

CANADIAN UNION OF PUBLIC  
EMPLOYEES

NIAGARA DISTRICT COUNCIL

C.U.P.E. LOCAL 9102

CONSTITUTION & BYLAWS

*REVISED AUGUST 2017*

*National Approved October 29, 2018*

CONTENTS OF BYLAWS  
OF THE CANADIAN UNION OF PUBLIC EMPLOYEES  
NIAGARA DISTRICT COUNCIL  
C.U.P.E. 9102

ARTICLE 1 - NAME.....	1
ARTICLE 2 - OBJECTIVE.....	1
ARTICLE 3 - POLICY.....	1
ARTICLE 4 - MEMBERSHIP.....	2
ARTICLE 5 - REPRESENTATIVE.....	2
ARTICLE 6 - MEMBERSHIP FEES.....	3
ARTICLE 7 - OFFICERS AND DUTIES OF OFFICES.....	3
ARTICLE 8 - NONIMINATIONS AND ELECTIONS.....	8
ARTICE 9 - MEETINGS.....	10
ARTICLE 10 - ORDER OF BUSINESS.....	10
ARTICLE 11 - STANDING COMMITTEES.....	11
ARTICLE 12 - SCHEDULED EXPENSES FOR COUNCIL OFFICERS.....	12
ARTICLE 13 - DELEGATES TO CONVENTION.....	13
ARTICLE 14 - AMENDMENTS TO THE BYLAWS.....	14

## ARTICLE 1 - NAME

This council chartered by the Canadian Union of Public Employees shall be known as the Canadian Union of Public Employees, Niagara District Council, C.U.P.E. Local 9102 and it shall be subject to the Constitution of the Canadian Union of Public Employees and the Canadian Labour Congress.

It should consist of all the geographical area of the Council prescribed by The Executive Committee of the Canadian Union of Public Employees.

## ARTICLE 2 - OBJECTIVE

The Objective of this council are:

- [1] To Mirror those of the Canadian Union of Employees Constitution; and
- [2] To obtain maximum participation by Locals in the programs of the Canadian Union of Public Employees and the trade union movement.
- [3] To promote continuing union education to affiliation Local unions.
- [4] To aid and encourage the use of union-made goods and service.
- [5] To encourage the participation by the affiliated Locals in the matter of community interest.
- [6] To promote and support the Union movement in the Niagara Region.
- [7] To promote involvement for retirees within the Region of Niagara.
- [8] 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 the same wherever it occurs or appears;
- [9] Establish strong working relationships with the public we serve and the communities in which we work and live; and
- [10] Support CUPE in reaching all of the objectives set out in Article II of the CUPE National Constitution.

## ARTICLE 3 - POLICY

- [1] In all matters not regulated, Bourinot's Rules of Order shall govern.
- [2] The president is the official delegate to attend all Council functions. In the absence of the President, the Vice President shall attend. When more than one

delegate is required, a delegate or delegates shall be elected from the floor. Alternates shall be elected for all regular Council functions.

- [3] No Communication shall be read at the regular Council meeting, or resolutions introduced, unless they have first been submitted to the Executive Committee at their regular meeting preceding the Council meeting. The same shall be applied to requests to address the delegates with the exception of Local strike issues or emergency items.
- [4] The national Executive Board shall have the same power over this Council as over Chartered Union Locals in accordance with the terms of the Canadian Union of Public Employees Constitution.
- [5] The Council shall have only coordinating and advisory powers. Policy shall remain vested in the Local unions in accordance with the CUPE Constitution.
- [6] Wherever the singular or masculine is used in these by laws, it shall be considered as if the plural or feminine has been used where the context so requires.

The council will ensure that gender neutral language is used at all meetings.

#### ARTICLE 4 - MEMBERSHIP

- [1] Membership in this Council shall be open to all Locals of the Niagara District area chartered by the Canadian Union of Public Employees. To remain as an affiliate a Local Union must abide by the Canadian Union of Public Employees Constitution and the Bylaws of the Council.
- [2] The Council shall remain in existence so long as five (5) Local Unions are affiliated.
- [3] Locals affiliated with the Council will provide the Recording Secretary with their current address, home telephone contact number and where available, an email address. The members 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.

