

CANADIAN UNION OF PUBLIC EMPLOYEES

LOCAL 38

BY-LAWS

APPROVED BY LOCAL 38 MEMBERSHIP DECEMBER 19, 2006

Approved by National President February 8, 2007

**CANADIAN UNION OF PUBLIC EMPLOYEES
LOCAL 38**

PREAMBLE

In order to improve the social and economic wellbeing of its members; without regard to sex, colour, ethnic origin, religious or political beliefs; to promote efficiency in Public employment and to manifest its' belief in the value of the unity of organized labour; The Canadian Union of Public Employees (hereinafter referred to as C.U.P.E.) has chartered Local Number 38.

Each Sub-Local's autonomy is guaranteed to the extent that it shall not create disunity within the Local or by the taking of any action that might endanger the Local as a whole. Therefore, consistent with the paramount interest of the whole, each Sub-Local shall have the right to elect its own officers.

BY-LAWS

SECTION ONE: NAME

The name of this organization shall be: CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 38, CALGARY MUNICIPAL AND PUBLIC SERVICE EMPLOYEES; (hereinafter referred to as the "Union").

SECTION TWO: MEMBERSHIP

2.01 Eligibility: Those persons who are:

- a) Employees of the City of Calgary or any employer covered by a Certificate of Bargaining Rights held in the name of C.U.P.E. Local 38.
- b) Employees of a Federal, Provincial or Municipal Government or Local Authority or any subdivision thereof.
- c) Employees of any Public Board, Commission or Authority established by or related to the Federal, Provincial or Municipal Governments.
- d) Employees of any Hospital, Social or Welfare Agency established to serve a community.
- e) Employees of any Public Utility whose charges or rates come under the supervision or approval of a regulatory agency.

Shall be eligible for membership in this Union.

2.02 Procedure:

Any person who has signed an application card, and paid the initiation fee shall be accepted for membership unless a majority of members present and voting at the

subsequent regular meeting of the Union, object to that membership being granted.

2.03 Human Rights:

Every member has the right to equal benefit, equal protection and equal treatment under these by-laws without discrimination and, in particular, without discrimination based on age, colour, family status, gender, marital status, mental or physical disability, national or ethnic origin, political affiliation, religion, sexual orientation or social and economic status.

SECTION THREE: MEETINGS

3.01 Regular General Membership meetings of the Union shall be held on the fourth (4th) Tuesday of each month at **7:00** p.m. excepting July and August.

3.02 Annual Election meeting shall be held in April of each year for the purpose of electing Officers.

3.03 Special Membership meetings may be called by the Executive Board, the President, or when requested in writing by no fewer than twenty (20) members in good standing.

3.04 Regular Executive meetings shall be held on the third (3rd) Tuesday of each month, except July and August, prior to the Regular General Meeting.

3.05 Meeting Change: Notwithstanding Sections 3.01, 3.02 and 3.04 above, those meetings may be changed but not cancelled, at the discretion of the Executive Board.

3.06 Special Executive meetings may be called by the President or at the written request of no less than four (4) members of the Executive.

3.07 Quorum for meetings shall be:

- a) twenty (20) members, including at least three (3) members of the Executive for Regular or Special Membership, including the Annual Election, meeting(s).
- b) fifty-one percent (51%) of those eligible to attend, to be present, prior to conducting business for Executive or Table Officer meetings.
- c) ten (10) eligible members in attendance prior to conducting business for meetings of the Stewards.
- d) fifty-one percent (51%) of those eligible to attend, to be present, prior to conducting business for Standing or Special Committees.

3.08 Agenda the order of business at a regular General Meeting shall be:

- a) Opening

- b) Roll Call of Officers
- c) Applications for Membership
- d) Election of Officers
- e) Minutes of the previous meeting(s)
- f) Communications and Bills
- g) Reports
- h) Elections
- i) Unfinished (old) Business
- j) New Business
- k) Good and Welfare
- l) Adjournment.

