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Canadian Union of Public Employees

Local 3260

(PEI Educational Assistants & Youth Service Workers)

BY-LAWS

2011 Edition

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PREAMBLE

This Union has been formed in order to improve the social and economic welfare of its' members without regards to sex, colour, race or creed, and also to promote efficiency in public employment and to manifest its' belief in the value of unity in the Canadian Union of Public Employees (hereafter referred to as CUPE).

The following By-Laws are adopted by the Local pursuant to, and to supplement, Appendix "B" of the CUPE Constitution, to safeguard the rights of all members, to provide 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, Local 3260 (PEI Educational Assistants and Youth Service Workers).

SECTION 2 - OBJECTIVES

The objectives of the Local are to:

- (a) secure adequate remuneration for work performed and generally advance the economic and social welfare of its' members and of all workers;
- (b) support CUPE in reaching the goals set out in Article II of the CUPE Constitution;
- (c) provide an opportunity for its' members to influence and shape their future through free democratic trade unionism; and
- (d) encourage the settlement by negotiation and mediation of all disputes between the members and their Employers.

SECTION 3 - MEMBERSHIP MEETINGS, REGULAR AND SPECIAL

- (a) Regular Membership Meetings shall be held at least once every four (4) months during the school year. The Vice-President may call additional meetings.
- (b) Special Membership Meetings may be ordered by the Executive or requested in writing by no fewer than 25% of the membership. The

President shall immediately call a Special Meeting when so ordered or requested and shall see that all members receive at least twenty-four (24) hours notice of the Special Meeting and the subject(s) to be discussed. Business transacted at the Special Meeting shall only be that which is declared in the notice given for the specified Special Meeting.

- (c) A quorum for the transaction of business at any Regular or Special Membership Meeting shall be 25% of the Membership.
- (d) The Annual General Meeting shall coincide with the PEITF Annual Business Day and shall be held in Summerside, while the October P.D. Days shall be held in Charlottetown and coincide with PEITF Convention.
- (e) No other professional development shall be scheduled the same day as the Annual General Meeting where voting may take place.

SECTION 4 - VOTING OF FUNDS

Except for ordinary expenses and bills as approved at membership meetings, no sum over five hundred (\$500.00) dollars shall be voted for the purpose of a grant or contribution to a member or any cause outside CUPE. "No monies over 500 dollars shall be released until a membership vote following a notice of motion made at a previous regular membership meeting."

SECTION 5 - OFFICERS OF THE LOCAL

The Officers of the Local shall be the President, First Vice-President, Secretary-Treasurer, Recording Secretary, Past President, three (3) Trustees, Sergeant-at-Arms and four (4) Vice-Presidents (one of which will be the First Vice-President). All Officers shall be elected by the membership at the Annual General Meeting, excluding Past President and the Vice-Presidents. The Vice-Presidents shall be elected in their respective areas prior to the Annual General Meeting. The First Vice-President will be elected at the first Executive Meeting following the Annual meeting.

SECTION 6 - EXECUTIVE

- (a) Composition - The Executive shall be composed of the President, First Vice-President, Secretary-Treasurer, Recording-Secretary, Past President (ex-officio) and four (4) Vice- Presidents (one of whom is the First Vice-President).
- (b) Meetings - The Executive shall meet at least every two (2) months. The

Executive may schedule additional meetings as is necessary to properly carry out the affairs of the Local.

- (c) Quorum - A simple majority of the Executive constitutes a quorum.
- (d) Duties - The Executive and Committee members will endeavor to:
 - work to the best of their ability as a team player and as effectively as possible;
 - arrange for representation of the Local at any appropriate and available educational seminar or conference, and submit recommendations accordingly to the Executive;
 - instruct delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file of reports.
- (e) Charges - Any charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution.
- (f) Vacancy - If a vacancy occurs during a term of office, except in the office of a Vice-President, the Executive shall elect a replacement from within the Executive at their next regular meeting until the next annual meeting, when an election shall be held to fill the vacancy. Should any Executive Member fail to answer the roll-call for three (3) consecutive regular Executive meetings without having just cause, his/her office shall be declared vacant.

If a vacancy occurs in the office of a Vice President before the end of the school year in which he/she was elected, a new Vice-President will be voted in for the remainder of the term at a membership meeting following the Vice-President's resignation.

SECTION 7 - DUTIES OF OFFICERS

- (a) The President shall:
 - enforce the CUPE Constitution and these By-Laws;
 - preside at Special, Annual and Executive meetings and preserve order;
 - decide all points of order and procedure (subject always to appeal from the membership);
 - have a vote on all matters (except appeals against his/her rulings) and in the case of a tie vote in any matter, including 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;
- introduce new members and conduct them through the initiation ceremony;
- serve on the Labour Management Committee as required;
- have first preference as a delegate to the CUPE National Convention;
- have the option to attend any convention/conference to which the Executive decides to send delegate(s);
- on termination of office, surrender all books, records and other properties of the Local to his/her successor.

