopted, the Chairperson 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 Meeting.

**SECTION R20 - Motion to Adjourn**

A Motion to Adjourn is in order except (1) when a Member has the floor; (2) when Members are voting.

**SECTION R21 - Motion to Adjourn - Defeated**

A Motion to Adjourn, having been put and lost, shall not be in order again, if there is further business before the Meeting, until fifteen (15) minutes have elapsed.

**SECTION R22 - Standing Votes**

Before the Presiding Officer declares the vote on a question, or after a vote has been declared lost, or carried, and before the Meeting 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.

**SECTION R23 - Appealing the Chair**

If any Member shall feel personally aggrieved by the decision of the Chair, he may appeal to the Meeting from such decision.

**SECTION R24 - Voting on an Appeal**

When the decision of the Chair is appealed from, the Chair shall state his/her decision and the reason therefore. The appealing Member shall also briefly state the reason for the appeal, after which without further debate, the question shall be put thus: "Shall the decision of the Chair stand as the decision of the Meeting?" It shall require a majority vote to sustain such appeal.

**SECTION R25 - Reconsideration of a Vote**

After a question has been decided, any two (2) Members who have voted in the majority, may at the same or next Meeting, move reconsideration thereof.

**SECTION R26 - Entering/Leaving a Meeting**

No Member shall enter or leave the Meeting during the Reading of the Minutes, Initiation of new Members, Installation of Officers, or the taking of a vote. No Member shall be allowed to leave without the permission of the Chair.

**SECTION R27 - Confidentiality**

ALL BUSINESS DONE IN THE UNION MEETING SHALL BE STRICTLY SECRET TO ALL OUTSIDE THE UNION.

**SECTION R28 - Bourinot's Rules of Order**

All rules and proceedings of debate not herein provided for, shall be in accordance with "Bourinot's Rules of Order."

## REIMBURSEMENTS: OUT OF POCKET EXPENSES, ETC. & DISBURSEMENTS

### SECTION 1

The Executive Board shall cause a Policy Manual to exist, wherein shall be contained among other Policy Items determined by the Union from time to time, reimbursements to Committees and Members and out of pocket expenses, etc. These shall be subject to review and revision annually and reported on at the Annual General Meeting.

### SECTION 2

Any Member absent from work on authorized Union business shall be fully compensated by the Union for loss of wages and for any other expenses properly incurred.

### SECTION 3

Honorary Life Memberships: The Membership may confer an "Honorary Life Membership" upon a Member who has rendered valued service to this Union. Such Honorary Life Membership shall, after the Member has ceased to become an Active Member, entitle the holder to attend all Meetings, Functions, etc., but shall not entitle the holder to vote or hold office.

### SECTION 4

Scholarships: There will be seven (7) Scholarships awarded each year as follows:

- (a) One \$2000 Reg Ford Memorial Academic Scholarship
- One \$1000 Academic Scholarship
- One Jeff Thompson Memorial Academic/Vocational Scholarship***
- One \$1000 Academic/Vocational Scholarships***
- Two \$500 Scholarship (chosen by "luck of the draw").... April, 2005

Scholarships are available for Grade Twelve (12) Graduates, children of our Members. The Member, who is the parent of the child, must have attended a minimum of two (2) General Membership meetings in the previous year (May to May). The Scholarship money will be presented to the student upon proof that they have been accepted and are enrolled at a University, College or Vocational Institute.

- (b) One \$1000 Post Secondary Education Scholarship for a Union Member

One scholarship is available for a Union Member in good standing, of Cupe 402, 402-01 and 402- 02 during the period of the scholarship, attending post secondary full time and having attended a minimum of two (2) General Membership meetings in the previous year (May to May). There is a limit of one (1) scholarship per member and will be chosen by "luck of the draw".

*(March 2004) and (March 2005)*



**SECTION 5**

All Members in good standing of CUPE Local 402, 402-01 or 402-02, upon proof of retirements only, will be eligible for the amount of \$100.00 for each calendar year of employment as a Member of CUPE Local 402. To qualify they must have been a member of CUPE Local 402, 402-01 or 402-02 for a minimum of 12 months.

*(February 2003)*

**AMENDMENTS OF THE BY-LAWS****SECTION 1**

Amendments may be made to these By-Laws by a Notice of Motion, made at a Regular Meeting, posted a minimum of twenty-five (25) days prior to the next Regular Meeting and adopted by a majority of the Union Membership in attendance.

**ORDER OF BUSINESS**

1. OPENING
2. ROLL CALL OF OFFICERS
3. APPLICATION FOR MEMBERSHIP
4. VOTING FOR CANDIDATES FOR MEMBERSHIP
5. INITIATION
6. READING OF THE MINUTES
7. TREASURER'S REPORT
8. COMMUNICATIONS AND BILLS
9. REPORT OF COMMITTEES
10. NOMINATION, ELECTION AND INSTALLATION OF OFFICERS
11. UNFINISHED BUSINESS
12. GOOD AND WELFARE
13. NEW BUSINESS
14. ADJOURNMENT

**APPROVAL AND EFFECT****SECTION 1**

This Constitution and By-Laws shall come into full force and effect upon the adoption by the Canadian Union of Public Employees, Local Number 402 (Surrey City) and the approval of the President of the Canadian Union of Public Employees.