Bylaws Local Union 358

CUPE | Canadian Union of Public Employees

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INTRODUCTION

Local 358 of the Canadian Union of Public Employees has been formed to:

- Improve the social and economic well-being of all of its members;
- Promote equality for all members and to oppose all types of harassment and discrimination;
- Promote the efficiency of public services; and
- Express its belief in the unity of organized labour.

The following bylaws are adopted by Local 358 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

CUPE chartered organizations shall respect and apply the CUPE National Equality Statement to all of the chartered organizations' activities. The CUPE National Equality Statement can be found in Appendix A to these bylaws.

CUPE Local 358 has also adopted the Local Union Code of Conduct that applies to membership meetings and other functions organized by Local 358. The Local Union Code of Conduct can be found in Appendix B to these bylaws.

SECTION 1 – NAME

The name of this Local Union shall be the Canadian Union of Public Employees, Local 358. (Cowichan Valley Public Employees)

Local 358 consists of the following bargaining units:

- Corporation of the District of North Cowichan
- City of Duncan
- Cowichan Valley Regional District
- Cowichan Golf and Country Club
- Duncan Meadows Golf and Country Club
- The Owners, Strata 1601 Plan (Arbutus Ridge)

SECTION 2 – OBJECTIVES

The objectives of Local 358 are to:

(a) Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members;

(b) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;

(c) Encourage the settlement by negotiation and mediation of all the disputes between the members and their employers;

(d) Eliminate harassment and discrimination of any sort or on any basis; for the equality of treatment regardless of class, race, colour, nationality, age, sex/gender, language, sexual orientation, place of origin, ancestry, religious beliefs, or mental and physical disability; and the active opposition of discrimination of same wherever it occurs or appears;

(e) Establish strong working relationships with the public we serve and the communities in which we work and live; and

(f) Support CUPE in reaching the objectives set out in Article II of the CUPE National Constitution.

SECTION 3 – REFERENCES

Numbers of articles at the end of sections or sub-sections in this document refer to relevant articles of the CUPE National Constitution which should be read together with these bylaws.

SECTION 4 – MEMBERSHIP

(a) Membership

An individual employed within the jurisdiction of Local 358 can apply for membership in Local 358 by signing an application and paying the initiation fee set out in Section 11(a) of these bylaws.

(Article B.8.1)

(b) Approval of Membership

At the first membership meeting after the application has been submitted, the name(s) of the applicant(s) will be read out and unless a majority of members present at the meeting object, the applicant(s) will be accepted into membership.

(Article B.8.2)

(c) Oath of Membership

New members will take this oath:

"*I promise to support and obey the Constitution of this Union, to work to improve the economic and social conditions of other members and other workers, to defend and work to improve the democratic rights and liberties of workers and that I will not purposely or knowingly harm or assist in*

harming another member of the Union."

(Article B.8.4)

(d) Continuation of Membership

Once accepted, a member continues as a member in good standing while employed within the jurisdiction of the Local Union unless the member loses good standing under the provisions of the CUPE National Constitution.

(Article B.8.3)

(e) Member Obligations

Members are obligated to abide by the CUPE National Constitution and these bylaws as amended from time to time.

Members will provide the Recording Secretary with their current address, home telephone contact number and where available, an e-mail address. The member will advise the Recording Secretary of any changes to their contact information. This information will be protected and used to communicate with members. Such communication will take the form of mail, e-mail blasts or telephone town halls.

In the case of a telephone town hall, the telephone number may be shared with a service provider under contract to the Local Union to provide the technical equipment to support such a virtual meeting.

Upon request, the Local Union will share the telephone contact information with CUPE National or CUPE BC. The purpose of sharing this telephone contact information with CUPE National or CUPE BC is so that the National Union or Provincial Division can conduct a telephone town hall with members on important matters.

SECTION 5 – AFFILIATIONS

In order to strengthen the labour movement and work toward common goals and objectives, Local 358 shall be affiliated to and pay per capita tax to the following organization(s):

- The CUPE BC Provincial Division
- The Vancouver Island District Council (CUPE)

SECTION 6 –MEMBERSHIP MEETINGS

(a) Regular Membership Meetings

Regular membership meetings of Local 358 shall be held in January (Elections), April, June and October (Budget), on the third Tuesday at 5:00 pm. Notice of each

regular membership meeting outlining the date, time and location shall be given to members at least seven days in advance of the meeting.

When a statutory holiday or a situation beyond the control of the Local Union arises, which causes the cancellation of a regular membership meeting, the Executive Board shall reschedule the regular membership meeting, and will give members seven days' notice of the date of the rescheduled regular membership meeting.

