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# CUPE Local 1317

# BYLAWS

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Special Bylaws Meeting held on Tuesday, May 8<sup>th</sup>, 2018

Moved: Julie-Anne Doucet  
Seconded: Carla Matthews    CARRIED

BYLAW Committee Reviewed and made

Recommended changes on Sept. 6, 2018

Recommended Changes by Mark Hancock

**Approved at the November 26, 2019 Mtg.**

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## INTRODUCTION

Local 1317 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 1317 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 chartered organizations may also wish to adopt a Local Union Code of Conduct that would apply to membership meetings and other functions organized by the chartered organization. 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 Canadian Union of Public Employees, Local 1317, which represents the support staff of the Niagara Catholic District School Board.

## SECTION 2 – OBJECTIVES

The objectives of Local 1317 are to:

- (a) Secure the best possible pay, benefits, working conditions, job security **and** pensions 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 the employer;
- (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 all of 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 Niagara Catholic District School Board will become a member of CUPE Local 1317.

(Article B.8.1)

- (b) Approval of Membership

At the first membership meeting the name(s) of the new member(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 Ontario. The purpose of sharing this telephone contact information with CUPE National or CUPE ONTARIO 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 1317 shall be affiliated to and pay per capita tax to the following organization(s):

- Ontario School Board Council of Unions (OSBCU)
- CUPE ONTARIO Provincial Division
- NIAGARA DISTRICT CUPE Council

## **SECTION 6 – MEMBERSHIP MEETINGS**

(a) **Regular Membership Meetings**

Regular membership meetings shall be held each month from September to June (not in the months of December and March). Regular membership meetings of Local 1317 shall be held on an evening of each month at 6:30 P.M., at CUPE Local 1317's office, or at another location deemed to be more suitable. Notice of each regular membership meeting outlining the date, time and location shall be given to members at least seven (7) days in advance of the meeting.

**(b) Special Membership Meetings**

Special membership meetings of Local 1317 may be required, and shall be called by the Executive Board or may be requested in writing by no fewer than 15 (fifteen) members. The President shall immediately advise members when a special meeting is called, and ensure that all members receive at least twenty-four (24) hours 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.

At least 72 hours notice shall be given to members for the ratification meeting of a new collective agreement. The proposed Collective Agreement shall be made available to members at least two days prior to the meeting via personal email.

**(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 10 (ten) members, of the local of which three (3) shall be members of the Executive Board.

If quorum is not met, the executive will meet to discuss and deal with the issues on the agenda of that night in order to conduct the business of the local in a timely manner. This will not be considered an executive meeting for the purposes of per-diem. Any decision made by the Executive Board will be reported back at the next membership meeting.

**(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
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)

## **SECTION 7 – OFFICERS**

The Officers of Local 1317 shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, Chief Steward, WSIB/RTW Officer, Membership Officer, three (3) Trustees, and three (3) Stewards. All officers shall be elected by the membership and available twelve (12) months a year.

(Articles B.2.1 and B.2.2)

## **SECTION 8 – EXECUTIVE BOARD**

**(a)** The Executive Board shall comprise of: the President, Vice-President, Secretary-Treasurer, Recording Secretary, Chief Steward.

(Article B.2.2)

**(b)** The Executive Board shall meet at least eight (8) times a year. They should meet once a month, prior to the regular meeting of the membership.

(Article B.3.14)

**(c)** A majority of the Executive Board constitutes a quorum.

**(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 all committees.

**(f)** Should any officer of the local fail to answer the roll call for three regular meetings and Executive Board Members fail to answer the roll call for three Executive Board meetings in a twelve month period without having submitted good reasons, their office shall be declared vacant and shall be filled by an election at the following membership meeting.

**(g)** Should any Executive Board or Officer position fall vacant within four (4) months or less before nominations and elections under Section 10, the vacancy shall be filled by majority decision of the Executive Board.

## **SECTION 9 – DUTIES OF OFFICERS**

Each Officer of Local 1317 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 within thirty (30) days of leaving office.

Article B.3.9)

All signing Officers of Local 1317 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.

Assist other Executive members with the distribution of Union-related communication, materials and mail.

Be allowed necessary and reasonable funds to reimburse the President or any Officers for expenses incurred on behalf of the Local Union. Expense claims must be listed on a proper form outlining the expense, the reason for the expense, and with supporting receipt(s) attached.

