

Bylaws



Local 5523

Local 5523 Bylaws

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Introduction

Local 5523 of the Canadian Union of Public Employees have been formed to:

Improve the social and economic well-being of all of its members;

- Promote equality for all members and to oppose all types of harassment and discrimination;
- Promote the efficiency of public services; and
- Express its belief in the unity of organized labour.

The following bylaws are adopted by Local 5523 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for Responsible governance of the Local Union, and to involve as many members of the Local Union As possible through the sharing of duties and responsibilities.

CUPE chartered organizations shall respect and apply the CUPE National Equality Statement to all of the chartered organizations' activities. The CUPE National Equality Statement can be found in Appendix A to these bylaws.

CUPE chartered organizations may also wish to adopt a Local Union Code of Conduct that would apply to membership meetings and other functions organized by the chartered organization. The Local Union Code of Conduct can be found in Appendix B to these bylaws.

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Section 1

Name

The name of this Local Union shall be Canadian Union of Public Employees, Local 5523.

- 1.1 Vernon School District Employees Union, Local 5523, of the Canadian Union of Public Employees.

Section 2

Objectives

- 2.1 Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members;
- 2.2 To encourage the settlement of all disputes between the members and the employer's administration by negotiation, mediation and arbitration;
- 2.3 To support the Canadian Union of Public Employees in its objectives as set out in Article 2 of the Constitution;
- 2.4 Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- 2.5 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 same wherever it occurs or appears;

Section 3

References

Numbers of articles at the end of sections or sub-sections in this document refer to relevant articles of the CUPE National Constitution which should be read together with these bylaws.

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Section 4

Membership

- **Membership**
- An individual employed within the jurisdiction of Local 5523 shall be a member of Local 5523 by signing an application and paying the initiation fee set out in Section 12.1 of these bylaws via SD22 payroll deduction.

- **Oath of Membership**
- New members will take this oath:
 - “I promise to support and obey the Constitution of this Union, to work to improve the economic and social conditions of other members and other workers, to defend and work to improve the democratic rights and liberties of workers and that I will not purposely or knowingly harm or assist in harming another member of the Union.”

- **Continuation of Membership**
- A member continues as a member in good standing while employed within the jurisdiction of the Local Union unless the member loses good standing under the provisions of the CUPE National Constitution.

- **Member Obligations**
- Members are obligated to abide by the CUPE National Constitution and these bylaws as amended from time to time.

Members will provide the Secretary-Treasurer with their current address, home telephone contact number and where available, an e-mail address. The member 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.

In the case of a telephone town hall, the telephone number may be shared with a service provider under contract to the Local Union to provide the technical equipment to support such a virtual meeting.

Upon request, the Local Union will share the telephone contact information with CUPE National or CUPE BC. The purpose of sharing this telephone contact information with CUPE National or CUPE BC is so that the National Union or Provincial Division can conduct a telephone town hall with members on important matters.

Section 5

Affiliations

In order to strengthen the labour movement and work toward common goals and objectives, Local 5523 shall be affiliated to and pay per capita tax to the following organization(s):

- 5.1 Local 5523 shall affiliate and maintain affiliation to CUPE BC, BC Federation of Labour, Okanagan Mainline District Council, North Okanagan Labour Council, and Presidents Council (CUPE K-12).

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Section 6

Membership Meetings

6.1 Regular Membership Meetings

Regular membership meetings of Local 5523 shall be held every two (2) months excepting July, August and December. Notice of each regular membership meeting outlining the date, time and location shall be given to members at least seven (7) days in advance of the meeting.

6.2 Special Membership Meetings

Special membership meetings of Local 5523 may be called by order of the Executive Board or by written request of fifteen (15) members in good standing provided no business shall be transacted at such meetings other than that which the special meeting has been called for. The President shall immediately advise members when a special meeting is called, and ensure that all members receive at least twenty-four (24) hours' notice of the special meeting and the subject(s) to be discussed, **the date, time and location. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.**

At least 48 hours' notice of special meetings must be given, in writing, to the Recording Secretary.

6.3 Quorum

The minimum number of members required to be in attendance for the transaction of business at any membership or special meeting shall be 15 members, including at least three (3) members of the Executive Board.