#### ARTICLE 5 - REPRESENTATIVE

- [1] Each affiliated Local union shall have representation on the following basis:
  - 2 delegates for the first 249 members
  - 3 delegates for 250- 350 members
  - 4 delegates for 351-450 members
  - 5 delegates for 451-550 members

6 delegates for 551- members or more

- [2] Any affiliate which is three [3] months or more in arrears in Per Capita Tax payment to the Council, shall have its voting rights suspended. [See Duties of Secretary Treasurer, Article 7, Paragraph 7.]
- [3] National Executive Board Members and Staff Representatives may attend meetings with voice but without vote.
- [4] At the time of affiliation, and after each election of officers, a; affiliated Locals will provide this Council with an up-to- date list of officers, including the names of their credentialed delegate[s].

## ARTICLE 6 - MEMBERSHIP FEES

- [1] Each Local wishing to affiliate with the Niagara Council of the Canadian Union of Public Employees shall pay an affiliation fee of ten [\$10.00].
- [2] Each affiliated shall pay a per capita of twenty [20] cents per fulltime member and ten [10] cents per part time member and five [.5] cents per quarter time member per month.

Such per capita tax shall be paid monthly or quarterly, subject to the provisions of Article 5 [2] of these bylaws. Per capita tax to the Council shall be paid on the same membership basis as applies in the per capita tax payments to the Canadian Union of Public Employees.

- [3] All monies collected by the Secretary-Treasurer for capita or another source shall remain the property of this Council until properly expended, and any affiliate ceasing to be an active member of this Council shall forfeit all right, title and interest in and to this Council, or part thereof.

## ARTICLE 7 - OFFICERS AND DUTIES OF OFFICES

### PREAMBLE

All delegates are 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.

All signing Officers 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.

- [1] The Officers of this Council shall consist of a President, a Vice President, a Recording Secretary, Secretary-Treasurer, three [3] Trustees and three [3]

Executive Officers. The Executive Board shall be comprised of all officers, except Trustees.

- [2] The Executive Board shall have general supervision of the affairs of the Council between regular meetings. The Board shall meet monthly prior to the regular meetings and shall consider and make recommendations of all matters arising out of the business of this Council. Four [4] members of this Committee shall constitute a quorum. Any costs over \$250.00 need to go before the membership for authorization.
- [3] It is the duty of the Officers to attend meetings on a regular basis. Should any officer fail to answer the roll call for three [3] consecutive membership meetings or three consecutive executive meetings without having a good and sufficient cause, that Office shall be declared vacant and position filled at the following meeting.
- [4] President

The President shall:

- [a] Preside at all meetings of this Council.
- [b] Preserve order and decorum, and enforce the Canadian Union of Public Employees Constitution and Bylaws.
- [c] Be the spokesperson for all delegates representing this Council including conventions if attending as a Council delegate.
- [d] Sign all official documents and shall be one of the signing officers for the disbursement of funds.
- [e] Perform such other duties as are required by the delegates.
- [f] Interpret these bylaws as required.
- [g] Decide all points of order and procedure (subject always to appeal to the membership).
- [h] Have the same right to vote as other members. In the case of a tie vote, the President may cast another vote or the President may refrain from casting an additional vote, in which case the motion is defeated.
- [i] Ensure that all Officers perform their assigned duties.
- [j] Fill committee vacancies where elections are not provided for.
- [k] Introduce new members and conduct them through the initiation ceremony.
- [l] Sign all cheques and ensure that the Council funds are used only as authorized or directed by the CUPE Constitution Local Union bylaw, or vote of the membership.

- [m] Be allowed necessary and reasonable funds to reimburse the President or any Officer 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.

[5] Vice-President

The Vice-President shall:

- [a] Assist in the discharge of the President's official duties.
- [b] If the office of the President falls vacant, be Acting President until a new President is elected through a by- election.
- [c] Be one of the officers for the disbursement of funds in the absence of the President of the Secretary Treasurer
- [d] Coordinate and chair the Education Committee.

[6] Recording Secretary

The Recording Secretary shall:

PREAMBLE

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 written financial report (membership meetings) presented by the Secretary-Treasurer.

The record will also include Trustee's reports.

- [a] Keep a correct record of the proceedings of all meetings of the Council.
- [b] Read and/ or distribute same at the general meetings.
- [c] Refer all communications to the Executive Board or Presiding Officer, and shall read such as are requested.
- [d] Record attendance of all Officers at every meeting.
- [e] Notify all members when there is to be a meeting
- [f] Keep a record of all members present at all meetings of the Council.
- [g] Handle in-coming and out-going communications for the Council.
- [h] Maintain a list of all credentialed local delegates.
- [i] Keep a record of all correspondence received and sent out and affiliate report.

