

# BYLAWS



*C.U.P.E Local 4000*

*S.C.F.P Locale 4000*

*Health Care Workers at The Ottawa Hospital*

*And its Sub locals*

*Ottawa Fertility Clinic*

*Valley Stream Manor*

*Barrhaven Manor*

*Windsor Park Manor*

*Bridlewood Trails Resident Community*

*Marianhill*

*Prince Of Wales Manor*

## PREAMBLE

In order to improve the social and economic welfare of its members without regard to gender, race, language, creed or sexual orientation, to promote the efficiency in public employment and to manifest its belief in the value of the unity of organized labor, this Local of the Canadian Union of Public Employees (hereinafter referred to as C.U.P.E) has been formed.

The following By-Laws are adopted by the Local pursuant to and supplement the C.U.P.E Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.

### **SECTION 1-Name**

The name of this Local shall be: Canadian Union of Public Employees, Health Care Workers of Ottawa Carleton/Travailleurs (euses) de la Santé d'Ottawa Carleton at The Ottawa Hospital Local No. 4000 and sub locals.

### **LOCAL STRUCTURE**

For the purpose of organization and representation, the Local Union shall be divided into sub-locals which are made up of different employers.

The units of organization shall be called sub-locals and encompass:

4000-09 Ottawa Fertility Clinic  
4000-10 Valley Stream Manor  
4000-11 Barrhaven Manor  
4000-12 Windsor Park Manor  
4000-14 Bridlewood Trails  
4000-15 Marianhill  
4000-16 Prince of Wales Manor

### **SECTION 2-Objectives**

The objectives of the Local 4000 and its sub locals are to:

- Secure adequate remuneration for work performed and generally advances the economic and social welfare of its members and of all workers.
- Support C.U.P.E. in reaching the goals set out in Article 2 (II) of the C.U.P.E Constitution.
- CUPE Local 4000 stands unequivocally for equality and will oppose discrimination on the basis of age, ancestry, class (economic status) colour, creed, disability, family status, genetic Characteristics, gender identity, gender expression, language, marital status

(including single status), national or ethnic origin, place of origin, political affiliation, race, record of offenses, religion, sex (including pregnancy and breastfeeding) or sexual orientation.

- Provide an opportunity for its members to influence and shape their future through free and democratic trade unionism.
- Encourage the settlement by negotiation and mediation of all disputes between the members and their employers.

### **SECTION 3-Interpretation and Definitions**

- The noun “Member” shall be understood to include all gender identities and gender expressions.
- Numbers of Articles at the end of sections or subsections refer to relevant articles of the C.U.P.E Constitutions, which should be read in conjunction with these By-Laws.

### **SECTION 4- Meetings**

#### **General Membership Meetings**

General membership meetings shall be held in each of the following months January, March, May, June, September and November. Meeting notices shall be posted on designated CUPE boards and/or can also be advertised by electronic means, fifteen-(15) days prior to the meeting date. The time and date may be changed by the Local Executive Board when necessary. During the months when no general membership meeting is held, the Executive Board shall administer the day-to-day business and shall report to the next general membership meeting on all business transacted during such months.

- **Special Membership meetings**

These meetings may be ordered by the Executive Board or requested in writing by no fewer than (forty) 40 members. The President shall immediately call a Special Membership Meeting when so ordered or requested and shall see that the members receive at least (fourteen) 14 days posted notice of the said meeting and the subject (s) to be discussed. No business shall be transacted at the said meeting other than that for which the meeting was called, and written notice given. For the meeting to be considered valid if 50% of the members who have signed and requested the meeting must be present for the meeting and a quorum is reached.

- **Information meeting/Townhall meeting**

These meetings may be requested by occupational or departmental groups of employees for the purpose of discussing problems in their occupation or department. These

meetings do not require a quorum and no regular business shall be transacted. Meetings of this nature will be attended by two Council members. The initial representative that was contacted as well as another representative that sits on the committee of reference.

- **Virtual meetings/elections**

The local may utilize videoconferencing or other forms of technology as a means of conducting General, Special or Information or Townhall meetings including elections.

**Quorum**

- A quorum for the transaction of business at any General or Special meeting shall be 40 members, including a minimum of seven (7) members of the Council.

**The order of business at the General membership meeting shall be as follows:**

- Meeting called to order
- Roll call of Officers
- Reading of Equality statement
- Acknowledgement of Indigenous Territories
- Voting on new members
- Approval of the Agenda
- Reading of the minutes
- Matters Arising from the previous minutes
- President's Report
- Treasurer Report
- Communications and Bills
- Nominations, Elections or Installations
- Unfinished Business
- New Business
- Good of the Union
- Adjournment

**SECTION 5-Voting of Funds**

Except for the ordinary expenses and bills as approved at the Membership Meetings, no sum over (five) \$ 500.00 dollars shall be voted for the purpose of a grant or contribution to a member or any cause except by a notice of motion given in writing and dealt with at the following Membership Meeting

## **SECTION 6- Retirees**

Upon notification to the Local 4000 office any member of retirement age that they will be retiring with ten (10) years of service will be entitled to a one time gift in the amount of one hundred dollars (\$100) any retiring member with more than fifteen (15) years of service will be entitled to a one time gift of one hundred and fifty dollars (\$150) and any retiring member with twenty (20) years of service will be entitled to a one time gift of two hundred dollars (\$200) and any retiring member with twenty five (25) years of service or more will be entitled to a one time gift of two hundred and fifty dollars (\$250). In the case of permanent and total disability, a one-time payment would be provided based on years of service as listed above.