6.4 Membership Meeting Agenda

The order of business at regular membership meetings is as follows:

ORDER OF BUSINESS

1. Call to Order: @
2. Reading of Equality Statement
3. Acknowledge the Traditional Okanagan Territory
4. Roll Call of Officers:
5. New members sworn in:
- 6; Elections:
Motion to destroy ballots:
7. Minutes of previous meeting:
8. Correspondence:
9. Treasurer's Report:
9. Executive **Board** Reports
10. Unfinished Business
11. President's Report"
12. New Business
13. Good of the Union
14. Adjournment

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Section 7

Officers

The Officers of Local 5523 shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, Membership Officer, three (3) Trustees and **eight (8)** Shop Stewards.

Section 8

Executive Board

The Executive Board shall include all Officers, except Trustees.

Executive Board meetings shall be held every second Monday each month or when deemed necessary, **provided however, that the Executive Board shall meet at least eight (8) times per year.**

A majority of the Executive Board constitutes a quorum.

- 8.1 Members shall be elected to the **Executive Board** for one (1) year with the exception of the Secretary-Treasurer and President, Vice-President and Recording Secretary, which are two (2) year terms.
- 8.2 Should any Executive Committee member fail to answer the roll call for three (3) **consecutive** regular and consecutive **Executive Board** meetings without having submitted a good reason for such an absence, the office shall be declared vacant and the same filled by an election at the following Membership or Special meeting.
- 8.4 Executive Board: President, Vice-President, Secretary-Treasurer, **Recording Secretary**, all Shop Stewards and Membership Officer.
- 8.5 The Executive Board is to administer and carry out all work delegated to it by the Local and carry on business of the Local between Membership Meetings.
- 8.6 Fill vacancies on committees where elections are not provided for.

Section 9

Compensation for Book Offs & Honorariums

Book offs are those times when a member is booked off from their regular duties to conduct Union business, and where the employer requires reimbursement for wages. In these situations a member shall receive compensation for their lost wages only. There shall be no provision for any in lieu for book offs. Compensation will be paid at the member's current rate of pay and will be paid straight time not overtime wages. Members will not be compensated for any local union meetings.

All book off times and/or compensation of Executive Members for conducting duties will be paid from the In-Service Fund (see Appendix E), until exhausted.

Officers shall receive the following hours of Book Offs annually to carry out their required duties. These duties will be documented in an up to date report that shall be provided to the members on form A (to be developed) for review and questions by the members' at all local membership meetings.

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President:	up to 800 hours per year
Vice President:	up to 200 hours per year
Secretary-Treasurer:	up to 300 hours per year
Recording Secretary:	up to 200 hours per year

Additional Book Offs that maybe required must be approved in advance by Executive motion and only after the prescribed hours have been exhausted.

Steward Book Offs:

Steward book offs to deal with grievance during work hours where the employer is not responsible for coverage, shall be approved in advance by the President.

General Member Book Offs:

All book offs which fall outside of those referenced above must be approved in advanced by executive motion.

Honorariums (to be paid December 1st and June 1st)

Officers will receive the following Honorariums:

President	\$600.00/year
Vice President	\$600.00/year
Secretary Treasurer	\$600.00/year
Recording Secretary	\$600.00/year
Shop Steward	\$600.00/year
Membership Officer	\$600.00/year
Trustees	\$50.00 per audit

Section 10

Duties of Officers

Each Officer of Local 5523 is 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 of Local 5523 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.

10.1 President shall:

- enforce the CUPE constitution and these Bylaws and Equality Statement
- preside at all meetings and preserve order
- decide all question of order, subject to an appeal by a member to the Local (but he/she shall not vote on such appeal)
- ensure that all officers are performing their respective duties, when such duties are not being performed report his information to **the Executive Board**
- Sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership.

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- Sit as Chair of the Negotiations Committee, Grievance Committee
- Act as Chief Shop Steward
- Have first preference as a delegate to all CUPE affiliated conventions
- **North Okanagan Boundary Labour Council:** President shall attend or appoint appropriate number of members elected by the membership
- **Okanagan Mainline District Council:** President shall attend or appoint 1 alternate elected from the Executive Board and up to 3 members elected by the membership
- **JEAC Committee:** committee members will be President and 1 Executive
- **JEIS Committee:** committee members will be President and 1 Executive

10.2 Vice-President shall:

- In the absence of the President to preside and to perform all duties pertaining to the office of President, and to render such assistance as may be required
- In the case of a vacancy in the office of President, to act as President until the local elects a President to fill the vacancy
- Be an alternate signing officer of the local
- Be responsible for the swearing in of new members
- Be responsible for the setting up/storing of the Public Address system of the local; be responsible for ensuring that meeting places for the local are open and set up for any such meetings; and responsible for telephoning/notifying Executive members of upcoming meetings.
- Render assistance to any member of the Executive as directed by the Executive Board
- Book conferences, conventions, educationals, out of town meetings for member: flights, accommodations and registrations
- Manage eligibility for Retirement Seminar registration.

