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CANADIAN UNION OF PUBLIC EMPLOYEES

Local 2221

&

Local 2221-1

BY-LAWS

**PREAMBLE**

In order to improve the social and economic welfare of its members without regard to sex, colour, race or creed, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, this Local of the Canadian Union of Public Employees. (hereinafter referred to as CUPE) has been formed.

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 for responsible administration of the Local, and to involve as many members as possible through he sharing of duties and responsibilities.

# SECTION 1 – NAME

The name of this Local shall be: Canadian Union of Public Employees,

Local No. 2221.

COSTI Immigrant Services and Canadian Union of Public Employees,

Local No. 2221-1 COSTI Immigrant Services LINC Instructors.

# SECTION 2 - OBJECTIVES

The objectives of the Local are to:

1. secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;

1. support CUPE in reaching the goals set out in Article II of the CUPE Constitution;

1. provide an opportunity for its members to influence and shape their future through free democratic trade unionism;

1. encourage the settlement by negotiation and mediation of all disputes between the members and their employers.

1. affiliate with Ontario Division and Social Services Coordinating Committee and;

to send local representation to attend these annual conferences.

## SECTION 3 – INTERPRETATION AND DEFINITIONS

1. Gender-sensitive pronouns shall be used throughout the By-Laws

1. Numbers of Articles at the end of sections or sub-sections refer to relevant articles of the CUPE Constitution which should be read in conjunction with these by-laws.

# SECTION 4 – MEMBERSHIP MEETING – Regular and Special

1. 2 Regular membership meeting shall be held every year (excluding July and August) on the second Thursday at 6 p.m. If a statutory holiday intervenes the Executive Board shall give a week’s notice of any change in the date of the regular meeting. When food is provided at these meetings the local shall pay the costs.

1. Special membership meetings may be ordered by the Executive Board or requested in writing by not fewer than 20 of the members of COSTI Local 2221 and not fewer than 10 COSTI LINC Instructors Local 2221-1. 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. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

1. There shall be at least two sectional meetings, each year for the members of each the two (2) Collective Agreements (Local 2221 & Local 2221-1). Locations and start times to be determined by the Vice-President of each Collective Agreement in consultation with the President. Sectional Meetings shall not be held during the months when a General Membership Meeting is held.

1. A quorum for the transaction of business at any regular or special meeting shall be 10 members, including at least three (3) members of the Executive Board.
2. The order of business at regular membership meetings is as follows

* 1. Roll Call of Officers
  2. Welcoming of New Members
  3. Reading of Minutes
  4. Matters Arising
  5. Treasurer’s Report
  6. Communication and Bills
  7. Executive Committee Report
  8. Reports of Committees and Delegates
  9. Nominations, Elections, or Installations
  10. Unfinished Business
  11. New Business
  12. Good of the Union
  13. Adjournment

# SECTION 5 – VOTING OF FUNDS

Except for ordinary expenses and bills as approved at membership meeting, no sum over one hundred dollars shall be voted for the purpose of a grant or contribution to a member or any cause outside CUPE, except by a notice of motion given in writing and dealt with at the following membership meeting.

Any funds withdrawn from the Local’s savings shall be witnessed and signed for by two out of three authorized executive members (i.e. the President, Vice-President, and Treasurer).

# SECTION 6 – OFFICERS

The Officers of the Local shall be the President, two (2) Vice-Presidents, one (1) from COSTI Local 2221 and (1) from COSTI LINC Instructors Local 2221-1, Secretary-Treasurer, Recording Secretary, three (3) Trustees, one Membership Officer, Shop Stewards (one per worksite) and a Grievance Chair.

All Officers shall be elected by the membership.

# SECTION 7 – EXECUTIVE BOARD

1. The Executive board shall comprise all Officers, except Shop Stewards

and Trustees.