(a) **President**

The President shall:

- Enforce the CUPE National Constitution, these Local Union bylaws and the Equality Statement.
- The President's position is a full time book off for the term of office. The President shall receive their regular wages with the Local. All benefits shall be equal to their current entitlement as per the collective agreement including pension entitlements being maintained.
- As a prerequisite for this position one must have served at least one term on the Executive Board.
- Interpret these bylaws as required.
- Preside at all membership meetings and preserve order.
- Decide all points of order and procedure (always subject to appeal by the membership).
- Have the same right to vote as other members. In the case of a tie vote in any matter, including elections, the President may cast another vote to break the tie or the President may refrain from casting an additional vote, in which case the motion is defeated. Alternatively, a second vote of the membership can be conducted.
- Ensure that all Officers perform their assigned duties.
- Preside at all executive board and all membership meetings and preserve order.
- 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.
- Ensure that the recommendations and the spending of the Local's funds are reasonable and wise.



- Be one of four signing officers but not for payments issued to the President.
- Provide monthly reports to the membership.
- Sit as Ex-officio to all committees.
- Have first preference as a delegate to all conventions, conferences and leadership meetings.
- Expectation to attend all CUPE events, meetings, conferences, and conventions, to include all expenses as per local by laws.

(Article B.3.1)

**(b) Vice-President**

The Vice-President shall:

- If the President is absent, perform all duties of the President.
- Preside over membership and executive 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.
- From September to June, have one (1) Union Day per month, if needed, to conduct Union business.
- Be one of four signing officers but not for payments issued to the Vice-President.
- Oversee and administrate a Communications Committee.
- Act as Communications Officer by coordinating all communications, in conjunction with the Executive, i.e. email updates, web site, etc.
- Distribute all member information for the membership / special meeting via email.
- With assistance from Secretary-Treasurer, be responsible for sending gestures as follows: members who are on bereavement leave for immediate family as per Collective Agreement 12.05(b) - a twenty- five dollar (\$25.00) donation to family or charity; and for families of deceased CUPE 1317 members- a fifty (\$50.00) donation to family or charity.
- Submit a monthly “Wellness” and “Executive” report.
- Render assistance to any member of the Executive as directed by the Executive Board.

(Article B.3.2)

- Maintain a contact list with members' personal email addresses.
- Expectation to attend all OSBCU Meetings, Conferences/Conventions, CUPE National and CUPE Ontario Conventions, to include all expenses as per local by laws.

**(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 Servicing Rep for the National President's 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.
- Maintain a Policy Log book by inserting records each month of the motions carried by the membership.
- From September to June, have two (2) Union days, if needed, per month to prepare Executive Meeting minutes and General Membership meeting packages.
- Be one of four signing officers but not for payments issued to the Recording Secretary.
- Prepare all member information packages for the membership/**special** meetings.
- Have all records ready on reasonable notice for auditors, the Trustees and members.
- Preside over membership and Executive Board meetings in the absence of the President, Vice-President and Secretary-Treasurer.
- Keep Executive members' attendance records for executive meetings and general membership meetings for auditing purposes.
- Performs other duties required by the Local Union, its bylaws or the National Constitution.
- Expectation to attend all OSBCU Meetings, Conferences/Conventions, CUPE National and CUPE Ontario Conventions, to include all expenses as per local by laws.

**(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.
- From September to June, have three (3) Union days, per month, if needed to work on regular duties (e.g. Banking, Financial reports for executive and membership meetings, etc.)
- Sign all cheques, with the exception of payments to the Secretary-Treasurer 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.
- 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 the initiation fee on all members admitted, no later than the fifteenth (15<sup>th</sup>) day of each month.
- Be responsible, on behalf of the local union membership, 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.
- Provide detailed accounts of Executive Board and Officers monthly expenses and include monthly balances of the budget.
- Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices.
- Make a full financial report to meetings of the Local Union's Executive Board.
- Make a written financial report, detailing all income and expenditures, including monthly balances of the budget, to the membership at each regular monthly membership meeting.
- 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 President and one other member of the Executive Board as determined by the Executive Board. No request shall be required for payment of per capita fees to any organization to which the Local Union is affiliated.

- Ensure that the recommendations of the spending of the Local's funds are reasonable and wise.
- Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited every June and February.
- 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.
- 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)

- Preside over membership and Executive Board meetings in the absence of both the President and Vice-President.
- Expectation to attend all OSBCU Meetings, Conferences/Conventions, CUPE National and CUPE Ontario Conventions, to include all expenses as per local by laws.