10.3 Recording Secretary shall:

- Keep full and accurate account of the proceedings of all meetings; shall record all motions in the record of minute book of the local. **These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustees' reports.**
- Record all alterations in the Rules and Bylaws by motion of amendment
- Prior to all General meetings, Executive meetings, go over the past minutes for the typing of the Agenda to ensure that Unfinished Business is completed and be responsible for ensuring that minutes are distributed correctly
- Prepare all circulars, notices, mail for issuance to the members and executive at all membership meetings
- Have all minutes and records ready on reasonable notice for Trustee audit
- Maintain email and data base filing system for membership

10.4 Secretary-Treasurer shall:

- Preside over meetings in the absence of both the President and Vice-President
- 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.
- Sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership. 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.

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- Maintain and update the computer's data base of local; also maintain the local's list of current members and ensure that beneficiary forms have been submitted for all members; check the monthly check-off dues sheets to ensure that membership cards/beneficiary forms are sent out to new casuals
- Have all financial transactions recorded and all such records shall be open for inspection by the Trustees on reasonable notice, and shall be audited at least once every calendar year and provide the Trustees with any information they may need to complete the audit **and respond in writing to any recommendations and concerns raised by the Trustees**
- Make a full financial report to meetings of the Local's Executive as well as a written financial report to each regular membership meeting, detailing all income and expenditures for the period
- All expenses to be paid by with appropriate documentation including but not limited to approved motions by the membership
- Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices for every disbursement made, receipts for all monies sent to CUPE as well as records and supporting document for all income received by the Local Union and record all financial transactions in a manner acceptable to the membership and in accordance with good accounting practices
- Be eligible for bonding through the master bond held by the National Office. **Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office.**
- Complete a Financial Officers Course as soon as possible following their election.

10.5 Trustees shall:

- Complete basic Trustee auditing course
- Act as an Auditing Committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer and Recording Secretary once per calendar year
- Report their findings in writing to the Local at the first regular meeting following each audit
- Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records and accounts are being maintained by the Secretary-Treasurer in an organized, correct and proper manner
- Audit the record of attendance
- 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 Local Union, and report their findings to the membership.
- 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 Local Union
 - v. Secretary-Treasurer's response to recommendations
 - vi. Concerns that have not been addressed by the Local Union Executive Board.

10.6 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 with consent of the members present.
- Maintain the record of membership attendance at meetings
- Perform such other duties as may be assigned by the Executive Board from time to time.

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10.7 Shop Stewards shall:

- Be the first contact person for the personal grievances and information
- Keep in contact with CUPE 5523 newsletter
- Shop Stewards are responsible for Good and Welfare of members in their departments
- Complete Basic Shop Steward course
- The Shop Steward shall send a card, flowers or fruit basket to a member or immediate family member (spouse, parents and children of member) in the case of severe illness or death in the family. In case of death a comparative amount of money may be donated to an organization designated by the deceased ones family.

Section 11

Nomination, Election and Installation of Officers

11.1 Nominations

- Nominations will be received at the regular membership meeting held in the month of January
- Nominations will be accepted from members in attendance at the nomination meeting or from those members who have allowed their name to be filed in writing at the meeting, witnessed by another member
- To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing
- A member may accept nomination for a position while holding office in any position. If successful in the election, their resignation from their current position will take effect at that time

11.2 Elections

- All elected positions are for a one year term with the exception of The President and Recording Secretary are elected in even numbered years for a two (2) year term and the Vice-President, Secretary-Treasurer who are elected in odd numbered year for two (2) year term.
- At a membership meeting, at least one month prior to Election Day, the President will, subject to the approval of the members present, appoint an Elections Committee consisting of a Chief Returning Officer and assistant(s). The committee will include members of the Local Union who are neither Officers nor candidates for office. The Elections Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential. The National Representative assigned to the Local Union may serve as an advisor to the committee when requested by the committee
- The Returning Officer and any assistants shall be responsible for supplying the form of the ballot, issuing the ballots and receiving them from the members in accordance to the BC Labour Board Regulations
- The Annual Elections shall be held on the day of the regular meeting in January of each year. The vote shall be by secret ballot
- **Voting to fill one (1) office will be conducted and completed, and recounts dealt with before balloting may begin to fill another office**
- A majority of votes cast will be required before any candidate can be declared elected, and second and subsequent ballots will 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 will be dropped
- In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting
- When two or more nominees are to be elected to any office by ballot, each member voting will be required to vote for the full number of candidates to be elected or the member's ballot will be