1. The Board shall meet at least once every month

1. A majority of the Board constitutes a quorum

1. The Executive 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 proposition to a membership meeting and having it approved

1. The Board shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees

1. All charges against member or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution

1. Should any Board member fail to answer the roll call for three consecutive regular membership meetings or four regular Board meetings without having submitted good reasons for those failures, his office shall be declared vacant and shall be filled by an election at the following membership meeting

# SECTION 8 – DUTIES OF OFFICERS

1. The President shall:

* enforce the CUPE Constitution and these by-laws

* preside at all membership, Executive Board and Committee meetings and preserve order

* decide all points of order and procedure (subject always to appeal to the membership)

* have a vote on all matters (except appeals against his rulings) and in case of a tie vote in any matter, including election, 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 provided for

* introduce new members and conduct them through the initiation ceremony

* 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

* be allowed necessary funds, not to exceed $100.00 monthly, to reimburse himself or herself or any officers for expenses supported by vouchers, incurred on behalf of the Local

* have first preference as a delegate to the CUPE National Convention and the Social Services Convention

(b) The Vice-Presidents shall:

* it shall be the duty of the Vice-Presidents to supervise and direct all activities of the steward body within their Collective Agreement. It shall also be the duty of the Vice-President to preside over Sectional meetings
* if the President is absent or incapacitated, perform all duties of the President

* in the event of the resignation, death or other serious situation, the Executive will meet within 5 days to elect an acting President until a new President is elected at the next General Membership Meeting
* render assistance to any member of the Board as directed by the Board
* be one of the three officers authorized to sign all cheques and ensure that the Local’s funds are used only as authorized or directed by the Constitution, by-laws, or vote by the membership

(c) The Recording Secretary shall:

* keep full, accurate and impartial account of the proceedings of all regular or special membership, and Board meetings: and shall include a copy of the full financial report presented by the Secretary-Treasurer

* record all alterations in the by-laws

* answer correspondence and fulfill other secretarial duties as directed by the Board

* file a copy of all letters sent out and keep 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 Vice-President

* be empowered, with the approval of the membership, to employ necessary stenographic or other assistance to be paid for out of the Local’s funds;

on termination of office, surrender all books, seals and other properties of the Local to his or her successor

(d) The Secretary- Treasurer shall:

* Receive all revenue, initiation fees, duties and assessment, keeping a record of each member’s payments, and deposit promptly all money with a bank or credit union
* Sign all checks and ensure that the Local Union’s funds are used only as authorized or directed by the National Constitution, Local Union bylaws or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences
* Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices
* Make a full financial report to meetings of the Local’s Executive Board
* Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period
* Be bonded through the master bond held by CUPE National. Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office
* Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the President and one other member of the Executive Board as determined by the executive Board. No request shall be required for payment of per capita fees to any organization to which the Local Union is affiliated
* Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by the CUPE National

(e) The Trustees shall:

* Act as an auditing committee on behalf of the members and audit the books and accounts of the secretary –Treasurer, the Recording Secretary and the Committees at least once every calendar year
* Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization
* Ensure that proper financial reports have been given to the membership
* Audit the record of attendance
* Send to the National Secretary-Treasurer, with a copy to the assigned servicing Representative, the following documents
  1. Completed Trustee audit Program
  2. Completed Trustee’s Report
  3. Secretary –Treasurer Report to the Trustees
  4. Recommendation made to the President and Secretary Treasure of the Local Union
  5. Secretary – Treasurer’s response to recommendations
  6. Concerns that have not been addressed by the local Union Executive Board

 (f ) The Membership Officer shall:

* guard the inner door at membership meetings and admit no one but members in good standing or officers and officials of CUPE, except on the order of the President and by consent of the members present
* assist in maintaining the record of membership attendance at meetings

* perform such other duties as may be assigned by the Board from time to time

(g) The Grievance Chair shall:

* receive all written and signed grievances
* in certain circumstances, the grievance chair will investigate and assist in processing all grievances at the first step
* inform the grievance committee of any new grievances
* after consultation with the grievance committee, file and process grievances
* attend second step grievance meetings and attend all mediation and arbitration hearings
* report to the Executive Board on all matters relating to grievances
* act as chair of the Grievance Committee
* organize the training of shop stewards
* oversee the functioning of the shop stewards
* ensure that the National Representative assigned to the Local Union is made aware of the status of on-going grievances

(h) The Shop Stewards shall:

* receive verbal or written complaints from members
* if requested, attend the preliminary complaint discussion with the affected member(s) and Supervisor
* consult with the grievance chair for further investigation
* maintain communication with the affected member(s)
* participate in the grievance committee meetings
* ensure the distribution of information received from the Local, to all members within their worksite location
* encourage members to attend Union meetings and provide the attendance numbers to the Recording-Secretary

### SECTION 9 – OUT-OF-POCKET EXPENSES

The following expense allowance shall be provided, without need of supportive vouchers, to the following elective Officials of the local as compensation for normal and miscellaneous out of pocket expenses.