#### **(e) Chief Steward**

The Chief Steward shall:

- Be the chairperson of the grievance committee, who shall co-ordinate all Stewards and at all times be responsible to the general membership and the Executive Board.
- Be paid by the Local to work at the Local Union office full time to conduct union business and attend meetings (prepare for grievances, prepare reports for meetings, arbitration and filing, etc.) The Chief Steward shall receive their regular wages with the Local. All benefits shall be equal to their current entitlement as per the collective agreement including pension entitlements being maintained.
- Define, delete, prepare and present individual and group grievances at the initial level.
- Know and police the collective agreement and Provincial or Federal legislation affecting labour and a particular job, and inform all Stewards of any changes.
- Report to the membership monthly on the status of grievances.
- Sit on the negotiating committee

- **As a prerequisite for this position one must have served at least one term as a steward.**
- Submit detailed monthly reports to the membership.
- Expectation to attend all OSBCU Meetings, Conferences/Conventions, CUPE National and CUPE Ontario Conventions, to include all expenses as per local by laws.

**(f) Stewards**

The Stewards shall:

- Enforce the collective agreement and at all times be responsible to the general membership and to the Executive Board.
- Investigate, prepare and present individual member grievances at the initial level, in consultation with the Chief Steward.
- Keep the Chief Steward informed before a grievance is submitted.
- Encourage the participation of all members of the unit in union activities.
- Provide communication and information from the members in the unit to and from the Executive to the members

**(g) Workers Safety Insurance Board/ Return to Work Representative / Officer (WSIB/RTW)**

The WSIB/RTW Officer shall:

- File and maintain confidential records of all injured workers' claims under the Workplace Safety and Insurance Act.
- Attend and represent workers at all "return to work" meetings with the employer and/or WSIB personnel when and if requested by an employee.
- Attend and represent workers at any meetings with the employer regarding the worker's WSIB claim, when and if requested by the employee.
- Communicate with the injured worker, employer, medical personnel, WSIB personnel and fellow worker(s) regarding the injury.
- Keep informed and report to the Membership of any changes to the rights, benefits and procedures set out in the Occupational Health and Safety Act and the Workplace Safety and Insurance Act.

- Continue to stress the importance of worker compensation to the Local Executive and Membership.
- Submit detailed monthly reports to the Membership.
- From September to June have two (2) Union days per month, if needed, to conduct Union business.
- Obtain CUPE Education WSIB/RTW/ training including certification, ideally, within the first twelve (12) months of holding office in all areas of WSIB/RTW an, as it applies to this membership or ASAP, cost factors being considered.

### **(h) 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 standing committees every June (covering January to May) and February (covering June to December) and whenever there is a change in Secretary-Treasurer.
- Make a written report of their findings to the first membership meeting following the completion of each audit, i.e. in September and March.
- 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.
- Every June and February, inspect 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 provide copies of inventory, what is owed and/or leased, such as furniture, equipment, etc., and report their findings to the membership.
- Have up to two (2) consecutive Union days to complete each audit.
- Where a qualified accountant or accounting firm has been hired, the Trustees shall not be relieved of their ongoing obligation to exercise general supervision over the property of the Local or to make a written report to the Membership, nor shall the Secretary-Treasurer be relieved of their obligations under the Constitution.

- Send a copy of the completed audit report (on the prescribed form provided by the CUPE National Treasurer) 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)

**(i) Membership Officer**

The Membership Officer shall:

- Guard the inner door at membership meetings, in accordance with Section 24 of the Rules of Orders, 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.
- Have a budget of \$250.00 per year, to provide refreshments for the general membership and special membership meetings, receipts to be submitted as money is spent.
- Be empowered, when requested by the incoming Executive, to contact the outgoing Executive Officers regarding the return of the Local's books, seals, records and other properties.
- Recommend to the membership of the lack of recovery of such books, seals, records and other properties and the membership will decide on what further action should be taken.
- Perform such other duties as may be assigned by the Executive Board from time to time.

## SECTION 10 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

### **(a) Nominations**

1. Nominations will be received at the regular membership meeting held in the month of February.
2. Nominations will be accepted from members in attendance at the nomination meeting or from those members who have allowed their name to be filed in writing at the meeting, witnessed by another member.
3. To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing. The member must have attended at least five (5) of the membership meetings held in the previous twelve(12) months including the February meeting, unless a valid reason, acceptable to the Local , has been given for non-attendance.