(b) Special Membership Meetings

Special membership meetings of Local 358 may be required and shall be called by the Executive Board or may be requested in writing by no fewer than twelve (12) members. The President shall immediately advise members when a special meeting is called and ensure that all members receive at least seven (7) days' notice of the special meeting, the subject(s) to be discussed, the date, time and location. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

(c) Quorum

The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be 8 members, plus 3 members of the Executive Board. In the event of no quorum being achieved the meeting will be an information meeting only.

(d) Membership Meeting Agenda

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. Reading of the minutes
5. Matters arising from the minutes
6. Secretary-Treasurer's Report
7. Communications and bills
8. Executive Board Report
9. Reports of committees and delegates
10. Nominations, elections, or installations
11. Unfinished business
12. New business
13. Good of the Union
14. Adjournment

(Article B.6.1)

(e) Bargaining Unit Meetings

Bargaining Unit meetings may be called to deal with matters that affect only members of the bargaining unit. Such meetings are not to be used to replace regular membership meetings and will not make decisions that affect the Local Union as a whole or another bargaining unit. The President/Unit Chair shall advise members of the bargaining unit no less than seven (7) days in advance of the meeting providing the time and location and an agenda.

SECTION 7 – OFFICERS

The Officers of Local 358 shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, Membership Officer, three (3) Trustees, and Unit Chairs.

(Articles B.2.1 and B.2.2)

SECTION 8 – EXECUTIVE BOARD

(a) The Executive Board shall include shop stewards and all Officers, except Trustees.

(Article B.2.2)

(b) The Executive Board shall meet at least eight (8) times per year.

(Article B.3.14)

(c) A majority of the Officers constitutes a quorum at an Executive Board meeting.

(d) The Executive Board shall hold title to any real estate of the Local Union as trustees for the Local Union. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposal to a membership meeting and having it approved.

(e) The Executive Board shall do the work delegated to it by the Local Union and shall be held responsible for the proper and effective functioning of the Local.

(f) Should any Executive Board member fail to answer the roll call for three consecutive regular meetings or three consecutive regular Executive Board meetings without having submitted good reasons, their office shall be declared vacant and shall be filled by an election at the following membership meeting.

(Article B.2.5)

(g) The Executive Board shall meet and shall conduct the affairs of the Local Union between Local meetings.

SECTION 9 – DUTIES OF OFFICERS

Each Officer of Local 358 is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

All Officers must give all properties, assets, funds and all records of the Local Union to their successors at the end of their term of Office. (Article B.3.9)

All signing Officers of Local 358 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority. (Article B.3.5)

(a) President

i. The position of President is a full-time salaried position and will be paid: Member's current rate + 10% @ fulltime hours annually with a minimum annual wage, plus health benefits as per the applicable Collective Agreement. No overtime or time in lieu will be paid for this salaried position.

ii. Fulltime hours mean the fulltime hours for the member's position in accordance with their Collective Agreement. (35, 37½, 40) If a member is in a part time position, they will be compensated (and work) whatever the fulltime hours are for their position.

iii. The minimum annual wage formula is:
Cowichan living wage + 10% x FT weekly hours x 52 weeks

iv. Guidelines for the Office of President will be developed and amended from time to time as required by the Executive and approved by the membership of Local 358.

v. Vacation entitlements shall be at the same level as the President had in their bargaining unit position when elected President including any contractual increases. Annual vacation entitlements must be taken each year unless approved in advance by the Executive.

vi. Sick time will be provided based on one and one half (1.5) days per month of service as President. Eighteen (18) days will be credited to the President's sick bank at the start of each twelve (12) month period commencing the date of the election. There will be no pay out of sick bank time for any reason other than sickness. In the case of extended sick leave medical documentation may be required.

vii. The President is the person who speaks on behalf of the local union, who meets the employer and the public.

viii. The President shall:

- Enforce the CUPE National Constitution, these Local Union bylaws and the Equality Statement.
- Interpret these bylaws as required. 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 the same right to vote as other members. In the case of a tie vote on a motion, the President may cast another vote, or the President may refrain from casting an additional vote, in which case the motion is defeated.
- Ensure that all Officers perform their assigned duties.
- Fill committee vacancies where elections are not provided for.
- Introduce new members and conduct them through the initiation ceremony.
- 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.
- Have first preference as a delegate to the CUPE National Convention. (Article B.3.1)
- Provide an accounting of their activities at each Executive meeting and each Membership meeting. Such tracking will include the use of all vacation or sick leave days during the reporting period.