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###### President $1500 annually

###### Vice President Local 2221 $1250 annually

Vice President Local 2221-1 $1000 annually

Grievance Chair $750 annually

###### Treasurer $1000 annually

###### Recording Secretary $750 annually

Membership Officer $500 annually

Shop Stewards $100 annually

Trustees $50 per Semi-Annual audit of the Locals books

Annual payment will be paid in the month of December providing the above officials have been in active office for at least 10 months.

The out-of-pocket expense shall be pro-rated where necessary.

The out-of-pocket expensemay be withheld, if, in the opinion of the Executive (subject to membership approval) the duties of the office have not been carried out satisfactorily.

The person having the allowance with-held may appeal the Executive Committee's decision at the next membership meeting. The members’ vote shall be final.

Executive Officers and/or members who have been approved by the Executive to attend meetings, educational workshops and/or Union seminars will be entitled to claim the following expenses: (Revised as of May 28, 2013)

$15 for Lunch

$30 for Dinner

Parking (receipt required)

Mileage in accordance to the Collective Agreement from place of employment

$35 Child care expenses (receipt required)

### Executive Officers and/or members are required to submit the above expenses, with receipts if required, on a CUPE expense sheet. All claims must be submitted no later than December 31 for payment of the appropriate year.

### SECTION 10 – FEES, DUES, AND ASSESSMENTS

#### 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 $1.00 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.

1. Readmittance Fee

The readmittance fee shall be $1.00.

#### (c) Monthly Dues

The monthly dues shall be 1.25% beginning in Sept 2003.

Changes in the levels of the Initiation Fee, the Readmittance Fee, or the

bi-monthly Dues can be affected only by following the procedure for amendment of these by-laws (see Section 15), with the additional provision that the vote must be by secret ballot.

Notwithstanding the above provisions, if the CUPE 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 CUPE minima.

Special assessments may be levied in accordance with Article B.4.2. of the CUPE Constitution

SECTION 11 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

(a) Nomination

Nominations shall be received at the regular membership meeting held in the month of November. To be eligible for nomination a member shall have attended at least fifty percent of the membership meetings held in previous twelve months or in the period he or she was a member, if less than a year, unless a valid reason, acceptable to the Local, has been given for non-attendance. No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting his/her consent in writing, duly witnessed by another member. No member shall be eligible for nomination if he/she is in arrears of dues and/or assessments. Sectional Vice-Presidents, stewards and negotiation committee should be elected at sectional meetings after the general elections, i.e. in December. In the event that the position of Vice-President or steward becomes vacant, a special election shall be held to fill the vacancy for the remainder of the term at the first sectional meeting after the position becomes vacant.

(b) Elections

(1) The voting shall take place at the regular membership meeting in

November. The vote shall be by secret ballot.

1. Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
2. 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. In case of a final tie vote, the presiding officer may cast the deciding vote.

1. When two 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.
2. 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 4 (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 2 years or until a successor has been elected and installed, provided, however, that no term of officer shall be longer than three years.

* 1. The terms of office for Trustees shall be as laid down in Article B.3.10 of the CUPE Constitution.

1. By-Election

Should an office fall vacant pursuant to Section 7 (g) 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 12 – DELEGATES TO CONVENTIONS

(a) The President shall be given first preference to be a voting delegate. Second preference will be given to member who has attended 50% or more of the General Membership meetings and Sectional meetings within the past 12 months with the decision being made by lottery.

(b) Delegates to the Toronto District Council shall be elected annually. The President from among these delegates shall appoint an official reporter for these delegates annually, and he shall be required to report at each membership meeting of the Local on proceedings at recent meetings of the Council.

(c) All delegates elected to the conventions held outside the city of Toronto shall be paid transportation expenses (at economy, tourist or coach rates), hotel expenses and a per diem allowance of $75.00 dollars for expenses, and an amount equal to any loss of salary incurred by attendance at the convention.