(Articles B.8.1,B.8.2 and B.8.3)
4. 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.
5. No member will be eligible for nomination if they are in arrears of dues and/or assessments.
6. Candidates shall be responsible for campaign material and distribution, at their own expense.

### **(b) Elections**

1. At the February general membership meeting prior to that year's elections, the membership shall nominate and elect an Election committee which will consist of a Returning Officer and two (2) assistants. The Committee shall include members of the Local who are neither officers nor candidates for office. It shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with the responsibilities as confidential. The National Representative assigned to the Local Union shall serve as an advisor to the committee when requested by the Local Union.
2. The Election Process:
  - Elections will be held on a Saturday in April;
  - Adequate notice of time and accessible location of the election meeting shall be given to all members;
  - Each candidate will be given an opportunity to speak up to five minutes prior to the election if they so choose.



- The vote will be by secret ballot. Members shall cast their ballots in person showing either Board or picture ID as proof of membership.

-Voting to fill one office will be conducted and completed, and recounts dealt with before balloting may begin to fill another office.

-Election results will be announced as they are conducted and completed.

-A majority of votes cast will be required before any candidate can be declared elected, and second and subsequent ballots will be taken if necessary to obtain a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot will be dropped.

-In the voting process, 50% plus 1 of the votes is necessary to win the election and assume the position.

-In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.

-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.

-Election Sequence will be as follows:

1. President
2. Vice- President
3. Recording Secretary
4. Secretary- Treasurer
5. Chief Steward
6. Three Stewards
7. Workers Safety Insurance Board/ Return to Work Officer
8. Membership Officer
9. Trustee(s)

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.

Article 11.4)

4. Any member may request a recount of the votes for any election and a recount will be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as set out in Section 6(c).
5. 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 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 very next regular membership meeting.

6. In accordance with the Rules of Order, should section 24 be violated, the immediate preceding vote will be declared null and void and will be held again.

**(c) Installation of Officers**

1. All duly elected Officers shall be installed at the meeting at which elections are held and shall continue in office for two (2) 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.

Am(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 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))**

**(d) By-elections**

1. Any positions that remain vacant after election day shall have nominations at the next general membership meeting and elections at the following membership meeting with the exception of acclamations.
2. Should an office fall vacant for any reason, pursuant to Section 8(f) of these By-laws the resulting by-election should be conducted as closely as possible in conformity with this section, except as it applies to Section 8 (g). 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 \$1.00 dollar which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected, the fee shall be returned.

(Articles B.4.1 and B.8.2)

### (b) **Readmission Fee**

The readmission fee shall be the repayment of dues for the time of the leave **and shall be no less than \$1.00.**

(Article B.4.1)

### **Monthly Dues**

The monthly dues shall be 1.8 % of regular wages.

(Article B.4.3)

### (c) **Amending Monthly Dues**

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

(Article B.4.3)

Notwithstanding the above provisions if the CUPE Convention (National and/or Ontario Division) raises their dues these bylaws will be deemed to have been automatically amended by the same increase.

### 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)

## 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 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 OSBCU/CUPE Ontario Provincial Division, Niagara District CUPE Council or any labour organization the Local Union is affiliated with, is not required.

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

In the case of a grant or a contribution to a member(s) or a cause(s) inside or outside of CUPE greater than \$100.00, 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 days after the meeting where notice of motion has been given.

All Personal Financial Appeals from other CUPE Locals shall be fifty dollars (\$50.00) for those within the Niagara Region and twenty-five (\$25.00) for those outside the region, to a maximum of three thousand (\$3,000.00) annually.