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declared spoiled

- Any member may request a recount of the votes for any election and a recount will 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 set out in Section 6.
- All election complaints by members will be submitted in writing to the Chief Returning Officer as soon as possible but in no circumstances will a complaint be valid if it is filed later than seven days after the election. The Chief Returning Officer in conjunction with the Elections Committee will investigate the complaint and issue a ruling as soon as practical and report the ruling to the very next regular membership meeting.
- Shop Stewards shall be nominated and elected by members within their department. Shop Stewards are a one (1) year term
- Trustees - three (3) will be nominated and elected by the members, one trustee to be elected each year for a three year term.

11.3 Installation of Officers

- All duly elected Officers shall be installed at the meeting at which elections are held .
- 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 term of office. As an Officer of the Union, I will always promote the harmony and dignity of its sessions by counsel and example. I also promise to turn over all property of the Union to my successor at the end of my term.”

11.4 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.

Section 12

Fees, Dues and Assessment

12.1 Initiation Fee

- The initiation fee shall be \$5.00
- The union dues shall consist of 1.05% local dues plus national per capita tax (currently .85)

12.2 Readmission Fee

The readmission fee shall be five (\$5.00) dollars.

12.3 Amending Monthly Dues

- Any change in the local union dues or assessment can only be made at a General membership meeting when a Notice of Motion has been previously given, except where the minimum dues are raised by an amendment to the CUPE Constitution, or when BC Division places a special

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assessment on its affiliates. Such a Notice of Motion can be given either **at least seven (7) days at a previous meeting or sixty (60) days in writing must be given.**

12.4 Assessments

Assessments may be levied in accordance with the CUPE Constitution. Assessments do not mean or include regular monthly dues and are applied for a specific purpose or specific length of time. Membership approval is required and the assessment will only be applied after the National President approves the assessment. (Article B.4.2)

Section 13

Non Payment of Dues and Assessments

A member who fails to pay dues and assessments for three months is automatically suspended from membership. The suspension will be reported to the Executive Board by the Secretary-Treasurer. The Executive Board will report all suspensions to the next membership meeting.

The member may return to membership in good standing by paying a readmission fee and any other penalty set by the Local Union. The readmission fee cannot be less than the initiation fee of the Local Union.

A member who has been unemployed or unable to work because of sickness shall pay the readmission fee but may not be required to pay arrears.

Section 14

Expenditures

14.1 Payment of Local Union Funds

Funds can only be spent for valid purposes of the Local Union under the following circumstances:

- When the expenditure is authorized by a budget approved by a majority of members present and voting at a regular or special membership meeting;
- When these bylaws approve the expenditure; or
- Through a vote of the majority of members present and voting at a regular or special membership meeting following a proper notice of motion as per Section 19.

14.2 Payment of Per Capita Tax and Affiliation Fees

- Authorization to pay per capita tax to CUPE National, to CUPE BC Provincial Division, or any labour organization the Local Union is affiliated with, is not required.

14.3 Members conducting out of town Union business shall receive a Per Diem based on the rate established by the CUPE BC Expense Policy.

14.4 Mileage for local business except for General Meeting attendance shall be paid at the rate as set out by CUPE BC Expense Policy and must be approved by the Executive before payment.

14.5 The Executive shall have the power to disburse monies by Executive motion up to the value of \$200.00. It will then be reported at the next Membership Meeting.

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Section 15

Out-of-pocket Expenses

Local Union Officers and committee members who purchase items which fall under a proper budget item and less than \$200.00:

- 15.1 Shall be reimbursed when applicable, receipts are submitted with completed expense forms to Secretary- Treasurer. Where receipted expenses are being submitted, credit card slip or a Debit card slip will not be accepted on its own. If no receipt is available due to special circumstances a declaration providing an explanation may be accepted, signed by the member and authorized by the Secretary-Treasurer. These receipts will be reviewed by the trustees. An itemized receipt from the agency must also be included (e.g.: hotel etc.)