[7] Secretary Treasurer

The secretary Treasurer shall:

- [a] 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.
- [b] Sign all cheques and ensure that the District Council's funds are used only as authorized or directed by the CUPE Constitution, District Council bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- [c] Ensure that per capita tax is paid by direct remittance, or where per capita is not paid by direct remittance, prepare all CUPE National per capita tax forms and remit payment, including \$1.00 of each initiation fee on all members admitted, no later than the last day of the following month.
- [d] Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting document, 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 District Council.
- [e] Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices.
- [f] Make a full financial report to meetings of the District Council's Executive Board.
- [g] Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- [h] Be bonded through the master bond held by CUPE National. Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office.
- [i] Pay no money unless supported by a cheque requisition or expense for 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 District Council is affiliated.
- [j] Make all books available for inspection by the Trustee and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
- [k] Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.



[l] Be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the District Council's funds.

[m] 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.

[8] Executive Officers

The duties of Three Executive Officers shall be:

[a] To attend all executive and general Council meetings.

[b] Prepare to assist the other Executive members when asked.

[c] Assist as members of standings committees.

[d] Promote the good of the Council.

[9] Trustees

The duties of the Trustees shall be:

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

[b] Make a written report of their finding to the first membership meeting following the completion of each audit.

[c] 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 District Council's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct, and proper manner.

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

[e] Ensure that proper financial reports have been given to the membership.

[f] Audit the record of attendance.

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

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

i. Completed Trustee Audit Program

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

[10] Membership Officer

The Membership Officer shall:

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

ARTICLE 8 - NONIMINATIONS AND ELECTIONS

[1] Term

The term of office for Executive Board members and Officers, except the Trustees, shall be two [2] years elected in the [odd] numbers years. Trustees shall be elected in accordance with the Canadian Union of Public Employees Union Constitution, Appendix B3.10. *Trustees audit the financial records of the Local Union and exercise general supervision over all property and assets of the Local Union. They ensure that the Secretary-Treasurer meets the requirements of Article B.3.6 and B.3.7.*

[2] Nominations and Elections

- [a] Nominations will occur at the same general meeting.
- [b] Nominations and elections shall be declared open at the November general meeting of the odd numbered years. No delegate may be nominated for office unless he is present at the nominations meetings or unless his proposer has his official consent in writing, which has been duly witness by another delegate.
- [c] No more than two [2] delegates of any Local Union can be nominated to the Executive Board.

[3] Elections

- [a] All Candidates shall be accredited to the Council and comply with Article 5 Paragraph 2.
- [b] Elections of Officers will be by secret ballot, and the Residing Officer will appoint a Returning Officer and Scrutineers from among the delegates to count same. Each delegate shall be entitled to only one vote.
- [c] The position of any Executive member who misses the three [3] consecutive membership meetings or three consecutive executive meetings without having good and sufficient cause shall be declared vacant. The members will be notified of such vacancy at the third meeting. At the regular meeting, elections will be held to fill vacancy. See Article 7.3.
- [d] Installation of Officers

All duly elected Officers shall be installed at the meetings at which elections are held and shall continue in office for 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.

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.

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 terms 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"*

[e] By-Elections

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

## ARTICE 9 - MEETINGS

- [1] Executive Board meetings shall be prior to the regular meeting.
- [2] The regular meeting of this Council shall be at 6:30, monthly dates to be set in the Month of June each year.
- [3] Special meetings shall be held when deemed advisable by the President, Executive Board, or upon written petition from ten [10] delegates representing five [5] affiliated Local Unions.
- [4] Quorum
  - [a] Quorum for an Executive meeting shall be four [4] Executive Board Members.
  - [b] Quorum for regular meetings shall be seven [7] of which four [4] must be from the Executive with representation from at least three [3] affiliated Local Unions.

## ARTICLE 10 - ORDER OF BUSINESS

- [1] Call Meeting to Order.
- [2] Roll call of Officers.
- [3] Reading of the Equality Statement.
- [4] Recognition of new delegates.
- [5] Reading and approval of the previous meeting's minutes.
- [6] Matters arising from the previous meeting's minutes.
- [7] Secretary's Treasurer's report.
- [8] Communications and bills.
- [9] Executive Committee Report.
- [10] Committee Reports.
- [11] Nominations, elections, or installations.
- [12] Unfinished Business.
- [13] New Business.
- [14] Delegate Reports.
- [15] Good of the Union.
- [16] Adjournment.