3.09 Rules of Order at all meetings of this Union shall be in accordance with the basic principles of Canadian parliamentary procedure. These rules shall be considered as an integral part of these 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 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 FOUR: FEES, DUES AND ASSESSMENTS

- 4.01 Initiation Fee:** Each application for membership shall be forwarded to the Treasurer of the Union along with the minimum initiation fee allowed by the Alberta Labour Relations Board. The initiation fee is in addition to any monthly dues or assessments. A receipt is issued and shall be refunded if the application for membership is not accepted.
- 4.02 Bi-weekly dues** for this Union shall be an amount equal to the C.U.P.E. National Percentage Per Capita plus decimal six percent (.6%) and applying the resulting percentage against the employees bi-weekly (bi-monthly) cheque.
- 4.03 Special Assessments** may be established from time to time in accordance with the C.U.P.E. National Constitution (Article B.4.2)
- 4.04 Payment of Dues and Assessments** shall only be required from those members in receipt of regular wages, Short Term Sickness & Accident Benefits or authorized paid Leave of Absence. Members on Long Term Disability Leave or unpaid Leave of Absence shall retain their membership privileges but will be exempted from dues/assessments payment.

SECTION FIVE: OFFICERS

- 5.01 Table Officers** of this Union shall be;
- President
 - Business Agent
 - Chief Steward
 - Vice President

Secretary
Treasurer

- 5.02 Executive Board** shall be comprised of the above plus ten (10) Executive at Large positions and a Warden.
- 5.03 Trustees** three (3) elected at large.
- 5.04 Sub-Local Chairpersons** shall be entitled to attend Executive Board meetings as ex-officio members with voice but no vote.
- 5.05 Executive/Trustees absent** for more than three (3) consecutive meetings, unless good and adequate cause can be shown for absence, shall be deemed to have resigned and the position declared vacant.

SECTION SIX: COMMITTEES

- 6.01 Standing Committees** excepting Stewards, listed below shall be elected annually, in the month following the Annual Election meeting.
- a) Stewards
 - b) Occupational Health & Safety
 - c) Social
 - d) Public Relations & Education Committee
 - e) Equal Opportunities
- 6.02** Stewards shall be elected for a two (2) year term by the members in their work area. Elections will be conducted by an officer.
- 6.03** All committees shall have at least one (1) Executive Board member appointed or elected to them, who shall act as a liaison between the Committee and the Executive.
- 6.04** The minimum size for any committee shall be three (3) with a maximum of six (6) members excluding the Stewards Committee.
- 6.05 Special Committees** may be appointed or elected as needed. Such Committee(s) shall only be for a specific purpose and length of time. These Committees shall be dissolved upon expiration of their mandate, unless that mandate is extended by majority vote, at a membership meeting.
- 6.06 Negotiating Committee for** The City of Calgary shall consist of the Table Officers plus the assigned National Representative(s), and up to two members employed by The City of Calgary, elected at large.
- 6.07 Members absent** from more than three (3) consecutive meetings of their

committee, unless good and adequate cause can be shown for such absence, shall be deemed to have resigned and the position declared vacant.

- 6.08 **Ex-Officio membership** on all committees shall be afforded the Table Officers of this Union.
- 6.09 **Expenditure of funds** shall not be authorized by any committee, unless that decision is a result of membership approval.
- 6.10 **Operational Guidelines** shall be as shown in Appendix "C".

SECTION SEVEN: ELECTIONS TO OFFICE

7.01 **Eligibility:**

- a) A member shall be eligible for nomination to any office if they have attended at least fifty percent (50%) of General meetings in the twelve (12) months immediately prior to the month in which the election is held.
- b) Be present at the time of nomination or indicate in writing to the Secretary a willingness to stand if nominated.
- c) **Members unable to attend a regular general membership meeting due to being on an approved leave of absence for Union business shall be marked present.**

- 7.02 **Term of Office:** For all positions except Trustees, shall be two (2) years. **Trustees** shall be elected to a three (3) year term as per the C.U.P.E. National Constitution (B.3.10).