Section 16

Child Care, Dependent Care and Elder Care

Caring for children, dependents or the elderly are barriers to actively participating in the union or to attending membership meetings. Local 5523 is committed to removing barriers within its control so that all members have equal access to participation.

- Upon submission receipts, dependent care outside of the member's regular working hours will be reimbursed at a rate of up to \$15.00/hr. to a maximum of \$90.00/day. Additional dependent care expenses may be paid with prior approval of the Executive.

Section 17

Delegates to Conferences, Conventions and Educational

Preamble:

CUPE Local 5523 believes that attendance at conventions, and conferences and the education of its members is of critical importance to its functions as a local union and to the labour movement as a whole.

While representing CUPE Local 5523 at any of convention, conference or educational course members are reminded that significant cost and planning was exerted to provide them with the privilege to attend and that they are expected to attend and fully participate in all aspects of the event. It is also expected that all delegates will act in a responsible, honourable manner as representative of CUPE Local 5523 as per our code of conduct.

With this consideration the following policy has been developed for selecting CUPE Local 5523 members as delegates to conventions and conferences and participants in educational courses.

Those members elected or appointed to committees requiring training shall be required to take the appropriate training at the earliest available time.

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Conventions/Conferences:

CUPE Local 5523 shall, with the budgeted approval of the membership, send a full complement of delegates and alternates to the CUPE National and CUPE BC Divisional Conventions or any other conferences approved by the membership. Selection of the delegates will be made by the Executive at least three months prior to the convention. The selection process shall be as follows:

1. The President will be given his or her right to exercise their option to attend, as per section 10.1.
2. The next options will be to executive members and trustees with the following consideration:
 - i. Executive members and/or trustees who have completed more one year of service for the Local.
 - ii. Executive members and/or trustees who have not attended either convention in the last year
3. Should after #2 there continues to be delegate positions available those Executive members and/or trustees wishing to attend shall be given the option to speak to the Executive for one minute on why they wish to attend the convention in question. The Executive shall then, by secret ballot select executive members for the remaining delegate seats.
4. Should after #3 there continues to be delegate positions available those general members in good standing with CUPE 5523 wishing to attend shall be given the option to speak to the membership at the next membership meeting for the convention in question. The membership shall then, by secret ballot select members for the remaining delegate seats.

Education:

CUPE Local 5523 shall, with the budgeted approval of the membership, send members to approved CUPE and Canadian Labour Congress approved educational courses. Selection of the delegates will be made by the Executive at least two months prior to the course date.

All resource material acquired must be provided to the Chairperson of the Educational Committee (CEC).

The selection process shall be as follows:

1. The CEC shall notify the membership, at least twice annually of upcoming available educational courses.
2. Members wishing to attend an educational course will notify the CEC in writing, indicating which course they wish to attend and the reasons why they wish to attend, within reasonable time as to be enrolled in said course.
3. At least two months prior to the course date the CEC shall present those members names to the Executive for consideration of selection.
4. The Executive shall be secret ballot select members as follows:
 - a) The Executive members and/or trustees shall be given first consideration, as follow:
 - i. The member must not have attended the course in the last three years.
 - ii. The member's reasons for wanting to attend the course.
 - iii. The member's has, when attended educational courses in the past honoured their attendance commitments and reported back to the membership on the benefits of the course.
 - b) Then general membership in good standing with CUPE 5523 shall be given next consideration, as follows:
 - i. The member must not have attended the course in the last three years.
 - ii. The member's reasons for wanting to attend the course.
 - iii. The member's has, when attended educational courses in the past honoured their attendance commitments and reported back to the membership on the benefits of the course.

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All delegates attending conventions, conferences, or educational courses (where meals are not provided) held outside the town of Vernon shall be paid according to CUPE BC expense policy. The Local Union will reimburse the member's employer for any loss of wages, (members will not be paid for non-salary days).

Local 5523 will provide members with their per diem allowance prior to their attending the convention, conference, or educational workshop.

Local 5523 encourage the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and educational courses.

All members who attend an educational course as a representative of CUPE Local 5523 shall be required to make a report to take back to the membership on the required form within 60 days of completing the course. Such forms shall be available through the Chairperson of the Educational Committee (CEC), or the Local 5523 office.