(b) The First Vice-President shall:

- if the President is absent or incapacitated, perform all duties of the President;
- if the office of the President falls vacant, he/she shall be the Acting President until a new President is elected;
- render assistance to any member of the Executive as directed by the Executive;
- on termination of office, surrender all books, records and other properties of the Local to his/her successor.

(c) The Recording Secretary shall:

- keep full, accurate and impartial accounts of the proceedings of all Special Membership and Executive Meetings and the Annual Meeting;
- record all alterations in the By-Laws;
- answer correspondence and fulfil other secretarial duties as directed by the Executive;
- provide a monthly report on correspondence;
- ensure that the newsletter is written with input from the Executive and posted on the website;
- file a copy of all letters sent out and keep on file all communications;
- have all records ready on reasonable notice for auditors and/or Trustees;
- preside over Special Membership and Executive Meetings in the absence of both the President and First Vice-President;
- be empowered, with the approval of membership, to employ necessary clerical assistance to be paid out of the Local's funds;
- on termination of office, surrender all books, records and other properties of the Local to his/her successor.

(d) The Secretary-Treasurer shall:

- provide a monthly financial report to the Executive;
- receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all monies

- with a bank or credit union;
- prepare all CUPE National per capita tax forms and remit payment no later than the 15th day of each month;
- record all financial transactions in a manner acceptable to the Executive and in accordance with good accounting practices;
- make all books available for inspection by the auditors and/or Trustees on reasonable notice and have the books audited annually;
- provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE;
- on termination of office, surrender all books, records and other properties of the Local to his/her successor;
- the ex-officio will be present at the first six (6) month audit for the Trustees.

(e) The Trustees shall:

- act as an Auditing Committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer;
- report their findings to the Annual Membership meeting following the completion of the audit;
- audit the books and accounts of the Secretary-Treasurer for the fiscal year.
- use audit forms supplied by the National Office and send a copy of each yearly audit to the National Secretary-Treasurer in accordance with the provisions of the CUPE Constitution;
- be responsible to ensure that monies are not paid out without proper Constitution or membership authorization;
- ensure that proper financial reports are made to the membership;
- audit the record of attendance.

(f) The Sergeant-at-Arms shall:

- guard the inner door at membership meetings and admit no one but members in good standing or officers and officials of CUPE, except on the order of the President and by consent of the members present;
- perform such other duties as may be assigned by the Executive from time-to-time.

(g) Vice-Presidents shall:

- hold membership meetings at least every four (4) months per school year;
- hold additional meetings when needed;
- attend executive meetings regularly to report on their membership meetings;
- voice the wishes and concerns of their membership to the Executive;

- represent their membership with the Board Office or Employer;
 - sit on the Labour Management Committee;
 - make a reasonable effort to attend School Board meetings in their respective area or find a member within their area to attend in their place;
 - keep a record of membership attendance for all meetings.
- (h) Past-President (1-year term) (ex-officio Executive Member) shall:
- support the incoming Executive;
 - assist the new President in his/her duties;
 - attend the Executive Meetings.

SECTION 8 - NOMINATIONS, ELECTIONS & INSTALLATION OF OFFICERS

(a) Nominations

- 1) Nominations shall be received at the Annual Membership Meeting. To be eligible for nomination, a member must be in good standing.
- 2) No nomination shall be accepted unless the member is in attendance at the meeting, or has allowed him or herself to be replaced at the meeting with his/her consent in writing, duly witnessed by another member.
- 3) Nominees will have two minutes to speak to membership.

(b) Elections

- (1) The Executive shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
- (2) The Returning Officer shall be responsible for issuing, collecting, and counting ballots. He/she must be fair and impartial and see that all arrangements are unquestionably democratic.
- (3) The voting shall take place at the Annual Membership Meeting. The vote shall be by secret ballot.
- (4) Voting to fill one (1) office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
- (5) A majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots shall be

taken, if necessary, to obtain a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot shall be dropped. The vote shall be retaken until there is a majority of votes for a candidate.

- (6) When two (2) or more nominees are to be elected to any office by ballot, each member voting shall be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
- (7) Any member may request a recount of the votes for any election and a recount shall be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as laid down in Section 3(c).

(c) Installation

- (1) All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for two (2) years. Vice-Presidents for School Areas 1 and 3 shall be elected in odd numbered years. Vice-Presidents for School Areas 2 and 5 and Area 4 shall be elected in even numbered years.
- (2) The term of office for Trustees shall be as laid down in Article B.3.10 of the CUPE Constitution.

(d) By-Election

Should an office fall vacant pursuant to Section 6(f) of these by-laws or for any other reason, the resulting by-election should be conducted as closely as possible in conformity with this Section.