(b) Vice-President

The Vice-President shall:

- If the President is absent or not eligible, perform all duties of the President, as per the direction of the Executive.
- Preside over membership and Executive Board meetings in the absence of the President.
- If the office of the President falls vacant, be Acting President until a new President is elected through a by-election.
- Render assistance to any member of the Executive as directed by the Executive

Board.

(Article B.3.2)

(c) Recording Secretary

The Recording Secretary shall:

- 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.
- Record all amendments and/or additions in the bylaws, and make certain that these are sent to the National President for approval prior to implementing.
- Answer correspondence and fulfil other administrative duties as directed by the Executive Board.
- Keep a record of all correspondence received and sent out.
- Prepare and distribute all notices to members.
- Have all records ready on reasonable notice for the Trustees or auditors.
- Preside over membership and Executive Board meetings in the absence of both the President and Vice-President.
- Be empowered, with the approval of the membership, to employ administrative assistance to be paid for out of the Local Union's funds.
- Perform other duties required by the Local Union, its bylaws or the National Constitution.

(Article B.3.3)

(d) Secretary-Treasurer

The Secretary-Treasurer shall:

- Receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union.
- 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.

- Prepare and present the annual budget at the budget meeting each October.
- Ensure that per capita tax is paid by direct remittance, or where per capita is not paid by direct remittance, prepare all CUPE National per capita tax forms and remit payment, including $1.00 of each initiation fee on all members admitted, no later than the last day of the following month.
- Make a full financial report to meetings of the Local Union's Executive Board.
- Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union.
- Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices.
- Receive all Union leave of absence requests.
- Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- Be bonded through the master bond held by CUPE National. Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office.
- Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the member making the claim and providing detailed receipts if applicable. No request shall be required for payment of per capita fees to any organization to which the Local Union is affiliated.
- Make all books available for inspection by the Trustees and/or auditors on reasonable notice**.** Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
- Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.
- Where required, not later than February 28th each year, furnish each member, on the forms supplied by CUPE National, with a statement showing the net amount of tax-deductible dues paid by him during the preceding calendar year.
- Be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local Union's funds.
- Notify all members who are one month in arrears and report to the Executive Board all members two or more months in arrears in the payment of union dues.

(Articles B.3.4 to B.3.8)

(e) Trustees

The Trustees shall:

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the committees at least once every calendar year.

- Make a written report of their findings to the first membership meeting following the completion of each audit.

- Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct, and proper manner.

- Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.

- Ensure that proper financial reports have been given to the membership.

- Audit the record of attendance.

- Inspect at least once a year, any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local Union, and report their findings to the membership.

- Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:

    i. Completed Trustee Audit Program
    ii. Completed Trustees' Report
    iii. Secretary-Treasurer Report to the Trustees
    iv. Recommendations made to the President and Secretary-Treasurer of the Local Union
    v. Secretary-Treasurer's response to recommendations
    vi. Concerns that have not been addressed by the Local Union Executive Board.

(Articles B.3.10 to B.3.12)

(f) Membership Officer

The Membership Officer shall:

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

(g) Unit Chair

The Unit Chairs Shall:

- enforce the CUPE Constitution and these Bylaws; preside at all Unit meetings and preserve order;
- decide all points of order and procedure (subject always to appeal to the membership);
- have a vote on all matters (except appeals against their rulings) and in case of a tie vote on any **motion**, have the right to act an additional vote to break the tie;
- ensure that all stewards perform their assigned duties;
- ensure all committees within the Unit function as mandated by regulations and the Collective Agreement;
- fill committee vacancies where elections are not provided for;
- introduce new members and conduct them through the initiation ceremony;
- ensure all business conducted within the Unit is brought forward to the Executive Board Meetings;
- ensure the President of the Local is kept apprised of all issues affecting the Unit

(h) Shop Steward

The Shop Stewards Shall:

- act as problem solver – “solving” could mean mediating a dispute between two members, talking formally to a supervisor, submitting a written grievance, or referring the problem to the Union Health and Safety or Negotiations Committee;
- build confidence and promote mutual support – achieved when the Steward involves co – workers in the creative resolution of a member’s problem or grievance;
- act as a link between the membership and the leadership of the Unit and Local
- pass on important information about Union activities and encourage membership involvement in Unions activities;
- attend monthly Executive Board meetings;
- work with the Unit Chair;
- ensure all issues are brought to the Executive Board Meetings;
- consult with the President of the Local on all grievances.