(d) Delegates to conventions held locally shall be paid reasonable travel allowance but shall not receive hotel expenses unless approved by the membership. There shall be a per diem allowance of $50.00 dollars and compensation for any loss of salary incurred by attendance at the convention.

(e) Representation at educational institutes and seminars shall be on the recommendation of the Education Committee, subject to final approval by the membership.

(f)Mileage shall be paid at the rate negotiated in the Collective Agreement.

### SECTION 13 –COMMITTEES

(a) Negotiating Committee

Each Collective Agreement will establish a special ad hoc committee established at least 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 5 COSTI Local 2221 members and 2 COSTI LINC Local 2221-1 members, all elected at a membership meeting. 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. This committee shall be entitled to reimbursement for reasonable out of pocket, meal and childcare costs while performing their duties on behalf of the local.

(b) Special Committees

A special ad hoc committee may be established for a specified purpose and period by the membership at a meeting. The members shall be elected at the same or another membership meeting or may, by specific authorization of the membership, be appointed by the President or the Executive Board, Two members of the Board may sit on any special committee as ex-officio members.

(c) Standing Committees

The members at a membership meeting shall elect the Chairperson of each standing committee. The Chairperson and the Executive Board may, with the concurrence of the membership, jointly appoint other members to serve on a committee, The Executive Committee shall be a member, ex-officio, of each committee. There shall be four standing committees as follows:

1. Grievance Committee

This Committee shall process all grievances not settled at the initial stage and its reports shall be submitted first to the Executive Board, with a copy to the CUPE Representative, and then to a membership meeting. Grievances must be in writing on the forms provided by the National Office and be signed by the complainant or the complainants, as provided for in the collective agreement. The Committee shall comprise of the president, the grievance chairperson and the shop steward. The Committee shall appoint its secretary from among its members.

1. Education Committee

It shall be the duty of this Committee to:

* Arrange for representation of the Local at any appropriate and available educational seminar or conference and submit recommendations accordingly to the Executive Board;

* Instruct delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file of these reports;

* Co-operate with the Executive Board in preparing press releases and other publicity material;

* Co-operate with the Education and Communications Departments of CUPE, and with the regional Education Representative, in implementing both the Local and CUPE’s policies in these fields. The Committee shall comprise between 1 and 3 Members and shall point its secretary from among its members.

1. Social Committee

It is the function of this Committee to arrange and conduct all social and recreational activities of the Local 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. A ceiling for the Committee’s net expenditures shall be fixed annually by the membership but, other than that, all social and recreational events and activities shall be self-supporting. The Executive Board shall be held responsible for the proper and effective functioning of this Committee. The Committee shall comprise between 3 and 5 members and may appoint a secretary-treasurer from among its members.

### SECTION 14 – RULES OF ORDER

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.

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) The By-laws are always subordinate to the CUPE Constitution 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 CUPE Constitution, the latter shall govern. Constitutional, interpretation, including determination of conflict, is the prerogative of the National President.

(Article 9.2(c), 12.3 & B.7.1)

(b) These By-laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following seven days notice at a previous meeting or at least sixty (60) days written notice.

(Article B.7.1)

(c) No change in the 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" TO THE BYLAWS OF LOCAL 2221, CUPE**

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**R U L E S O F O R D E R**

1. The President or, in his 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 absence the Local shall choose a President pro-tem.

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 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 officer must be moved and seconded; both mover and seconded 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 vote of those present, to deal with any urgent business.

7. All resolutions and motions other than those named in Rule l7, or those to 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 seconded, 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 shall rise in his place and respectfully address the presiding officer, but, except to state that he rises to a point of order or on a question of privilege, he 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 shall cease speaking until the point is determined; if it is decided he is in order, he 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 may in addition give a casting vote, or, if he 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 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 or 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 (1) 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 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 state briefly the basis for his challenge. The Chairperson may then state briefly 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 the same or next meeting, move reconsideration thereof.

24. No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of officers, or the taking of a vote; and no member shall be allowed to leave without the permission of the Vice-President.

25. The Local's businesses, and proceedings of meetings, are not to be divulged to any persons outside the Local or the Canadian Union of Public Employees.

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