## **SECTION 7-Officers**

Officers of the Local shall include:

### **Executive Board:**

President  
First Vice-President  
Recording Secretary/Communications Officer  
Treasurer  
Executive Chief Steward  
~~Second Vice President~~  
~~Unit Directors~~

**Note:** There shall be one (1) 2<sup>nd</sup> Vice-president for the Civic, one (1) 2<sup>nd</sup> Vice- President for the General and one (1) 2<sup>nd</sup> Vice- President for the Riverside Campus

### **Unit Directors:**

For the purpose of organization and representation, the Local shall be divided into “Units” as follow:

Unit A Ottawa Hospital Civic Campus-Clerical  
Unit B Ottawa Hospital Civic Campus –Support & Services  
Unit C Ottawa Hospital General Campus – Clerical  
Unit D Ottawa Hospital General Campus – Support & Support  
Unit E Ottawa Hospital Riverside Campus  
Unit F Sub locals

As other bargaining units are organized, merged or amalgamated, they shall be entitled to a sub-local number as determined by the National Office as voted in by the membership in the appropriate manner.

For the purpose of representation, the “Unit” shall elect “Directors” as per the numbers of the members at their Unit.

Members from:

1-100	= 0 Directors
101-200	= 1 Director
201-500	= 2 Directors
501-1000	= 3 Directors
1001-1500	= 4 Directors
1501 and more	= 5 Directors

There shall be one (1) Unit Chief Steward for Unit A, Unit B, Unit C, Unit D, and Unit E

### **SECTION 8-Executive Board and Council**

The Executive Board shall be comprised of President, First Vice President, Secretary Treasurer, Recording Secretary/Communications Officer, Executive Chief Steward

#### **Executive Council**

- The Council shall be comprised of the President, First Vice President, Secretary Treasurer, Recording Secretary/Communications Officer, Executive Chief Steward, Second VP and Unit Directors.
- The Executive Council shall express the collective opinions of the membership and give suggestions to the bargaining Committee.
- Regular meetings of the Executive Council shall be convened at least once a month.
- The Executive Board shall have the general authority of administration and direction of the affairs of the Union at the Local office.
- The Executive Board Officers shall hold title to any real estate of the Local as trustees for the Local. They shall have no right to sell, convey or encumber any real estate without first giving notice and then submitting the proposal at a Membership Meeting and having it approved.
- The Executive Officers shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees.
- All charges against members or officers must be made in writing and dealt with in accordance with the C.U.P.E Constitution (Trial Procedure B XI .11.4 of the CUPE Constitution)
- Should any elected officer including stewards fail to answer the roll call for two (2) consecutive general membership including Council, Membership or Unit meeting without having submitted good reason for those failures in writing or have failed to perform their duties as required by these Bylaws, their office shall be declared vacant and shall be filled by an election at the following Membership or Unit Meeting if required, as governed by these bylaws.

## **Unit**

- The Executive Board shall consider any proposal for the addition, reduction /or the re-arrangement of any “Unit.’
- If the proposal involves modification, deletion or creation of any additional “Unit’ or “Units”, then the revision may be made only at the Executive Board meeting. The recommendation shall be brought to the next General Membership Meeting.

The Executive Board shall review at least once annually by March 31 the number of Units, unit Directors and shall have the authority to recommend either an increase or decrease in the number of units of unit Directors. The president shall include the results of the review in their Report for the approval at the Executive Meeting in May of each year.

## **SECTION 9- Duties of Officers**

Shall be a member in good standing, each Officer of Local 4000 and its sub locals are encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

All signing Officers of Local 4000 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)

### **The President shall:**

This is a three (3) year term.

- Is an ex-officio member of all committees.
- Enforce the C.U.P.E Constitution and these By-Laws.
- Preside at all the Membership/Special/Townhall and Executive Council Meetings and preserve order.
- Decide all points of order and procedure (subject to appeal to the membership)
- Have a vote on all matters (except appeals against his/her rulings) and in case of a tie vote in any matter, with the exception of elections, have the right to cast an additional vote to break the tie.
- Ensure that all Officers perform their assigned duties.
- Fill committee vacancies where elections are not provided for.
- Co-sign all cheques and ensure that the Local’s funds are used only as authorized or directed by the Constitution, By-Laws, or vote of the membership.
- Has first preference as a delegate to the C.U.P.E National Convention or affiliated Conferences and may also appoint an alternate or delegate should they not be able to attend.
- Shall authorize all union leaves.
- Set agendas and review minutes for General membership Meeting in co-operation with the Recording Secretary/Communications Officer

- Oversee finances of the Local in co-operation with the Treasurer and assures that the Local funds are used only as authorized or directed by the Constitution, Bylaws or vote of the membership.
- Act as main spokesperson for the Local
- Also does whatever is necessary for the proper function of the local Union and to carry out the duties of the President (duties of officers Constitution 2015)
- To keep safe the Local 4000 credit cards Local is in possession of two (2) credit cards

The office of the President shall be a Full-Time position with the Local. The three-year term Leave of Absence shall be dealt with in the same way as the union leave under the terms of their Collective Agreement.

For the purpose of wages, the President shall be paid equal to the highest paid union employee within their collective agreement. The wage increase of the President shall be equal to the same increase received by the members of their respective collective agreement.