SECTION 10 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

(a) Nominations

1. At least one month prior to the nomination meeting, a notice of the election and positions affected will be issued.
2. Nominations will be received at the regular membership meeting held in the month of January.
3. At the nomination meeting, subject to the approval of the members present, an Elections Committee consisting of a Chief Returning Officer and assistant(s) shall be appointed. The committee will include members of the Local Union who are neither Officers nor candidates for office. The Elections Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential. The National Representative assigned to the Local Union shall serve as an advisor to the committee
4. Nominations will be accepted from members in attendance at the nomination meeting or from those members who have allowed their name to be filed in writing at the meeting, signed by the nominee and witnessed by another member.

5. To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing.

(Articles B.8.1,B.8.2 and B.8.3)

6. A member may accept nomination for a position while holding office in any position. If successful in the election, their resignation from their current position will take effect at that time.

7. No member will be eligible for nomination if they are in arrears of dues and/or assessments.

(b) Elections

1. The President, Secretary-Treasurer and Membership Officer are elected in odd years. The Vice-President and Recording Secretary are elected in even years.

2. The Elections Committee will determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Chief Returning Officer.

3. The Chief Returning Officer will be responsible for issuing, collecting, and counting ballots. The Chief Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.

4. The voting will take place within thirty (30) days of the nomination meeting. The vote will be by secret ballot.

5. Counting ballots for one office will be completed before counting may begin to fill another office.

6. A plurality of votes cast will be required before any candidate can be declared elected. Plurality means that the candidate receiving the most votes wins the election.

7. In the event of a tie vote, an election will be held at the next membership meeting, occurring within thirty (30) days.

8. When two or more nominees are to be elected to any office by ballot, each member voting will be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled. (Article 11.4)

10. Any member may request a recount of the votes for any election and a recount will be conducted if the request is received within seven (7) days of the ballots being counted.

11. All election complaints by members will be submitted in writing to the Chief Returning Officer as soon as possible but in no circumstances will a complaint be valid if it is filed later than seven (7) days after the election. The Chief Returning Officer in conjunction with the Elections Committee will investigate the complaint and issue a ruling as soon as practical and report the ruling to the next regular membership meeting.

(c) Bargaining Unit Elections

Nominations and elections for bargaining unit positions will take place after the elections outlined in Section 10(b). Bargaining unit nominations and elections will be conducted for the following positions:

(i) Each Unit will elect one Unit Chair and at least one Steward per worksite.

(ii) Unit Chairs/Stewards – In even numbered years, the election shall be for the position of Unit Chair. In odd numbered years the election shall be for the position of Stewards.

The voting will take place at a bargaining unit membership meeting by secret ballot. A plurality of votes cast will be required before any candidate can be declared elected. Plurality means that the candidate receiving the most votes wins the election.

(d) Installation of Officers

1. All duly elected Officers shall be installed at the next Executive Board meeting no longer than fifteen (15) days after the close of polls and shall continue in office for two year(s) or until a successor has been elected and installed, provided, however, that no term of office shall be less than one year and no longer than three years.

(Article B.2.4)

2. The terms of office for Trustees shall be so that one serves for a period of three years, one for two years, and one for one year, as laid down in Article B.2.4 of the CUPE National Constitution. Each year thereafter, the Local Union shall elect one Trustee for a three year period. No member who has been a signing Officer for the Local Union is eligible to run for Trustee, until at least one full term of office has elapsed.

3. The Oath of Office to be read by the newly elected Officers at a general membership meeting immediately following their installation is:

> *"I,_____, promise to perform the duties of my office, as set out in the Constitution and laws of the Canadian Union of Public Employees, faithfully and to the best of my ability for my term of office. As an Officer of the Union, I will always promote the harmony and*

dignity of its sessions by counsel and example. I also promise to turn over all property of the Union to my successor at the end of my term."

(Article 11.6(b))

(e) By-elections

Should an office fall vacant for any reason, the Executive may appoint a replacement until an election can be held at a general or special membership meeting. In all cases the election shall be held within sixty (60) days of the position becoming vacant. The term of office for any position filled through a by-election will be the term that the vacated position was initially elected to fulfill**.**

SECTION 11 – FEES, DUES AND ASSESSMENTS

(a) Initiation Fee

Payment of initiation fees is a tangible confirmation of the desire to become a member of your Local Union and the Canadian Union of Public Employees. Each application for membership in the Local Union will be directed to the Secretary-Treasurer and will be accompanied by an initiation fee of ten dollars ($10) which shall be in addition to monthly dues. If the application is rejected, the fee shall be returned.

(Articles B.4.1 and B.8.2)

(b) Readmission Fee

The readmission fee shall be five dollars.