All terms in office will commence immediately prior to the next regular General meeting following election to office.

7.03 **Procedure** shall be as follows:

- a) **Even year elections** shall include the following two (2) year term positions; President, Chief Steward, Treasurer and Warden, five (5) Executive Members at Large.
- b) **Odd year elections** shall include the following two (2) year term positions; Vice President, Business Agent and Secretary, five (5) Executive Members at Large.
- c) Voting shall be by secret ballot with each office completed prior to commencing balloting on the next.
- d) 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.
- e) Any member may request a recount of the votes, prior to the next ballot being announced, for any election and a recount shall be conducted if the request is supported by the majority in an open vote.

7.04 Elections For Vacant Positions

By-Elections to fill offices vacated more than three (3) months prior to annual elections should be conducted as follows:

- a) When any position or office (officers, Committee members, etc.) normally elected at a general membership meeting becomes vacant, an election shall be held to fill said vacancy at the next regular or specially called membership meeting providing written notice of the meeting is posted/circulated, at least one (1) week prior to the night of the meeting.
- b) Persons elected under this Clause shall assume their duties immediately after adjournment of the meeting at which they were elected or, in the case of a full time position, as soon thereafter as possible and shall serve the remainder of the unexpired term.

Interim Filling of Vacant Positions

- c) In the event of a vacancy in the office of President, the Business Agent shall perform the full time duties and the Vice President shall perform all other duties of the office as per the C.U.P.E. National Constitution, until a successor is elected and assumes office as above. In the event the next regular membership meeting at which an election can be held exceeds forty (40) days from the date of the vacancy, the Business Agent shall call a special membership meeting for the purpose of electing a successor in conformance with this section.
- d) In the event of a vacancy in the office of Business Agent, the President shall perform the duties until a successor is elected and assumes office in the same manner as above.
- e) In the event of a vacancy in the office of Vice President, Secretary, Treasurer, or Chief Steward, the President shall call a special executive meeting, within one (1) week of the occurrence of the vacancy, for the purpose of selecting an officer to fill said vacancy until a successor is elected in conformance with a) above.

7.05 **Installation** of all duly elected officers shall take place at the meeting at which they were elected.

SECTION EIGHT: DELEGATES

8.01 Eligibility

- 1) Conventions
 - a) To attend conventions members must have attended at least three (3) General meetings in the twelve (12) months immediately prior to the month in which the election is held.
Members unable to attend a regular general membership meeting due to being on an approved leave of absence for Union business shall be marked present.
 - b) Be present at time of nomination or have indicated in writing to the

Secretary that they are willing to stand if nominated.

- 2) Seminars and Conferences
 - a) Eligibility for functions outside of the City of Calgary as in (a) above.
 - b) No prior meeting attendance required for functions inside the City of Calgary.
 - c) Be present at time of nomination or have indicated in writing to the Secretary that they are willing to stand if nominated.
 - 3) Schools
 - a) No prior meeting attendance required for schools.
 - b) Be present at time of nomination or have indicated in writing to the Secretary that they are willing to stand if nominated.
- 8.02 Selection process:** Elected delegates to conventions, schools, affiliated groups, seminars, etc., shall be chosen by plurality election at a membership meeting, i.e. those candidates with the most votes shall be declared elected.
- 8.03 C.U.P.E. District Council and Calgary and District Labour Council delegates** shall be elected annually.