The outgoing President shall have his salary guaranteed by the Local until their return to work. Notification of his return to work shall be in accordance with the provisions of the Collective Agreement and shall be given immediately following the election. This sub article does not prevent the President from notifying the Hospital of his (their) intention to return to work prior to the election, if he (they) decides not to be a candidate for the Office of President

### **The First Vice-President shall**

This position is a 3 (three) year term.

If the President is absent or incapacitated, perform all duties of the President.

- If the office of the President falls vacant, be acting president until a new president is elected
- Empowered to co-sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, By-laws or vote of the membership.
- Sit on the Redeployment Committee
- Be chairperson for the Unit specific elections.
- Perform duties as assigned by the President of the Local
- Sit on WSIB/Return to Work committee.

**The Recording Secretary/Communications Officer shall:**

This position is a 3 (three) year term.

- Keep full, accurate and impartial account of the proceedings of all General or Special Membership and 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 the Trustee's reports. (Article B 3.3)
- Have all agendas prepared to be posted in the allotted time.
- Have all minutes ready in a timely fashion so that they can be reviewed by the President two weeks before any scheduled meetings.
- Record all alterations in the By-Laws.
- Answer correspondence and fulfill other secretarial duties as directed by the Board or Council.
- Shall read out at the General membership meeting the names of new members applying for membership **(B 8.2)**
- Shall be the presiding officer for the orientation of all new members.
- File a copy of all letters sent out and keeps on file all communications.
- Prepare and distribute all circulars and notices to members.
- Have all records ready on reasonable notice for auditors and Trustees.
- Preside over Membership and Board meetings in the absence of both the President and the First Vice-President
- Shall maintain a correspondence log.
- Forward all correspondence to the appropriate committees in a timely and effective manner.
- Shall administer all circulars and notices via paper copy or via email to members and/or membership in sufficient time to permit their attendance.
- Shall have a master copy of the Constitution and Bylaws available at each meeting.
- Maintain the attendance record of all meetings.
- Have a motion book present at all meetings.

**The Secretary- Treasurer shall:**

This position is a 3 (three) year term.

- Receive all revenues, dues and assessments keeping s record of each member's payments and deposit promptly all money with a bank or credit union.
- Prepare all C.U.P.E National per capita tax forms and remit payment n later than the last day of the following month.
- Throughout the term, and on behalf of the Local union Membership, be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or vouchers for every disbursement made, receipts for all

money sent to C.U.P.E National, as well as records and supporting document for all income received by the local Union.

- Record all financial transactions in a manner acceptable to the Board and in accordance with good accounting practices.
- Make a full financial report to meetings of the Local Executive board, as well as a written financial report to each General Membership meeting, detailing all income and expenditures for the period and provide a copy to the Executive Board or any member who requests a copy in writing.
- Be bonded through master bond held by the National Office, and any secretary-Treasurer who cannot qualify for the bond shall be disqualified from office.
- Pay no money unless supported by a voucher duly co-signed by the President, First Vice-President and/or Executive Chief Steward except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated: all expenditures shall be by cheque, signed by two (2) of the four (4) co-signing officers.
- Make all books available for inspection by the auditors and/or Trustees in reasonable notice, and have the books audited at least twice a year within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
- Provide the Trustees with any information they may need to complete the audit report.
- No later than February 28<sup>th</sup> of each year, furnish each member on the forms supplied by the National Office with a statement showing the net amount of tax-deductible dues paid during the preceding calendar year. (Only applicable where the collective Agreement does not cover)
- Notify all members who are one month in arrears and report to the Board all members two or more months in arrears in the payment of union dues.
- Empowered to co-sign all cheques, with the signature of the president, First Vice-president and/or Executive Chief Steward to ensure that the Local's funds are used only as authorized or directed by the Constitution, By-Laws or vote of the membership.
- Keep an inventory log for the Trustees with all office equipment serial numbers and pictures.
- Keep a record of the use of the local 4000 credit card with all receipts attached.
- Be the building administrator, responsible for all contracts, repairs and upkeep associated with the operation of the local's premises.
- Should the secretary treasurer be unable to perform their duty for an extended period of time the Local's accounting firm can be used when deemed necessary.
- Use a bookkeeper at the beginning or end of their term to verify all the Local finances.
- The Local may use an accounting firm to do the yearly audit.
- Oversee the office and reception employees and keep record of attendance.
- Be in control of all keys for the office.

(Article B3.4 to B3.8)

**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)**

### **The Executive Chief Steward**

The office of the Executive chief Steward shall be a Full-Time position with the Local. The three-year term Leave of Absence shall be dealt with in the same way as the union leave under the terms of their Collective Agreement.

For the purpose of wages, the Executive Chief Steward shall be paid equal to the second highest paid union employee within their respective collective agreement.

If the elected Executive Chief Steward is employed at the highest paid union position, they shall maintain that rate of pay.

The wage increase of the Executive chief Steward shall be equal to the same increase received by the members of their respective collective agreement.