(Article B.4.1)

(c) Monthly Dues

The monthly dues shall be 2.25% of regular wages.

(Article B.4.3)

(d) Amending Monthly Dues

The regular monthly dues may be amended at a regular or special membership meeting. The vote must be by secret ballot. Notice of at least seven days at a previous meeting or 60 days in writing must be given.

(Article B.4.3)

(e) Assessments

Assessments may be levied in accordance with the CUPE Constitution. Assessments do not mean or include regular monthly dues and are applied for a specific purpose or specific length of time. Membership approval is required, and the assessment will only be applied after the National President approves the assessment.

(Article B.4.2)

(f) If the CUPE Convention raises minimum fees and/or dues above the level herein established, these Bylaws will be deemed to have been automatically amended to conform to the new CUPE minima.

SECTION 12 – NON PAYMENT OF DUES AND ASSESSMENTS

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

A member who has been unemployed or unable to work because of sickness shall pay the readmission fee but may not be required to pay arrears.

(Article B.8.6)

SECTION 13-EXPENDITURES

(a) Payment of Local Union Funds

Funds can only be spent for valid purposes of the Local Union under the following circumstances:

- When the expenditure is authorized by a budget approved by a majority of members present and voting at a regular or special membership meeting;
- When these bylaws approve the expenditure; or
- Through a vote of the majority of members present and voting at a regular or special membership meeting.

(Article B.4.4)

(b) Payment of Per Capita Tax and Affiliation Fees

Authorization to pay per capita tax to CUPE National, to CUPE BC Provincial Division, or any labour organization the Local Union is affiliated with, is not required.

(c) Payment of Local Union Funds to Members or Causes Outside of CUPE

In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than $250, a notice of motion must be made at a regular membership meeting and then approved at the following regular or special membership meeting before the grant or contribution can be paid out. The approval meeting must be no earlier than seven (7) days after the meeting where notice of motion has been given.

(d) Except for expenses and bills attributable to the office operation of Local 358, all amounts for extraordinary expenses (e.g. office equipment) or items not budgeted for are to receive approval of the membership at a General Meeting. A notice of motion

shall be required for any proposed expenditure in excess of $250 not covered in the approved annual budget.

(e) No Officer or member of Local 358 will be allowed to spend any Local Union funds without first having received authorization under Section 13(a) of these bylaws.

(f) All cheques of the Local require two signatures of the authorized signatories which are the President, Secretary-Treasurer, Recording Secretary and Vice President, one of which must be the Secretary-Treasurer or the President. No officer shall sign their own cheque.

(g) A maximum of $3,000.00 per year may be spent on bursaries for members' children to a maximum of $1,000.00 per successful applicant. Applications must be submitted to the Executive, in writing, by May 31st of each year.

(h) Mileage shall only be paid when a member is required to report to a location different from their normal report location and will be a based on the distance from their normal report location to the new location. The CUPE Local 358 office is considered the regular report location for the Local 358 President.

(i) No alcohol shall be paid for as an expense of any member.

SECTION 14 – OUT-OF-POCKET EXPENSES

a) Local Union Officers and committee members shall be provided an out-of-pocket expense allowance on a monthly basis as follows:

- Vice-President shall receive $125.00
- Secretary-Treasurer shall receive.....$125.00
- Recording Secretary shall receive $125.00
- Unit Chairs shall receive .....$75.00 each
- Membership Officer shall receive……$50.00
- Shop Stewards shall receive.....$50.00 each
- Social Media Coordinator shall receive. $50.00

b) All members who receive the above amounts are advised to report the income for tax reasons.

c) Cell phone charges will be paid to a maximum of $30.00 per month for performing Union business upon Executive approval.

d) Retirement Benefit - All members in good standing of CUPE Local 358, upon retirement, will be eligible for $20.00 per year for each year of employment and as a member of CUPE Local 358. The Shop Stewards will supply a list of names and years of membership to the Secretary-Treasurer.

SECTION 15 – CHILD CARE, DEPENDENT CARE AND ELDER CARE

Caring for children, dependents or the elderly are barriers to actively participating in the union or to attending membership meetings. Local 358 is committed to removing barriers within its control so that all members have equal access to participation.

(a) When it is practical and requested in advance of the meeting, Local 358 will provide on-site childcare at all Local Union membership meetings. Where on-site child care is not provided, and in the case of dependent care or elder care, members will be reimbursed to a maximum of the living wage for the area for each hour of required care. Reimbursement will be provided upon proof of payment.