SECTION NINE: FINANCIAL POLICY

- 9.01** Except for ordinary expenses and bills, as approved by a membership meeting, no sum in excess of one thousand dollars (\$1,000.00) shall be voted on for the purpose of a grant or contribution to a member or any cause outside of C.U.P.E. except by notice of motion, given in writing and dealt with at the following membership meeting, unless otherwise provided for in these By-Laws.
- 9.02 Strike Appeal** donations up to a maximum limit of one dollar per member per appeal may be made between membership meetings, provided that the majority of the executive agree with the decision and it is reported to the members at the next meeting.
- 9.03 Salaries and benefits** of paid officers are included in Appendix "B".
- 9.04 Expenses for union business**, to cover meetings, travel, delegates, out-of-pocket, officers and stewards are included in Appendix "B".
- 9.05**
 - a) **Signing Officers** shall be chosen from the TABLE OFFICERS of the Local, all of whom shall be bonded, in the amount determined by CUPE National.
 - b) **The Treasurer** (or Treasurer's designate when Treasurer is absent) plus one other Table Officer shall provide the two (2) signatures required on all financial transactions.
- 9.06 Delay of Financial Expenditure** The President shall have the right to veto any expenditure authorized by the membership for a period of not more than sixty (60) days during which time the President shall either authorize the expenditure or call

for reconsideration of the motion. If the reconsideration is defeated no further delays can be imposed and the funds should be released forthwith.

SECTION TEN: DUTIES OF OFFICERS

10.01 The President shall:

- a) introduce new members and conduct them through the initiation ceremony;
- b) enforce the C.U.P.E. Constitution and these by-laws;
- c) preside at all membership meetings and preserve order;
- d) decide all points of order and procedure (subject always to an appeal to the membership);
- e) have a vote on all matters (except appeals against the chair) and in the case of tie vote in any matter, including elections, have the right to cast an additional vote to break the tie;
- f) ensure that all officers perform their assigned duties;
- g) fill committee vacancies where elections are not provided for;
- h) ensure that all correspondence is dealt with efficiently at the appropriate level;
- i) ensure that Union funds are used only as authorized or directed by the Constitution, by-laws or vote of the membership;
- j) be a signing officer;
- k) be a full time paid officer;
- l) be responsible for operation of the office;
- m) be the Spokesperson for the Local, unless another person is delegated this responsibility;
- n) handle grievances as required.

10.02 The Vice-President shall:

- a) if the President is absent or incapacitated, perform the duties of the President, excepting full-time;
- b) chair the executive board meetings and preserve order;
- c) if the office of President falls vacant, be Acting President until a new President is elected as per 7.04 c);
- d) be a signing officer;
- e) render such assistance deemed necessary to any member upon the direction of the Executive Board.

10.03 The Business Agent shall:

- a) co-ordinate the education of the membership;
- b) act as an advisor to the Stewards Committee;
- c) actively recruit, train and activate new Stewards;
- d) render such assistance deemed necessary to any member upon the direction of the Executive Board;
- e) represent members at Grievance Hearings;
- f) be a full time paid officer;
- g) assume full-time duties as per 7.04 c).

10.04 The Chief Steward shall:

- a) Chair the Steward Committee meetings;
- b) Actively recruit, train and activate new Stewards;
- c) represent members at Grievance Hearings.
- d) be "booked off" as necessary to ensure adequate time is available to properly perform the above duties.

10.05 The Secretary shall:

- a) keep a full and accurate account of the proceedings of all regular, special, and all executive board and table officer meetings;
- b) preside over membership or Board meetings in the absence of the President and Vice-President;
- c) record all alterations in these by-laws;
- d) be "booked off" as necessary to ensure adequate time for the above duties;
- e) be a signing officer.

10.06 The Treasurer shall:

- a) receive all revenue, initiation fees, dues and assessments, keeping a record of each members payments and promptly deposit all funds to the Union's accounts with a bank or credit union;
- b) prepare all C.U.P.E. National per capita tax forms and remit payment by the fifteenth (15th) day of each month;
- c) record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices;
- d) prepare a financial report to the membership on a monthly basis;
- e) ensure that no funds are paid out of the Union treasury unless proper authorization has been obtained;
- f) make all books, records, etc. available to the trustees and/or auditors on reasonable notice;
- g) have the books audited by the Trustees semi-annually;
- h) be "booked off" as necessary to ensure adequate time is available to properly perform the above duties;
- i) be a signing officer;
- j) Prepare the annual budget estimates.