The outgoing Executive Chief Steward shall have his salary guaranteed by the Local until their return to work. Notification of his return to work shall be in accordance with the provisions of the Collective Agreement and shall be given immediately following the election. This sub article does not prevent the Executive Chief Steward from notifying the Hospital of his (their) intention to return to work prior to the election, if they decide not to be a candidate for the Office of Executive Chief Steward

The Executive chief Steward shall conduct and chair all Chief Steward Committee meetings. A monthly report shall be submitted to the Executive Board, as well as General membership meetings. The Executive Chief Steward shall compile and maintain a record of all grievances filed in the Local the Executive Chief Steward shall be a member Ex-Officio of all grievance committees and may be present at all Step III hearings, mediations, prepare and attend together with the C.U.P.E National Representative all grievances going to Arbitration. The Executive Chief Steward shall respect the confidence of any member when dealing with matters personal to such members.

### **The Trustees shall**

Act as an Auditing Committee on behalf of the members and audit the books/files and accounts of the Secretary-Treasurer, The Recording Secretary/Communications Officer and the standing Committees at least once every calendar year. The Local shall elect three (3) Trustees. It shall be the duty of the Trustees to act as an Auditing Committee.

- 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 are not paid out without proper Constitutional or membership authorization.
- Ensure the proper financial reports are made to the membership.
- Audit the record of attendance.
- Inspect at least once a year, any stocks, bonds, securities, office furniture and equipment, titles or deeds to property that may at any time be owned by the Local and report their findings to the membership.
- Send a copy of the completed audit report as well as a copy of their report to the Local Union Membership along with a copy of their recommendations and/or concerns to the President and Secretary-Treasurer and the Secretary-Treasurer's response to the national Secretary-Treasurer of the Canadian Union of Public Employees
- The Trustee shall be elected, initially by the membership on the following basis A) one for three (3) years, B) one for two (2) years and C) one for one (1) year. Every subsequent year, there shall be elections for one (1) trustee, for a three (3) year term.

#### **Sergeant-at-Arms shall:**

- Guard the inner door at the membership meetings and admit no one but members in good standing or officers and Officials of C.U.P.E except on the order of the President and by consent of the members present.
- Assist in maintaining the record of membership attendance meetings.
- Perform such other duties as may be assigned by the Board from time to time.
- The Sergeant-at-Arms shall be appointed when needed by the Executive Board
- Tile the doors as needed.
- If they are receiving any per diem are not eligible to receive any other monies
- Assisted with any virtual meetings as needed.

#### **The Second Vice-president shall**

This will be a 3 (three) year term.

- Be a member ex-officio of the unit committees.
- Present a monthly report of their unit Committee to the Executive Board
- Reports back to their Unit and Committees from the Executive Board
- Submits all reports given to them from their unit to the Executive Board.
- Be responsible to forward the Union leave request to the Union office.
- Be responsible for any duties or committees assigned to them by the Executive Board
- Ensure that all unit Officers perform their assigned duties.
- Fill committee vacancy where elections are not called for.
- Report any deficiency to the Executive Board for their Unit.

- Keep full and accurate account of all unit Meetings.

### **Unit Director**

This will be a 3 (three) year term.

- Shall be a member in good standing.
- Shall stand on one committee of their choosing or be assigned a committee by their 2<sup>nd</sup> Vice-President.
- Present a written report to their unit 2<sup>nd</sup> Vice-President.
- Act as a steward when requested by the Local.
- Be assigned duties as per their unit 2<sup>nd</sup> Vice-President in consultation with the Executive Board

### **Unit Chief Steward shall**

This will be a 3 (three) year term.

- Represent the employees in their unit when dealing with Management at the Unit level.
- Shall represent the employees in their unit on a Chief Steward Committee of Local 4000
- Shall have no authority or jurisdiction outside of their Unit and shall only undertake or initiate procedures within their unit which have no effect on other units, procedures which shall affect other units must have approval of the Chairperson of the Chief Stewards Committee
- Shall keep members of their Unit informed with respect to matters affecting employees' relations as between the employees in their Unit and Management
- Shall report to the Chief Steward Committee any matter affecting the employees in their Unit.
- Shall respect the confidence of any employee when dealing with matters personal to such employee.
- When temporarily or permanently unable to perform their duties, he shall advise the second Vice-President of their Unit, the name of the acting Chief Steward who has assumed their duties and responsibilities.
- Present a written report to their unit 2<sup>nd</sup> vice-president on a monthly basis.

**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)**

**SECTION 10- Honorariums**

The following expense allowance shall be provided:

- a) Honorariums are to be paid to the following, for the year

<b><u>Officer</u></b>	<b><u>Amount</u></b>
President	\$375.00/monthly = (\$4500 annually)
First Vice-President	\$375.00/monthly= (\$4500 annually)
Treasurer	\$375.00/monthly= (\$4500 annually)
Recording Secretary/Communications Officer	\$375.00 monthly = (\$4500 annually)
Executive Chief Steward	\$375.00/monthly= (\$4500 annually)
Second Vice-president	\$291.67/monthly= (\$3500 annually)
Unit Chief steward	\$208.33/monthly= (\$2500 annually)
Directors	\$166.67/monthly= (\$2000 annually)
Stewards	\$300.00 biannually June/Dec
Committee member	\$300.00 biannually June/Dec
Trustees-per member per audit	\$150.00
Sergeant of Arms	\$50.00 per meeting

An officer shall not receive any extra Honorariums for being a member of any other committees.

- b) The following expenses shall be reimbursed

**Parking Allowance**

When an Executive Board Officer or Committee member on Union Business must use a paid parking facility, the cost shall be reimbursed by the Local as an Out-of-pocket Expense with a receipt.