SECTION 9 – OUT-OF-POCKET EXPENSES

- (a) Any expenses incurred as a result of Union Business shall be reimbursed after bills have been submitted and passed for payment at an Executive meeting.
- (b) The following expense allowance shall be paid to the following officers at the following rates, at the Annual meeting each year, after his/her term in office:

President	- \$700 per annum
Secretary-Treasurer	- \$500 per annum
Recording-Secretary	- \$500 per annum

*First Vice-President	- \$500 per annum
Vice-Presidents	- \$500 per annum
Past President	- \$200 per annum
Trustee	- \$100 per annum

* If the First Vice-President is called upon to fulfil the duties of the President, two (2) or more times during his/her term, he/she shall receive an additional \$100.00.

- (c) An Officer serving less than 100% of his/her term shall be paid an expense allowance as per the percentage of his/her term served.
- (d) No member elected to the Executive or any Committee shall be paid wages at an hourly rate as part of his/her duties.
- (e) CUPE Local 3260 adopt one day per school week for our president or Executive alternate, as a CUPE Business day and all expenses incurred be the responsibility of CUPE Local 3260

SECTION 10 - FEES AND DUES

(a) Initiation Fee

Each application for membership in the Local shall be directed to the Secretary-Treasurer and shall be accompanied by an initiation fee of five (\$5) dollars, which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected, the fee shall be returned.

(b) Monthly Dues

- 1) The monthly dues shall be 1.5% of monthly wages.
- 2) Changes in the levels of the Monthly Dues shall be effected only by following the procedure for amendment of these by-laws (see Section 15), with an additional provision that the vote must be by secret ballot.
- 3) Notwithstanding the above provisions, if the CUPE Convention raises minimum fees and/or dues above the level herein established, these by-laws shall be deemed to have been automatically amended to conform to the new CUPE minimum.
- 4) Special assessments shall be levied in accordance with Article B4.2 of the CUPE Constitution.

SECTION 11 - DELEGATES TO CONVENTIONS

- (a) Except for the President, all delegates to conventions/conferences shall be chosen by the Executive and shall report back to the Executive.
- (b) All members attending conventions/conferences and/or meetings on behalf of the membership shall be paid a meal allowance, child care and registration (if applicable) with receipts and a travel allowance based on the rates of CUPE National.
- (c) At the discretion of the executive, a maximum of three (3) delegates may attend the National Convention.

SECTION 12 - COMMITTEES

- (a) Negotiation Committee

This shall be a Special Ad hoc Committee established at least six (6) months prior to the expiry of the Local's Collective Agreement and automatically disbanded when a new Collective Agreement has been signed. The function of the Committee is to prepare collective bargaining proposals and to negotiate a Collective Agreement. The Committee shall consist of six (6) members, the President, and a representative from each area, all elected at a regular membership meeting, and a Youth Service Worker elected (among the Youth Service Workers) to represent all PEI Youth Service Workers. The CUPE Representative assigned to the Local 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. The Negotiating Committee shall request proposals from its members to be submitted toward the bargaining process. All proposals received from the members shall be compiled by the Negotiating Committee and a copy be given to each area Vice-President to share with the members at the area meeting called for that purpose.

- (b) Pension Committee

The Representative on the Pension Committee shall be elected by the membership at the Annual meeting for a three (3) year term. An alternate

representative shall also be elected by the membership at the Annual meeting for a three (3) year term. The Representative on this Committee shall give a Pension Report at the Annual Meeting each year. The Pension Representative will provide a report for each Executive meeting: This report shall be shared with the alternate representative to keep him/her updated on Pension issues.

(c) Special Committees

A Special Ad hoc Committee may be established for a specific purpose and period by the membership at a meeting. The members shall be elected at this meeting or at another membership meeting or may, by specific authorization of the membership, be appointed by the President or the Executive. Two (2) members of the Executive may sit on any special committee as ex-officio members.

(d) Standing Committees

Preamble - All members of the Standing Committees (except Group Insurance Trust Committee) shall be elected at the Area Meetings prior to the Annual General Meeting for a term of two (2) years. There shall be one representative elected from each area. Representatives of Areas 1 & 3 shall be elected in odd numbered years and representatives from Areas 2 & 5 & Area 4 shall be elected in even numbered years.

The members of each Committee shall elect the Chairperson of each Standing Committee. The Chairperson and the Executive may jointly appoint other members to serve on a Committee. There shall be three (3) Standing Committees. These are; Education Committee; By-Laws and Resolutions Committee and Group Insurance Trust Committee.