10.07 The Warden shall:

- a) guard the inner door at 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;
- b) assist in maintaining the record of membership attendance at meetings;
- c) perform the same duties as enumerated in 10.09 (Executive-at-Large).

10.08 The Trustees shall:

- a) act as an auditing committee on behalf of the members;
- b) audit the books and accounts semi-annually, and report their findings to the membership at the first meeting following each audit;
- c) be responsible to ensure that monies are not paid out without proper

authorization from the members, and that expenditures are constitutionally correct;

- d) every six (6) months inspect any stocks, bonds, securities, titles or deeds of property, office furniture, and equipment that may at any time be owned by this Union, and report their findings to the membership;
- e) use audit forms supplied by the National Office and send a copy of each half-yearly audit to the National Secretary-Treasurer;
- f) make such recommendations as they deem necessary to ensure the continued financial viability of the Local;

10.09 The Executive at Large shall:

- a) be expected to sit on at least one (1) committee on behalf of the Executive Board;
- b) assist in drafting Executive recommendations for presentation to the General Membership;
- c) assist in ensuring that the day to day operations of the Local are conducted in the most efficient manner possible;
- d) perform such other duties as may be assigned from time to time by the Board.

10.10 The Stewards shall:

- a) represent members in their area in grievance/discipline hearings;
- b) inform the members in their area as to the deliberations of the Local Union;
- c) relay any concerns that members may have to the executive of the Union;
- d) ensure that all employees are informed of and encouraged to join the Union;
- e) inform the office of the Union when a member is eligible to receive a fruit basket or flowers when off on sick leave;
- f) attend, where possible, educationals to improve their knowledge and ability to successfully attend to the above duties;
- g) attend, where possible, Regular and Steward's meetings.
- h) deliver notices, newsletters, and other union materials to members they represent as required by the Local.

10.11 Return of Union Property - All Officers shall at the conclusion of their term of office turn over to their successor all properties, and assets, including funds, books and records belonging to the Union.

SECTION ELEVEN: SUB-LOCALS

11.01 Sub-local is a group of members that are represented by Local 38 and have a bargaining relationship other than the one the Inside Workers have with the City of Calgary.

11.02 Officers of a Sub-Local

Every sub-local is required to have a Chairperson and Secretary. The Chairperson and Secretary will be part of the bargaining committee.

11.03 Additional Sub-Local Officers

In consultation with the Executive of Local 38 the sub-local may establish other officers deemed appropriate to meet membership needs.

11.04 Election of Sub-Local Officers

- (a) The officers of the sub-local will be elected at either a bi-annual meeting of the sub-local or at a special membership meeting of the sub-local, unless otherwise specified.

- (b) The sub-local may choose another election process by first discussing with the Executive of Local 38 and subsequent ratification at either a regular or special membership meeting of the sub-local, for which a notice of motion has been served according with Article 12.02.

Any subsequent changes to the election process must be made in accordance with Section 11.04 (b).

11.05 Sub-Local Meetings

The Executive may hold/call meetings as long as adequate notice is provided. The sub-local will hold a minimum of one meeting per year.

SECTION TWELVE: AMENDMENTS AND NOTICES

12.01 The by-laws are always subordinate to the C.U.P.E. National Constitution (including Appendix "B" of the National 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 C.U.P.E. National Constitution, the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.

12.02 These by-laws and appendices may be amended, added to, suspended, upon majority vote of those present and voting at a regular or special membership meeting following seven (7) days notice at a previous meeting or at least sixty (60) days written notice.

12.03 No change in these by-laws shall be valid or take effect until approved by the National President of C.U.P.E. The effective date of any change shall be as per the date of the letter of approval from the National President.