**Mileage for Executives**

Should an Executive use their personal vehicle to go to any Site or Sub Local location to conduct Union activities they shall have an allowance equivalent to the current CUPE Ontario expense claim at the time of travel per kilometer from the Local 4000 office to the Site or Sub Locals. Mileage claims shall be filed with the Secretary Treasurer.

**Union Leave**

Authorization: Union Leave shall be requested by the 2nd Vice-president of that “Unit” for the sole purpose of conducting union business the President or the First Vice-President (should the President not be available) shall have the authority to grant the Union leave.

Union leave can also be requested by the chairperson of a committee for the sole purpose of conducting union business.

If a member is booked for union leave for any reason or any scheduled meeting it is mandatory that they attend. If the member is not in attendance, then the union leave shall be revoked.

Should a member not attend at least half of the union leave submitted then the union leave can be adjusted to reflect that time.

### **Section 11-Fees, Dues and Assessments**

#### **a) Monthly Dues**

Notwithstanding the above provisions, if the C.U.P.E convention raises minimum fees and/or dues above the level herein established, these By-Laws will be deemed to have been automatically amended to conform to the new C.U.P.E. minima.

The dues collected from the members shall be 0.6% over National per capita. Per capita shall be deducted from the gross wages.

Special assessments may be levied in accordance with Article B 4.2 of the C.U.P.E Constitution.

#### **b) Amending Monthly Dues**

The regular monthly dues may be amended at a General or special membership meeting. The vote must be by secret ballot. Notice of at least seven (7) days at a previous meeting or sixty (60) days in writing must be given. (Article B 4.3)

### **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)



200-32 Colonnade Rd North Ottawa, ON K2E 7J6  
Phone: 613-722-0652 Fax: 613-722-2246  
cupe4000@cupe4000.com

Official Nomination Form/Proxy:

I nominate \_\_\_\_\_ for the position of \_\_\_\_\_

On this Date: \_\_\_\_\_

Nominator's Signature: \_\_\_\_\_

Nominator's printed name \_\_\_\_\_

Phone number: \_\_\_\_\_

Personal email: \_\_\_\_\_

I \_\_\_\_\_ accept the nomination for the position of \_\_\_\_\_

On this Date: \_\_\_\_\_

Nominee's Signature: \_\_\_\_\_

Nominee's printed name: \_\_\_\_\_

Phone number: \_\_\_\_\_

Personal email: \_\_\_\_\_

Forms can be returned to CUPE Local 4000 in person between 0800 and 1600, via email, fax or by mail to:

CUPE Local 4000

200-32 Colonnade Rd North

Ottawa, Ontario

K2E 7J6

Phone: 613-722-0652

Fax 613-722-2246

## **SECTION 13- Nomination, Election and Installation of Officers and Steward**

### **1) Nominations and Elections**

Nominations and election for President, 1<sup>st</sup> Vice-President, Recording Secretary/Communications Officer, Secretary-Treasurer and the Executive Chief Steward shall be held every three (3) years--Nominations and elections for the 2<sup>nd</sup> Vice-president, Unit directors and Unit Chief Stewards shall be held every three (3) years. The date will be subject upon approval of these Bylaws by the National Office.

The form/proxy is to be used as a letter of Nomination when members cannot attend the Nomination meeting:

Note:

This form must be submitted to the Local union Office prior to the General, or Special Membership Meeting at which the nominations will be held. The form will be available from the Local Office.

### **2) Nominations**

Nominations shall be held at the September General membership meeting or failing quorum at a Special Membership meeting called for nominations only. Members nominated for Office shall accept or decline nominations at that meeting.

The presiding officer shall appoint a Nominations Chairperson (A C.U.P.E National Representative, or Delegate)

Nominations will be accepted from members in attendance at the nomination meeting or from members who have allowed their name to be filed in writing at the meeting, witnessed by another member. Written nominations must be forwarded to the Chairperson accepting nominations. All letters of Nominations must be signed and dated by the nominee accepting the Nomination.

Each candidate for office shall have the right to select one member, at the time of Nomination, to act as a scrutineer during the counting of ballots. A scrutinizer cannot be a candidate for any office.

If only one (1) member is nominated for the position, such member shall be declared elected by acclamation, and no vote shall be required.

If for any reason a member so elected must decline between the nomination meeting and the day of the vote, that office will be declared vacant. Nominations and elections to fill the vacancy will be as in Article 12.3 (i) for Unit Elections or Article 12.3 (j) for Table Officer Elections.

### **Local 4000 Election Committee**

A chairperson who is not running for a position or is scrutineer for any candidate shall be elected by the membership to run the election committee. A CUPE national Representative shall assist with the election process.

An election committee can be elected before or at a General Membership meeting to process the nominations and preparation for the day of voting, including preparing ballots. Failing election, the vacant position(s) on the committee can be filled by appointment by the nomination chairperson.

### **Local unit election committee**

A Unit Election Committee shall be elected by its unit membership to process the nominations and preparations for the day of voting. Failing election, the vacant positions on the committee shall be filled by appointment by the nomination chairperson (Section 13). This committee shall be elected at a special unit membership meeting for the purpose of nomination on election only. The first Vice-President shall prepare the ballots.