Section 18

Committees

18.1 Special Committees

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

18.1.1 Bargaining Committee

There will be a Bargaining Committee elected at least 12 months prior to the expiry of the Local Union'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 President and up to 3 members as elected at a membership meeting. The National Representative assigned to the Local Union 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.

All members of Local 5523's negotiating committee must have or have attended Level 1 of CUPE's collective bargaining educationals.

18.2.1 Grievance Committee

- Committee members will be the President as Chairperson and Shop Stewards. The committee shall appoint its secretary from among its members. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages.
- Oversee the handling of all local grievances.
- Receive copies of all grievances.
- Prepare a report on the status of all grievances to be submitted to the Executive Board, the National Representative, and to the membership meeting.
- When a grievance is not settled in the initial steps provided for in the collective agreement, this committee will decide whether or not the grievance should proceed to arbitration. Subject to any appeals under Section 20. (Appeal)

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18.2.2 Education Committee:

This committee will:

- Gather information about appropriate courses, the availability of courses, and make recommendations to the Local Union on whether or not members should be attending.
- Assist delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file of these reports.
- Cooperate with the National Union Development Department and Communications Branch of CUPE, and with the regional Education Representative, in implementing both the Local Union's and CUPE's policies in these fields.
- The committee members will be the elected chairperson plus membership representation elected from membership meeting.
- The committee shall appoint its secretary from among its members.

18.2.3 Women`s Committee

This committee will:

- Advise and give guidance to Officers, committee members and the general membership on all issues that affect women in the workplace and the union movement.
- Promote leadership of women at the Local Union level and in the broader labour movement.
- Increase and support the active participation of women in the Local Union and the broader labour movement.
- Strive to eliminate gender discrimination in the workplace, Local Union, broader labour movement, and society through education and participation in human rights activities both in and outside of the labour movement.
- The committee members will be the elected chairperson plus membership representation elected from membership meeting.
- The committee shall appoint its secretary from among its members.

18.2.4 Committee Against Racism and discrimination (CARD)

This committee will:

- Advise and give guidance to Officers, committee members, and the general membership on all issues that affect all equity-seeking groups, including people of colour, Aboriginals, lesbian, gay, bi-sexual and trans gendered workers in the workplace and the union movement.
- Promote leadership of equity-seeking workers at the Local Union level and in the broader labour movement.
- Increase and support the active participation of equity-seeking workers in the Local Union and the broader labour movement.
- Strive to eliminate racism and discrimination in the workplace, Local Union, broader labour movement, and society through education and participation in human rights and anti-racism activities both in and outside of the labour movement.
- The committee members will be the elected chairperson plus membership representation elected from membership meeting.
- The committee shall appoint its secretary from among its members.

18.2.5 Occupational Health and Safety Committee

This committee will:

- Work to educate members on the importance of workplace health and safety.
- Prepare and present reports to the regular membership meetings.
- Organize an April 28th Day of Mourning ceremony each year.

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- Participate on the Joint Worksite Health and Safety Committees (JWH&SC) at their workplace.
- Ensure that the worker representatives on the JWH&SC meet separately from the employer to prepare for meetings with the employer.
- Promote safe work procedures and environments so as to prevent illness and injury as a result of workplace factors.
- Immediately bring to the attention of the employer any workplace hazard that has the potential to cause members' illness or injury.
- Work to eliminate all workplace hazards, be they physical, environmental, or social. Members of this committee should be designated as a "Certified Worker Representative" in accordance with the legislation in their respective jurisdictions (provincial, federal).
- The committee shall consist of three (3) members as elected by the membership, at the regular membership meeting held in the month of January.
- The committee shall appoint its secretary from among its members.

18.2.6 Bylaw Committee

This committee will:

- Review the bylaws annually and make recommendations to the Executive Board on proposed amendments.
- Review any proposed amendments received from the Executive Board or membership of the Local Union to ensure that the amendments will conform to the remainder of the bylaws and the CUPE National Constitution.
- Ensure that the Local Union's bylaws are written in clear language, ensuring that clear language does not change the intent or meaning of the bylaws.
- The committee members will be the elected chairperson and four (4) members.
- The committee shall appoint its secretary from among its members.
- The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted during the review process.

18.2.7 Social Committee

This committee will:

- 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.
- A budget for the committee will be fixed annually by the membership but, other than that, all social, cultural, and recreational events and activities shall be self-supporting.
- The committee members will be the chairperson and one to three members, and may appoint a secretary-treasurer from among its members.