(b) Any member who is on authorized Local 358 business shall be eligible for child care, dependent care, and/or elder care expenses where required. Upon proof of payment, claims shall be reimbursed to a maximum of the living wage for the area for each hour of care required.

(c) Claims will not be paid for a spouse, partner, or a family member who normally provides care without charges. Claims will not be paid for periods of time where a member would normally have paid for care such as during normal hours of work at their job.

SECTION 16 - DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS

(a) Except for the President's option [Section 9a(ii)], delegates to conventions**,** conferences, and educationals shall be chosen by election at membership meetings. In the event no member requests they attend such an event the Executive Board shall have the authority to appoint delegates. Notwithstanding the above, required training opportunities for shop stewards will be determined by the Executive.

(b) Delegates to the Vancouver Island District Council shall be elected annually at the April general meeting. A member responsible for reporting back to the Local Union membership shall be appointed by the President from among these delegates, and the member appointed shall make a written report at each Local Union membership meeting on proceedings at recent meetings of the Council. The Local Union will reimburse the member's employer for any loss of wages.

(c) All delegates attending conventions, conferences, or educationals held outside the area of Cowichan Valley shall be paid accommodation and transportation expenses including mileage, at economical rates, as determined by the Secretary-Treasurer, and a per diem allowance of $86 dollars for meals and expenses. The Local Union will reimburse the member's employer for any loss of wages. **Automatically adjusted per CUPE BC increases***.*

(d) Delegates to conventions, conferences, and educationals held within the area of the Cowichan Valley shall have no travel allowance. There shall be a per diem allowance of $17 dollars for meals and expenses incurred by attendance at the convention, conference or educational. The Local Union will reimburse the member's employer for any loss of wages.

(e) Local 358 will provide members with their per diem allowance prior to their attending the convention, conference, or educational.

(f) Local 358 encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and educationals.

(g) All expenses incurred by members of the Local Union which they request approval for shall be supported by receipt and expense vouchers.

SECTION 17 – COMMITTEES

(a) Special (Ad Hoc) Committees

A special committee may be established for a specified purpose and a specified period of time by the membership at a meeting. The members shall be elected at a 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.

1. Negotiating Committee

   This will be a special committee established at least 6 months prior to the expiry of the Local Union's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee members are elected at a Unit membership meeting unless the Collective Agreement provides otherwise. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership. Preference will be given to ensure recognised departments are represented on the bargaining committee whenever possible. In the event no candidate is nominated from a department the seat may be filled by any candidate.

(b) Permanent Committees

The Chairperson of each permanent committee will be elected by the members by the Committee. Permanent committees will have a term of two years and be elected in June. The Chairperson and the Executive Board may, with the approval of the membership, jointly appoint other members to serve on a committee. Committees will

provide written reports to each regular membership meeting. The President¸ or designate shall be a member, ex-officio, of each committee.

1. Good and Welfare

   This committee will:

   - Contact members who are ill.
   - If a member is ill for more than a week, arrange some token of the Local Union's concern and desire to help, whether the member is at home or in hospital.
   - Extend the Local Union's condolences in the event of the death of a member or one of their immediate family and make other appropriate gestures (to a maximum of $75) in accordance with custom or the wishes of the family concerned.
   - Extend the Local Union's congratulations in the event of the wedding of a member or birth of a child and make other appropriate gestures (to a maximum of $75).
   - Arrange and conduct all social, cultural, and recreational activities of the Local Union, either on the committee's own initiative or as a result of decisions taken at membership meetings. The committee shall submit reports and proposals to the Executive Board or to the membership as required.
   - Suggest membership engagement ideas to encourage attendance at membership meetings.

   The Committee shall comprise of the Secretary Treasurer and an additional one (1) member from each bargaining unit. It shall be reimbursed by the Executive Board for expenses incurred in the performance of its duties, said expenses not to be in excess of $100.00.

2. Health and Safety Committee

   This committee will:

   - Work to educate members on the importance of workplace health and safety.
   - Prepare and present reports to the regular membership meetings.
   - Organize an April 28th Day of Mourning ceremony each year.
   - Participate on the Joint Worksite Health and Safety Committees (JWH&SC) at their workplace.
   - Ensure that the worker representatives on the JWH&SC meet separately from the employer to prepare for meetings with the employer.
   - Promote safe work procedures and environments so as to prevent illness and injury as a result of workplace factors.

- Immediately bring to the attention of the employer any workplace hazard that has the potential to cause members' illness or injury.
- Work to eliminate all workplace hazards, be they physical, environmental, or social.

- act as a resource group encouraging and promoting safety and good health practices at the workplace, at home and at leisure times activities

- Meet no less than annually to review workplace safety trends and issues

- Ensure Local 358 maintains representation on the EFAP Board of Directors.