### **3) Elections**

- a) A separate ballot shall be prepared for each Unit by the Election Committee listing 2<sup>nd</sup> Vice-President and, or Unit Directors and unit Chief Steward running for each of those positions available in each Unit and the names of the members running for each of those positions in each Unit when applicable. The names shall be listed in alphabetical order on a ballot form.
- b) One ballot shall be prepared for the Local 4000 entire membership by the Election Committee listing the President, 1<sup>st</sup>vice-President, Recording Secretary/Communications Officer, Secretary Treasurer and Executive Chief Steward and the names of all the members running for each of these positions when applicable. Names shall be listed in alphabetical order on the ballot form.
- c) The member receiving the most votes shall be declared elected. In the event of a tie, a run-off vote will be held at the next General membership meeting.
- d) Each candidate may appeal for the recount of the votes for that office. Such a recount is to be taken immediately, following the announcement of all elected positions.
- e) A record will be kept of all the members who vote by marking their names off on the Union members list in alphabetical order.
- f) Ballot boxes used for these will be locked, and the keys will be in the possession of the CUPE National Representative or their delegate (Chair of the Election Committee).
- g) Ballot boxes and union members list will be transported to the voting station by the Local's Election Committee in sufficient time prior to the commencing of voting.

- h) 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 10.4)**
- i) Voting shall be conducted from 0700 hours until 1900 hours on the Unit site whenever possible, on the day of the voting, and results shall be posted on the CUPE information boards located at each campus and sub-local or electronically as soon as results are known, and all candidates shall be notified of the results as well.
- j) If the President, 1<sup>st</sup> Vice-President, Recording Secretary/Communications Officer, Secretary Treasure or the Executive Chief Steward position becomes vacant during the member's Term of Office, the vacancy shall be posted as a Notice of Special Membership Meeting where nominations shall be held. An all-day election as per Article 3H shall follow as close as possible to the next General membership meeting. At the General Membership Meeting, results from the Elections shall be announced to the membership and the Officers shall take the Oath of Office. Nominations and Elections shall be held as per Article 12.
- k) When a 2<sup>nd</sup> Vice-President, a unit Director or a Chief Steward's position becomes vacant during the member's Term of Office the Nomination shall take place at a Special (Unit only) Election Membership meeting for which the vacancy is posted on the notice of the Meeting. The elections will be held as per Article 12 (as it applies to the Unit only). The results will be posted on the Unit and announced at the next General Membership. The term shall start immediately after the election results are known.
- l) When electronic elections are called for, all above articles shall apply except f) and g) and "ballot" shall refer to "electronic ballot". Therefore, elections shall be conducted electronically using a third-party platform selected by the L.4000 Election Committee. The platform selected must have demonstrated the capability to carry out the electronic vote and also the capacity to ensure all voting is secret.

#### 4) Installation

In accordance with Article B.2.4 of the CUPE Constitution, the maximum term of any elected office shall be three (3) years. All duly elected Officers shall be installed at the meeting at which elections are held and shall continue in the Office and for three years or until a successor has been elected.

The Oath of Office to be read by the newly elected officer 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 10.7(b))*

Should an office fall vacant for any reason, the resulting by-election should be conducted as closely as possible in conformity with this section.

#### **SECTION 14 - Delegates to Convention, Conferences and Seminars**

Except for the President’s option (Section 9); all delegates to conventions shall be elected from the Executive Council at a General meeting save and except for one (1) member elected at large from the General membership meeting prior to the convention. Note that the Executive Council has the right to amend via a unified motion.

All delegates going to convention, conferences, seminars and union functions held outside the City of Ottawa shall be compensated for:

- 1) Loss of wages
- 2) Transportation and parking costs incurred with receipts. (Automobile mileage shall be paid as per the CUPE Ontario mileage allowance).
- 3) Out of pocket expenses of \$75 (seventy-five dollars) per day to cover meals.
- 4) Hotel accommodation: up to the cost of a single room per delegate. Receipts for the hotel room shall be returned to the Treasurer, by the Delegate upon their return.
- 5) When conventions and/or conferences are held in the City of Ottawa and not at the Local office the delegate shall receive \$25 (twenty-five dollars) per day for Out-of-Pocket expenses compensation for loss of wages and parking (if applicable) with receipts.
- 6) Should a member not attend the Convention, Conference, Seminar or any part thereof, to which they are elected, they must re-imbursed the local accordingly.
- 7) Members attending Convention, Conferences or Seminars held out of town, in accordance with the foregoing Article they shall receive the sum of \$(100.00) per day provided that they are not receiving wages for the same day(s).
- 8) When the Ontario Division Convention and the National Convention fall within the same calendar year to be fair and equitable any member shall be eligible to attend only (1) one convention not both.
- 9) Seeing that the local is paying for members to attend then the most economical mode of transportation shall be utilized.

## **SECTION 15 - Affiliations**

The Local may be affiliated or disaffiliate to any affiliation recommended by the Executive Board, subject to the approval of the General Membership.

The Local shall be affiliated to the Ottawa and District Labour Council (CLC), area CUPE District Council, Ontario Division CUPE.

## **SECTION 16 - Committees**

### **a) Negotiating Committee:**

This shall be a special Ad hoc Committee comprised of the:

President

1<sup>st</sup> Vice-President

Executive Chief Steward

2<sup>nd</sup> Vice-Presidents for each Unit and 3 (three) members elected at large from the membership.

Note: the member at large shall be from the Collective Agreement being negotiated

The function of the Committee is to prepare collective bargaining proposals and to negotiate a Collective Agreement. The committee may use a CUPE Representative assigned to the Local for consultation at any stage.