18.2.9 Political Action Committee

- The committee members will be the chairperson plus membership representation.

18.2.10 Labour/Management Committee

- Committee members will be President, Vice-President, Secretary-Treasurer, Recording Secretary and if deemed necessary, Shop steward(s). The Committee shall be responsible for the Labour Management duties as outlined in the collective agreement.

18.2.11 Job Evaluation Committee

- Committee members will be appointed by Executive to follow the duties as per collective

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agreement

Section 19

Notice of Motion

A Notice of Motion must be provided for motions involving the additions to, or amendments of the local bylaws, and for financial disbursements in excess of **two hundred dollars (\$200.00)**.

The procedure for a Notice of Motion shall be as follows:

1. A member who intends to move a motion that requires a Notice of Motion will notify the Secretary of such motion with the exact wording of the motion. **Those motions involving a request for funds must include the exact amount of funds being requested or a maximum amount that is not to be exceeded.**
2. The Secretary will then ensure the motion with its exact wording is placed on the Notice of Meeting for the Notice of Meeting for the next general membership meeting as a Notice of Motion.
3. The Secretary will also ensure that the motion, with its exact wording is then placed on the agenda for that meeting as a Notice of Motion.
4. The President will ensure that the Notice of Motion with its exact wording is read at the meeting by the mover or other member. No member may speak to the motion or debate the motion at this time; it is simply intended to ensure members are officially notified.
5. The Secretary will then ensure that the motion along with its exact wording is placed on the Notice of Meeting for the next general membership meeting, including a notation of when the Notice of Motion was provided.
6. The Secretary will also ensure that the motion, with its exact wording is placed on the agenda for the meeting including a notation of when the Notice of Motion was provided
7. The President will at that next general membership meeting accept the moving of this motion from the mover or other member. If it is then so moved and seconded the motion will be debated and decided on by the membership at the meeting, by means of all appropriate rules of order.

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Section 20

Grievance/Arbitration Appeals

The decision to file a grievance and to proceed to any step of the grievance procedure including arbitration rests exclusively with the Local Union and not an individual member. To ensure that decisions are fair and not arbitrary, the following appeal process is available to members.

If a member feels they have an issue that warrants a grievance and or arbitration, they must first discuss the issue with their assigned Steward. The Steward will then consult with the President and advise the member on the merits of taking the matter forward. If the decision is to not take the matter forward the following appeal process may occur.

First Appeal

1. A member who wishes to appeal a decision not to proceed with a grievance or arbitration will notify the President within **7 (seven)** days of receiving this decision from their Steward.
2. The President will add the matter to the agenda of the next Executive meeting.
3. The President will take any and all necessary steps with employer to ensure the matter is not lost due to any timelines outlined in the grievance procedure of the collective agreement.
4. The President shall request the opinion of the National Representative.
5. At that meeting the assigned Steward will present their reasons for not advancing the matter to grievance or arbitration.
6. The Member will then be asked to present their case along with their reasons for why they feel the matter should be advanced, and any other information they feel is relevant.
7. The member will then be excused from the meeting.
8. The Executive committee will then conduct a secret ballot vote to decide on whether to advance the matter or not.
9. The member will be notified of the decision by the President and their right to advance the matter for a final appeal.

Final Appeal

1. Should a member wish they may advance the matter to a final appeal before the Local Executive.
2. To do so they must notify the President within **7 (seven)** days of receiving the decision on the first appeal.
3. The President will then have the matter placed on the agenda of the next Executive meeting.
4. The President will take any and all necessary steps with employer to ensure the matter is not lost due to any timelines outlined in the grievance procedure of the collective agreement.
5. Prior to the meeting The Executive shall request the opinion of the National Representative.
6. At that meeting the President will present the Executive committee's reasons for not advancing the matter to grievance, or arbitration.
7. The Member will then be asked to present their case along with their reasons for why they feel the matter should be advanced, and any other information they feel is relevant.
8. The member will then be excused from the meeting.
9. The Executive will then conduct a secret ballot vote to decide on whether to advance the matter or not.
10. The member will be notified of the decision by the President.
11. The decision of the Executive is **final** and unless new and cogent evidence arises there will be no further appeal.

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Section 21

Complaints and Trials

All charges against members or Officers must be made in writing and dealt with in accordance with the Trial Procedure provisions of the CUPE National Constitution.

Section 22

Rules of Order

The Rules of Order of CUPE Local 5523 shall be Bourinot's Rules of order.