Members of this committee should be designated as a "Certified Worker Representative" in accordance with the Provincial WorksafeBC regulations.

SECTION 18 – COMPLAINTS AND TRIALS

All charges against members or Officers must be made in writing and dealt with in accordance with the Trial Procedure provisions of the CUPE National Constitution.

(Articles B.11.1 to B.11.5)

SECTION 19 – RULES OF ORDER

All meetings of the Local Union will be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these bylaws as Appendix C. These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws.

In situations not covered by Appendix C to these bylaws, the CUPE National Constitution may provide guidance, but, if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied.

SECTION 20 – AMENDMENTS

(a) CUPE Constitution

These bylaws 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 bylaws and the CUPE Constitution, the latter shall govern. The National President has the sole authority to interpret the CUPE Constitution.

(Articles 9.2(c), 13.3 and B.5.1)

(b) Additional Bylaws

A Local Union can amend or add to its bylaws only if:

(i) the amended or additional bylaws do not conflict with the CUPE Constitution;
(ii) the amended or additional bylaws are approved by majority vote at a regular membership meeting or at a special membership meeting called for that purpose; and
(iii) notice of the intention to propose the amended or additional bylaws was given at least seven days before at a previous membership meeting or 60 days before in writing.

(Articles 13.3 and B.5.1)

(c) Effective Date of Amended or Additional Bylaws

The amended or additional bylaws do not come into effect until they have been approved in writing by the National President. The National President will decide whether to approve the amended or additional bylaws within 90 days of receiving them and will withhold approval only where they conflict with the CUPE Constitution.

(Articles 13.3 and B.5.1)

SECTION 21 – PRINTING AND DISTRIBUTION OF BYLAWS

Members will receive a copy of Local 358 bylaws, either in paper format or via the Local Union website at www.358.cupe.ca

Members requesting a copy of these bylaws will be provided a copy as requested. Members with special needs may request a copy of the bylaws in larger font.

Appendix A

CUPE NATIONAL EQUALITY STATEMENT

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behaviour that creates conflict prevents us from working together to strengthen our union.

As unionists, mutual respect, cooperation, and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile, or offensive environment.

Discriminatory speech or conduct which is racist, sexist, transphobic, or homophobic hurts and thereby divides us. So too does discrimination on the basis of ability, age, class, religion and ethnic origin.

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue, or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a union.

Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society, and in our union.

CUPE's policies and practices must reflect our commitment to equality. Members, staff, and elected officers must be mindful that all persons deserve dignity, equality, and respect.

Appendix B

CODE OF CONDUCT

Local 358 is committed to ensuring that all of its meetings and activities are safe environments where members are encouraged to speak. Existing members are encouraged to welcome, mentor and support new members and equity-seeking members.

Local 358 strives to promote core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.

Local 358 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 358 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 358 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local 358 sets out standards of behaviour for members at meetings, and all other events organized by Local 358. It is consistent with the expectations outlined in the Equality Statement, CUPE National Constitution and these bylaws. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As members of Local 358 we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

- Abide by the provisions of the Equality Statement;
- Respect the views of others, even when we disagree;
- Recognize and value individual differences;
- Communicate openly;
- Support and encourage each other;
- Make sure that we do not harass or discriminate against each other;
- Commit to not engaging in offensive comment or conduct;
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating; and
- Take responsibility for not engaging in inappropriate behaviour due to abuse of alcohol or other drugs while participating in union activities, including social events.

Harassment is objectionable behaviour which may include actions, language, gestures, and/or written material, and which the harasser knows or ought reasonably to know is abusive and unwelcome. Bullying is a form of harassment which is serious ongoing

behaviour which targets an individual or group and which threatens that person or persons' mental and/or physical well-being.

A complaint regarding this Code of Conduct will be handled as follows:

1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code, by asking the person to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.
2. Once a complaint is received, a designated Officer of the Local Union will work to seek a resolution.
3. If this fails to resolve the matter, the designated Officer of the Local Union shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses.

This Code of Conduct is designed to create a safe, respectful and supportive environment within CUPE. It is meant to enhance the rights and obligations outlined in the Bylaws of Local 358, the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

This Code of Conduct does not replace a member's right to access the trial provisions of the CUPE National Constitution.

Appendix C

RULES OF ORDER

1. The President will be the Chairperson at all membership meetings. In the absence of the President, the Vice-President will be the Chairperson at the membership meeting. In the absence of the President and Vice-President, the Recording Secretary will be the Chairperson at the membership meeting. In the absence of the President, Vice-President and Recording Secretary, members at the membership meeting will select a Chairperson by majority vote. Quorum rules must be met.