For the Sub Locals the negotiating committee will consist of the Local President or delegate as well the Executive Chief Steward or delegate. Their committee will be determined by their corresponding collective agreement that may be made up of elected members or volunteers depending on which is called for.

### **a) Constitution and By-law Committee (Ad Hoc)**

This committee shall be instituted whenever necessary. It is to consist of a chairperson, appointed by the President an Executive Board member; and three (3) members elected by the membership at a General membership Meeting. Such persons shall, if possible, have knowledge of the By-Laws and of how to revise them. They shall meet as a committee whenever they deem it to be necessary.

### **Ad Hoc Committee:**

An ad hoc committee may be established for a specific purpose and period by the membership at a meeting. The members shall elect at the same or another membership meeting or may, by specific authorization of the membership, be appointed by the

President or the Executive Board. One member of the Executive Board may sit on any special (ad hoc) committee as ex-officio members.

Redeployment Committee Ad Hoc as per the Collective Agreement

**Standing Committees** shall be divided into two (2) Sections:

**Unit Committees specific to each site:**

- Health and Safety Committee

**Local 4000 Committees**

- Publicity Committee
- Education Committee
- Chief Steward Committee
- Job Description, Classification and Pay Equity Committee
- WSIB/-Return to Work-Committee
- Social Committee
- Women's Committee

The 2nd Vice-president shall be a member, ex-officio of their Unit Committees.

The President shall be a member, ex-officio of each Local 4000 committee.

### **UNIT COMMITTEE**

All chairpersons shall be elected by their said committee.

- Attendance records are to be kept.
- Minutes are to be kept and submitted to the recording secretary/communications officer no later than seven (7) days following the meeting date.
- No meeting shall take place without 50% +1 in attendance.

### **Health and Safety Committee at the Unit**

The union's Safety Committee shall have representation on the Employer's Safety Committee. Such members shall be required to attend all meetings of the Safety Committee, and present to them any complaints regarding safety and/or hazards in any section of their workplace. The chairperson shall prepare a report for the Executive Council meeting. Compliance with the Occupational Health and Safety Act and relevant legislation.

### **WSIB/ Return to Work Committee**

The union's WSIB/Return to Work Committee shall have representation on the Employer's Modified Work Committee. Such members shall be required to attend all meetings of the Modified Work Committee and represent the best interests of the Local's members. It is the responsibility of this committee to maintain the Records of Employee Incident Reports and any applicable action. The chairperson shall prepare a report for the Executive Board meeting. Also, to assist members in dealings with WSIB and LTD.

### **LOCAL 4000 Committees**

#### **Publicity Committee**

The Publicity Committee shall be responsible for communication and work in conjunction with the social committee regarding functions of the Local. The Publicity Committee shall consist of at least four (4) members who will elect a chairperson. This committee shall meet monthly. The 2<sup>nd</sup> Vice-president may assign one (1) member to this committee. This committee shall publish and distribute a minimum of six (6) issues per year of the Local's newsletter. All bulletins and notices for posting and/or distribution to the membership shall be the responsibility of this committee in conjunction with the Recording Secretary/Communications Officer and Social committee.

#### **Education Committee**

The chairperson shall be elected by the Education Committee. The 2<sup>nd</sup> vice-president shall assign one (1) member to this committee. It shall be the duty of this committee to correlate all available material and to plan education courses of interest and benefit to the members of the Local. The committee shall cooperate with the Education department of The Canadian Union of Public Employees. All distribution of information shall be coordinated by the Publicity Committee in conjunction with the Recording Secretary/Communications Officer.

#### **Chief Steward Committee**

This committee shall consist of the Chief Steward of each Unit. The chairperson shall be the elected Executive Chief Steward. The Chairperson shall present a written report to the Executive Board meeting to which grievances shall proceed to mediation or arbitration. At a Chief Steward Committee majority decision shall rule.

In the opinion of the grievor(s), the decision of the Chief Steward Committee is in error the Griever(s) may take the appeal to the next General membership Meeting for decision whose decision shall be final and binding on both parties.

### **Social Committee**

The chairperson of this committee shall be elected by the social committee. The 2<sup>nd</sup> Vice-president shall assign one (1) member to this committee. This committee shall arrange and conduct all social and recreational activities of the Local either on their own initiative or as a result of decisions taken at General membership meetings. Also, to submit reports and proposals to the Executive Board or to the membership as required. This committee can also accept members from the Sub-Locals.

### **Women's Committee:**

The chairperson of this committee shall be elected by the women's committee. This committee has a mandate to promote and defend the rights of women in all their diversity. This committee shall be comprised of 7 women representing as many members as possible. It would be ideal if there was a member representing, disabled, racialized, indigenous and LGBTQS2 women so that this local can improve the working conditions of women in the workforce. Promote the full participation of women within this local through education and activism. To provide information to the Executive Council, committees and members on issues that affect women. To support and cooperate with other equality seeking groups in achieving common goals.

### **Job Description, Classification and Pay Equity at the Unit**

The committee shall consist of 3 elected members from the unit and shall report to the unit 2<sup>nd</sup> Vice-President.

The duty of the committee shall be:

- Compare previous and similar job descriptions for the purpose of preventing unnecessary escalation of job requirement and duties by Management.
- Assisting members in formulating their job descriptions
- The chairperson or delegate shall attend all job description and job classification meetings with Management.
- The committee members shall attend all job description and classification meetings held in the Local office when necessary
- They shall meet with all members of Departments or occupations concerned with job description revisions and strategy, prior to such joint meetings with Management.
- They shall prepare and distribute copies of job descriptions to all members concerned prior to meeting with Management.
- They shall relay all reported changes or job descriptions to the union Office for input to management.