### **(d) No Officer or member of Local 1317 will be allowed to spend any Local Union funds without first having received authorization under Section 13(a) of these bylaws.**

## **SECTION 14 – OUT-OF-POCKET EXPENSES**

- a) The following scheduled annual expenses shall be provided to each Officer, paid monthly in equal portions or upon termination of office.  
The Per Diem

President . . . . .	\$194.96/month
Vice President . . . . .	\$130.47/month
Secretary-Treasurer . . . . .	\$130.47/month
Recording Secretary . . . . .	\$130.47/month
Chief Steward . . . . .	\$184.20/month
Worker Safety Insurance Board/Return to Work Rep Officer. . . . .	\$130.47/month
Membership Officer. . . . .	\$50.00/mtg
Stewards . . . . .	\$92.10/month
Trustee, per audit. . . . .	\$120.00

- b) Expense Allowance per diem

<b>\$40.00</b>	Executive Committee – Monthly & Special	Negotiating Committee
	Social Committee	Communication Committee
	By Law Committee	Trustee Audit Presentation
	Pay/ Job Equity Committee	Budget Committee
	District CUPE Council Committee	Pension Committee
	Grievance Committee	
<b>\$40.00 Report must be submitted</b>	NCDSB Board Meeting	SEAC
	Committee of the Whole Meeting	
	Or any other meeting that a member is only able to observe and not participate.	

allowance will NOT be paid if attending meetings during paid working hours except for the executive committee member who normally works the afternoon shift.

A member or executive member will be entitled to only one (1) per diem per day.

- c) All of the above mentioned expense allowances shall be adjusted annually in accordance with the monetary raise the membership will receive in the contract.
- d) As at January 1<sup>st</sup>, 2016 the kilometer rate shall be set at fifty-five cents (.55¢) per kilometer. All mileage incurred on official union business, excluding membership meetings, shall be reimbursed to each committee member, Officer and authorized member attending a union event.
- e) Delegates elected or approved to attend Union Events, outside the Niagara Catholic District School Board boundaries, shall be entitled to Lodging over night, mileage, parking,

any lost time from employment incurred and be paid one hundred dollars (\$100.00) per diem for full days and fifty dollars (\$50.00) per diem for half days or evenings. If 3 meals per day are provided, a twenty dollar (\$20.00) per diem will be provided.

For delegates elected or approved to attend Union events, inside the Niagara Catholic District School Board boundaries, shall be entitled to a forty dollar (\$40.00) per diem and mileage.

Any delegate attending a Union event shall be required to attend the activities 100%.

- f) The Election Committee members shall receive mileage and one hundred dollars (\$100.00) to cover Out of Pocket expenses incurred between the nominations in February and Elections in April.
- g) If due to sequestration (i.e. negotiations, mediation/ arbitration) wherein members are not in control of when/where they can eat, an allowance of up to \$40.00 per meal / per member will be available (excluding alcoholic beverages). Proper submission on an expense voucher with attached receipt is expected for reimbursement.
- h) The schedule of expenses shall be pro-rated for Executive Board Members and Officers for failure to attend Executive and General Membership meetings without prior notification in writing (email) to the President and/or the Recording Secretary.
- i) No monies will be paid unless supported by a voucher duly signed, with receipts attached and submitted to the Secretary-Treasurer within three (3) months of incurred expenses or within one (1) month upon leaving office.

## **SECTION 15 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS**

- a) Except for the President's option [Section 9(a)], all delegates to CUPE National and CUPE Ontario conventions shall be chosen from the Executive Officers.
- b) Delegates to the Niagara District CUPE Council shall be left to the discretion of the Executive Committee. A Delegate shall be required to report at each membership meeting of the Local on proceedings at recent meetings of the Council
- c) Reports from ALL delegates to be submitted within 30 days of the event.
- d) Representation at education institutes and seminars shall be on the recommendation of the Executive Committee, subject to final approval by the membership.
- e) The President of the Local or their Designate is authorized to make a donation in the name of the Local up to a maximum of two hundred (\$200.00) for each special collection at any convention. Strike appeals will be to a maximum of one hundred (\$100.00) for each strike appeal.

## SECTION 16 – COMMITTEES

On termination of office, each committee member for all committees will surrender all books, records and other properties of the Local within one month (thirty (30) calendar days) of leaving office.

### (a) Special 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 and elected at the first general membership meeting after the ratification of the Local Union's collective agreement and will automatically be disbanded when the new collective agreement that they negotiated has been signed. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of President, Chief Steward and three (3) members, who are to be elected at the membership meeting. The three members will be required to have attended 5 membership meetings in the previous 12 months. 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.

All members of Local 1317's negotiating committee shall attend Level 1 and Level 2 of CUPE's collective bargaining educationals.

### (b) Permanent Committees

The Chairperson of each permanent committee will be elected by the members at a membership meeting. Permanent committees will have a term of two years. 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 shall be a member, ex-officio, of each committee.