2. Members are not allowed to speak about an issue for more than five minutes at a time. Members can only speak to an issue once unless there is agreement by the members at a meeting, or where all those wishing to speak have had the opportunity to speak.

3. The Chairperson of a committee who is making a report or the mover of a motion may speak for up to fifteen minutes. With the agreement of the members present, the fifteen minutes may be expanded.

4. The Chairperson will state every motion presented at a membership meeting before allowing debate on the motion. Before putting a motion to a vote, the Chairperson will ask: “Is the Local ready for the motion?” If no member rises to speak, the motion will be voted upon.

5. A motion must be moved and seconded. The mover and seconder must be recognized by the Chairperson.

6. A motion to amend a motion, or a motion to amend an amendment are allowed, however a motion to amend an amendment to an amendment is not allowed.

7. An amendment to a motion or an amendment to an amendment to a motion that is a direct negative to the main motion is never permitted.

8. On motion, the regular order of business at a membership meeting may be suspended where two-thirds of those present vote to do so. The regular order of business should only be suspended to deal with urgent business.

9. Motions other than those named in Rule 19, or motions to accept or adopt the report of a committee, will, if requested by the Chairperson, be put in writing prior to beginning debate and vote.

10. At the request of a member, and upon a majority vote, a motion which contains more than one action or issue can be divided.

11. The mover of a motion can withdraw the motion upon the consent of the seconder prior to the end of debate. Once debate has ended on a motion, the motion can only be withdrawn upon unanimous vote of the members present.

12. A member who wishes to speak on a motion, or a member who wishes to move a motion, shall rise and respectfully address the Chairperson. The member shall not proceed until the member is recognized by the Chairperson except where the member rises to a point of order or on a question of privilege.

13. The Chairperson will keep a speakers list and in all cases will determine the order of speakers including those circumstances where two or more members rise to speak at the same time.

14. A member, while speaking, will speak only to the issue under debate. Members shall not personally attack other members. Members will refrain from using language that is offensive or in poor taste. Members will generally not speak in a manner that reflects poorly on the Local Union or other members.

15. A member that is called to order will stop speaking until the point of order is determined. If it is decided that the member is in order, then the member may continue speaking.

16. Religious discussion of any kind is not permitted.

17. The Chairperson will not take part in any debate. Where the Chairperson wishes to speak on a resolution or motion, or where the Chairperson wishes to move a motion, the Chairperson must rise from the chair and hand the chair over as outlined in Rule #1.

18. The Chairperson will have the same right to vote as other members. In the case of a tie vote on a motion, the Chairperson may cast another vote or the Chairperson may refrain from casting an additional vote, in which case the motion is defeated.

19. When a motion is before the members, no other motion is in order except a motion to 1) adjourn; 2) call the question; 3) table; 4) postpone for a definite time; 5) refer; or 6) divide or amend. These six motions shall have precedence in the order indicated. Motions 1 through 3 shall be decided without debate.

20. The Chairperson will ask “Those in favour of calling the question?” where a motion for calling the question is moved and seconded. If approved, the Chairperson will then take votes on the motion and amendments to the motion (if any) in order of priority. If an amendment or an amendment to an amendment is approved, then members will be asked to vote on the motion as amended.

21. A motion to adjourn is in order except when a member is speaking or when members are voting.

22. A motion to adjourn, if lost, is not in order if there is further business before the Local Union, until fifteen minutes have elapsed.

23. After the Chairperson declares the vote results on a question, and before the Local Union proceeds to another order of business, any member can ask for a standing vote. A standing vote will be taken, and the Recording Secretary will count the standing vote.

24. If a member wishes to appeal/challenge a decision of the Chairperson, the member must appeal/challenge at the time the decision is made. If the appeal/challenge is seconded, the member will be asked to state briefly the basis for the appeal/challenge. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, “Will the decision of the chair be upheld?” A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.

25. At a membership meeting where a question has been decided any two members who voted with the majority can give notice of a motion to reconsider a decision of the membership at the next membership meeting. The motion to reconsider requires the support of a two-thirds majority of members who vote. If two-thirds majority of members support reconsideration, the question will be placed in front of the membership for debate and a subsequent vote.

26. Members are allowed to leave a meeting with the permission of the Vice-President; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.

27. The Local Union’s business and the proceedings of meetings are not to be divulged to any persons outside the Local Union, or the Canadian Union of Public Employees.

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