- In accordance with the provincial Legislation (RSO 1900) the pay Equity Committee shall be forced for at least two (2) years and may, if necessary, continue beyond that time in order to implement and monitor the Pay Equity Program as developed by the Joint Committee
- The Sub Locals shall have their own committee which will be in accordance with each sub-local collective agreement.

### **Committee Budgets**

All committees must prepare and submit a budget to the General membership for approval by February 1<sup>st</sup> of each year.

### **Communication Tool**

For the good of the Local anyone who is elected into a position may have the option of a communication tool supplied by the Local at a minimal cost if the need be. It is also under the understanding that the tools would be monitored for usage at the discretion of the President.

### **SECTION 17 RULES OF ORDER**

All meetings of the Local shall be conducted in accordance with the basic principles of Parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these By-Laws as Appendix "A"; these rules shall be considered as an integral part of the By-laws and may be amended only by the same procedure used to amend By-laws.

In situations not covered by Appendix "A", the C.U.P.E Constitution may provide guidance, but if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied.

### **SECTION 18 AMENDMENT**

These By-laws are always subordinate to the C.U.P.E. Constitution (including Appendix "B") as it now exists or may be amended from time to time, and in the event of any conflict between these By-laws and the C.U.P.E. Constitution the latter shall govern. Constitutional interpretation including determination of conflict is the prerogative of the national President (**Articles 9.2 (c), 13.3 and B.5.1**)

These By-laws shall not be amended, added to or suspended except by a majority of those present and voting at a General or Special Membership meeting following seven days' notice at a previous meeting or at least sixty days' written notice. (**Articles 13.3 and B.5.1**)

No change in these By-laws shall be valid and take effect until approved by the National President of C.U.P.E. The validity shall date from the letter of approval of the national President (*Articles 13.3 and B.5.1*)

## **APPENDIX "A" TO THE BYLAWS OF CUPE LOCAL 4000**

### **RULES OF ORDER**

1. The President or, in the absence, the 1<sup>st</sup> Vice-president shall take the chair at all membership meetings. In the absence of both the President, and 1<sup>st</sup> Vice-president, the Recording Secretary/Communications Officer shall act as President, and in the absence a President Pro term shall be chosen by the Local.
2. No member, except the Chairperson of a committee making a report or the mover of a resolution, shall speak more than three (3) minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had the opportunity. Chairperson and mover of a resolution shall be limited to fifteen (15) minutes, except with the consent of the meeting.
3. The President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask: "Is the Local ready for the question?" Should no member rise to speak, the question shall then be put.
4. A motion to be entertained by the presiding officers must be moved and seconded: both mover and seconder must rise and be recognized by the chair.
5. A motion to amend, or to amend, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order,
6. On motion, the regular order of business may be suspended by a two-thirds vote of those present, to deal with any urgent business.
7. All resolutions and motions other than those named in Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being passed out to the Local.
8. At the request of any member, and upon majority vote of those present, a question may be divided when the sense will admit of it.
9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
10. When a member wishes to speak on a question or to make a motion, the member shall rise in the member place and respectfully address the presiding officer, but

- except to state that the member rises to a point of order or on a question of privilege, the member shall not proceed further until recognized by the chair.
11. When one or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
  12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection on the Local or member thereof.
  13. If a member, while speaking, is called to order the member shall cease speaking until the point is determined; if it is decided the member is on order the member may proceed again.
  14. No religious discussion shall be permitted.
  15. The President shall take no part in debate, while presiding. But may yield the chair to the 1<sup>st</sup> Vice-president in order to speak on any question before the Local or to introduce a new question.
  16. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he may in addition give a casting vote or if presiding officer chooses to refrain from breaking a tie, in which case the motion is lost.
  17. When a motion is before the local no other motion shall be in order except (1) to adjourn (2) to put the previous question (3) to lay on the table (4) to postpone for a definite time (5) to refer (6) to divide or amend, which motions shall have precedence in the order named. The first three of these shall be decided without debate.
  18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "shall the main question be now put?" If it is adopted the president shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment of an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
  19. A motion to adjourn is in order except 910 when a member has the floor and (2) when members are voting.
  20. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the local, until fifteen minutes have elapsed.
  21. After the presiding officer declares the vote on a question and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken, and the Secretary shall count the same.
  22. If any member wishes to challenge (appeal) a decision of the chair, he must do so at the time the decision is made, if the challenge is seconded, the member shall be asked to briefly state the basis for his challenge. The Chairperson may then briefly state the basis for his challenge. The chairperson may then briefly state the basis for

- his decision, following which the Chairperson shall immediately and without debate put the question: "Shall the decision of the chair be sustained?" A majority vote shall decide except that in the event of a tie, the chair is sustained.
23. After a question has been decided, any two members who have voted in the majority may, at some or next meeting, move reconsideration thereof.
  24. No member shall enter or leave a meeting during the reading of the minutes, the installation of Officers, or the raking of a vote: and no member shall be allowed to leave without the permission of the 1<sup>st</sup> Vice-President.
  25. The Local's businesses, and proceedings of the meetings, are not to be divulged to any person outside the Local or the Canadian Union of Public Employees.