## ARTICLE 11 - STANDING COMMITTEES

- [1] There shall be seven [7] Standing Committees and the establishment of Special Committees as required.
- [i] Education Committee.
  - [ii] Social and Welfare Committee.
  - [iii] Political Action/ Public Relations Committee.
  - [iv] Women's Issues Committee.
  - [v] Special Committees.
  - [vi] Retirees Committees.
  - (vii) Equity Committee
- [2] Members of all Standing Committees shall include an executive board member and delegates at large. The Committee will present regular reports to meetings of this Council along with any appropriate recommendations.
- [3] Each Standing Committee chairperson elected or appointed shall report to meetings of this Council along with any appropriate recommendations.
- [4] The committee members shall keep minutes of all committee business and be prepared to turn over to the Council all records pertaining to the committee at the close of their responsibilities,
- [5] No expenditure by any committee shall be incurred unless same has been approved by the Council. Between Council meetings, the President and Secretary Treasurer shall approve and be held accountable for such non-budgeted expenditures which shall not exceed \$125.00.
- [6] Education Committee

It shall be the duty of the Education Committee to keep the Council informed on all matters pertaining to education, and cooperate with the CUPE Education Department in developing Union Education program within the Council's jurisdiction. The Vice-President shall chair this Committee and assist in the coordination of the Educationals.

- [7] Political Action Committee

This committee shall present the Council in all matters that Necessitate Political Action in the broadest possible terms. Such action may involve lobbying and/or appointing officials in all levels of government via presentation or written briefs or verbal comment. This Committee shall cooperate with all Political Action Committees within CUPE structure and the labour movement in general.

[8] Social Committee

This Committee shall:

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.

[9] Women's Issues Committee

This Committee shall keep Council and its affiliated Locals informed about women's issues and their impact. The Committee shall act as a resource and liaison group. The Chairperson of this Committee or designate shall be the Council's representation to CUPE Ontario Women's Committee.

[10] Special Committees

Special Committees may be established by the Executive Committee as becomes necessary and whatever the nature or mandate of these Committees, they shall report to this Council, the same as other Committees. Positions to this committee may be filled by election or appointment by the President.

[11] Retirees Committee

Retirees Committee shall be comprised of any CUPE retiree' from an affiliated Local or non-affiliated Local in the Region of Niagara. All retirees are welcome to attend meetings of the Niagara District CUPE Council.

[12] Equity Committee

This committee shall keep Council and its affiliated Locals informed about Equity issues and their impact. The committee shall act as a resource and liaison group. The Chairperson of this Committee or designate shall be Council's representation to CUPE Ontario Equity's Committee.

**ARTICLE 12 - SCHEDULED EXPENSES FOR COUNCIL OFFICERS**

[1] The following annual scheduled expenses shall be provided:

President	\$500.00
Recording Secretary	\$300.00
Secretary Treasurer	\$300.00
Vice President	\$300.00

Executive Board

Members at Large \$60.00

Trustees \$30.00 each per audit

Membership officer \$60.00

- [2] Expenses shall be paid to Executive Officers in attendance at the Regularly scheduled monthly meetings and such payments shall be made in May and December.
- [3] Any delegate appointed or elected on any business of this Council shall receive the following:

Conference/Convention registration fees.

Accommodations [Room and Parking].

Transportation.

[a] Mileage at the rate determined by the Niagara Regional Council.

[b] Economy air fare.

[c] Where applicable cost of transportation to and from airport

Scheduled Expenses

Full Day \$75.00

Half Day \$37.50 [less than five hours]

Lost time and benefits, if any

Receipts shall be required.

### ARTICLE 13 - DELEGATES TO CONVENTION

If the Council elects to send a delegate, the President shall be the delegate to all Conventions, unless already an elected delegate from their Local. In the latter case, or if the President chooses not to be a delegate to the convention, the delegate[s] shall be elected among the members.

## ARTICLE 14 - AMENDMENTS TO THE BYLAWS

The bylaws of the council may be changed by a two thirds majority vote of the delegates present at a regularly convened meeting of the council if notice of the intention to propose the amended or additional bylaws was given at least seven days before at a previous meeting or 60 days before in writing.

The bylaws of the Council may be changed be a two-thirds majority vote of the delegates present at a regularly convened meeting of the Council if notice of amendments has been presented in writing at the immediately preceding meeting, providing it does not conflict with the Constitution of the Canadian Union of Public Employees. Any amendment shall become effective after approval by the National President of the Canadian Union of Public Employees.