There shall be 8 permanent committees as follows:

#### 1. Grievance Committee

This committee will:

- Oversee the handling of all local grievances.
- Receive copies of all grievances.
- Prepare a report on the status of all grievances to be submitted to the Executive Board, the National Representative, and to the membership meeting.
- When a grievance is not settled in the initial steps provided for in the collective agreement, this committee will decide whether or not the grievance should proceed to arbitration.
- If the decision is to not proceed, the grievor(s) may appeal the decision to the Grievance Committee.

The committee shall comprise of the Chief Steward, three Stewards, and the President. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages.

## 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.
- A representative of our Local will attend the April 28<sup>th</sup> Day of Mourning ceremony each year.
- 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.

Members of this committee should be designated as a "Certified Worker Representative" in accordance with the legislation in their respective jurisdictions (provincial, federal).

The committee members will be comprised of a Chair-Person and the CUPE Local 1317 Health and Safety volunteer site representatives.

## 3. Bylaw Committee



This committee will:

- Review the bylaws annually and make recommendations to the Executive Board on proposed amendments.
- Review any proposed amendments received from the Executive Board or membership of the Local Union to ensure that the amendments will conform to the remainder of the bylaws and the CUPE National Constitution.
- Ensure that the Local Union's bylaws are written in clear language, ensuring that clear language does not change the intent or meaning of the bylaws.

This committee will be comprised of 3 members in good standing and Secretary-Treasurer. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted during the review process.

#### 4. Communications Committee

This committee shall be comprised of the Vice-President as chairperson and two (2) members for the purpose of newsletter organization and distribution, and other communication needs (mailings, website, etc).

#### 5. Social Committee

This committee will:

- 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.

The committee shall be comprised of the Secretary-Treasurer and three (3) to six (6) members with one being the Chairperson.

The Secretary-Treasurer and Chairperson will have one (1) union day annually to finalize dinner dance preparations.

A \$1,000.00 cheque will be issued in February to the Chairperson and, in conjunction with the Secretary-Treasurer, in order to purchase gifts (when on sale) for that year's dinner dance held in November.

Two Non-Transferable tickets will be offered to the CUPE 1317 National Representative, Lawyer, and to the CUPE 4156 President and that year's Charity Chairperson.

#### 6. Pension Committee

This committee will:

Present all information and changes to the Local's Pension Plan.

Be an ongoing resource for Local members.

May organize an annual Pension Information Session with a budget of up to (\$1000.00) to cover all expenses.

Shall consist of one (1) Executive member and two (2) general members.

#### 7. Budget Committee

This committee will:

Present to the Executive in October a budget for the upcoming year and then present it to the membership in November.

This committee will consist of the Secretary-Treasurer as the chairperson, the President and three (3) general members.

#### 8. Pay/Job Equity/ Maintenance Committee

This committee will:

- Review and evaluate all jobs using the job evaluation plan
- Maintain the integrity of the program
- Recommend to the parties changes to the job evaluation plan, it's procedures or methods, as may be deemed necessary from time to time
- Maintain accurate job descriptions and job ratings on an ongoing basis
- Document decision criteria and precedents on an on-going basis for future committee reference

This committee shall be comprised of three (3) to six (6) members with one being an Executive member.

### **SECTION 17 – 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 18 – 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 19 – 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 20 – PRINTING AND DISTRIBUTION OF BYLAWS**

Members will receive a copy of Local 1317 bylaws, either in paper format or via the Local Union website at 1317.cupe.ca. Members 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 1317 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 1317 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 1317 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 1317 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 1317 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local 1317 sets out standards of behaviour for members at meetings, and all other events organized by Local 1317. 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 1317 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 1317, 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. 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 rise and 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, 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) put the previous question; 3) lay on the 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 "Will the main question be now put?" where a motion for the previous 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 division. A standing vote on the division will be taken and the Recording Secretary will count the standing vote.
24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked to state briefly the basis for the appeal. 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.

Special Bylaw Meeting held on Tuesday May 8<sup>th</sup>, 2018 at our local union hall.

These Bylaws were moved and seconded by the following members and approved by the local

Moved: Julie-Anne Doucet                      Seconded: Carla Matthews      CARRIED

By Law Committee reviewed the bylaws on September 6<sup>th</sup>, 2018 and made changes as per comments and requires amendments by CUPE National President Mark Hancock's letter to CUPE Local 1317.

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