(e) Education Committee

It shall be the duty of this Committee to:

- cooperate with the Executive in preparing press releases and other publicity material;
- decide the location for the October Professional Development Days to be held in Charlottetown and/or close proximity.
- plan and organize the events to be held during the October PD days;

- co-operate with the Union Development and Communications Departments of CUPE, and with the regional Education Representative, in implementing both the Local's and CUPE's policies in these fields. The Committee shall comprise of five (5) members, one (1) from the Executive and one (1) from each area, and shall appoint its Secretary from among its members;
- newly elected members will not assume their position until after the November PD Day.

(f) By-Laws and Resolution Committee

This Committee shall consider all proposed amendments to the By-Laws and shall submit its report and recommendations to the Executive by the middle of March of each year. This Committee shall also recommend such additional rules, as it deems necessary for the conduct of the Local. The executive shall submit all proposed amendments to the membership.

(g) Group Insurance Trust Committee

This Committee shall consist of two (2) members for a five (5) year term who will act as Trustees in representing the interest of the Local with respect to life, disability, accidental death or dismemberment, medical health care, or medical services of any kind. The Trustees shall give a report on the status of the insurance plan at the annual meeting. There shall be one (1) member elected from the East, and one (1) member elected from the West at the annual meeting.

Two trustees shall be elected by Local 3260; one representing the Eastern School Board and one person representing the Western/French School Board for a five (5) year term. Election will take place at the Annual General Meeting, every 5 years. Trustees are eligible for re-election at the end of their term. Any Trustee may resign as Trustee by giving thirty (30) days written notice to the Trust Committee Chairperson.

Prepare minutes and reports sent to the Executive representative. Executive representative for this committee will be chosen by the Executive after the Annual General Meeting.

Executive representative will notify Insurance Trustees of Executive meetings and will take information given by the trustees to the meeting. Once Executive has approved report Executive representative will send it to be posted on the Web Page and notify Insurance Trustee it has been approved.

Insurance Trustee will answer questions members may have and if unable to provide an answer will contact the appropriate people for the information.

Any questions, concerns or changes must be sent to Insurance Trustee in writing before Trust Committee meeting.

Trustees are required to become familiar with all aspects of the Trust through education and related conferences.

Insurance Trustees can send information out to members or have the help of the Vice – Presidents. This can be an agreement between the people involved.

Prepare Annual Report for the Annual General Meeting in November as this is when the other 3 Education Sector Locals have their AGM.

November's Report will be submitted in May with any recent updates.

- (h) In conjunction with the Executive, committee members shall meet and develop a mandate and policies for their committee activities and for the proper functioning of the committee.

SECTION 13 - MEMBER IN GOOD STANDING

- (a) A member in good standing is a card-carrying member.
- (b) Only members in good standing shall be permitted to run for office.

SECTION 14 - RULES OF ORDER

- a) All meetings of the Local shall 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 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 the By-Laws.
- b) In situations not covered by Appendix "A", the CUPE Constitution may provide guidance, but, if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied.

SECTION 15 - AMENDMENT

- (a) These By-Laws are always subordinate to the CUPE Constitution (including Appendix "A") as it now exists or may be amended from time to time. In the event of any conflict between these By-Laws and the CUPE Constitution, the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.
- (b) These By-Laws shall not be amended, added to, or suspended, except upon a majority vote of those present and voting at the Annual membership meeting following notice at a previous membership meeting, or at least sixty (60) days written notice.
- (c) No change in these By-Laws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President.

APPENDIX "A"

RULES OF ORDER

1. The President or, in his/her absence, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President and Vice-President, the Recording Secretary shall act as President, and in his/her absence, a President pro-tem shall be chosen by the Local.
2. No member, except the Chairperson of a Committee making a report or the mover of a resolution, shall speak more than five minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had an opportunity. Chairpersons and movers of a resolution shall be limited to fifteen (15) minutes, except with the consent of the meeting.
3. The President shall state every question forthcoming 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 Officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
5. A motion to amend, or to amend an amendment, shall be 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 (2/3) vote of those present, to deal with any urgent business.
7. All resolutions and motions other than those named in Rule 17, or those which accept or adopt the report of a Committee, shall, if requested by the Presiding Officer, be presented in writing before being put to the Local.
8. At the request of any member, and upon a majority vote of those present, a question may be divided when the sense will admit of it.
9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.

10. When a member wishes to speak on a question or to make a motion, he/she shall rise in his/her place and respectfully address the Presiding Officer, but, except to state that he/she rises to a point of order or on a question of privilege, he/she shall not proceed further until recognized by the Chair.
11. When two or more members rise to speak at the same time, the Presiding Officer shall decide which one is entitled to the floor.
12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as, any poor reflection on the Local or member thereof.
13. If a member, while speaking, is called to order, he/she shall cease speaking until the point is determined, if it is decided he/she is in order, he/she may again proceed.
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 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/she may in addition give a casting vote, or, if he/she chooses, refrain from breaking the 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 (3) 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 now be put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.