With the exception of the foregoing on Debates, the rules of order of this union shall be those laid down in the Constitution of the Canadian Union of Public Employees.

Some of the more important rules to ensure free and fair debate are appended to these bylaws as Appendix C. These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws.

In situations not covered by Appendix C to these bylaws, the CUPE National Constitution may provide guidance, but, if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied.

Section 23

Amendments

CUPE Constitution

These bylaws are always subordinate to the CUPE Constitution (including Appendix B) as it now exists or may be amended from time to time, and in the event of any conflict between these bylaws and the CUPE Constitution, the latter shall govern. The National President has the sole authority to interpret the CUPE Constitution. Any motion to add or amend these bylaws shall only be approved by a motion supported by no less than 2/3rds of the members present at General Membership meeting. **Notice of the intention to propose the amended or additional bylaws was given at least seven (7) days before at a previous membership meeting or sixty (60) days before in writing.**

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Appendix A

CUPE National Equality Statement

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behaviour that creates conflict prevents us from working together to strengthen our union.

As unionists, mutual respect, cooperation, and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile, or offensive environment.

Discriminatory speech or conduct which is racist, sexist, transphobic or homophobic hurts and thereby divides us. So too does discrimination on the basis of ability, age, class, religion and ethnic origin.

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue, or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a union.

Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society, and in our union.

CUPE's policies and practices must reflect our commitment to equality. Members, staff, and elected officers must be mindful that all persons deserve dignity, equality, and respect.

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Appendix B

Code of Conduct

Local 5523 is committed to ensuring that all of its meetings and activities are safe environments where members are encouraged to speak. Existing members are encouraged to welcome, mentor and support new members and equity-seeking members.

Local 5523 strives to promote core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.

Local 5523 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 5523 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 5523 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local 5523 sets out standards of behaviour for members at meetings, and all other events organized by Local 5523. It is consistent with the expectations outlined in the Equality statement, CUPE National Constitution and these bylaws. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As members of Local 5523 we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

- Abide by the provisions of the Equality Statement;
- Respect the views of others, even when we disagree;
- Recognize and value individual differences;
- Communicate openly;
- Support and encourage each other;
- Make sure that we do not harass or discriminate against each other;
- Commit to not engaging in offensive comment or conduct;
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating; and
- Take responsibility for not engaging in inappropriate behaviour due to abuse of alcohol or other drugs while participating in union activities, including social events.

Harassment is objectionable behaviour which may include actions, language, gestures, and/or written material, and which the harasser knows or ought reasonably to know is abusive and unwelcome. Bullying is a form of harassment which is serious ongoing behaviour which targets an individual or group and which threatens that person or persons' mental and/or physical well-being.

A complaint regarding this Code of Conduct will be handled as follows:

1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code, by asking the person to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.
2. Once a complaint is received, a designated Officer of the Local Union will work to seek a resolution.

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3. If this fails to resolve the matter, the designated Officer of the Local Union shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offences.

This Code of Conduct is designed to create a safe, respectful and supportive environment within CUPE. It is meant to enhance the rights and obligations outlined in the Bylaws of Local 5523, the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

This Code of Conduct does not replace a member's right to access the trial provisions of the CUPE National Constitution.

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Appendix C

Rules of Order

1. The President, or in his absence, the Vice-President, will be the chairperson at the time specified, at all regular and special meetings. In the absence of both the President and the Vice-President, the Secretary-Treasurer shall act as President, and in his/her absence the local shall choose a President pro-tem.
2. The Chairperson shall state every motion coming before the Local and before allowing debate thereon, and immediately before putting it to a vote, shall ask: "Is the Local ready for the question?" Should no member rise to speak, and the Local indicates readiness, the question shall be put.
3. A motion to be entertained by the presiding officer must be seconded, and the mover as well as the seconder must rise and be recognized by the chair.
4. A motion to amend a motion, or a motion to amend an amendment are allowed, however a motion to amend an amendment to an amendment is not allowed.
5. On motion, the regular order of business may be suspended, by a two-thirds vote of those present, to deal with any urgent business.
6. All resolutions and motions other than those named in Rule 16 or those to accept or adopt the report of the committee, shall, if requested by the presiding officer, be presented in writing before being put to the Local.
7. 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.
8. Any member having made a motion can withdraw it with consent of the seconder, but a motion once debated cannot be withdrawn except by a majority vote of those present.
9. When a member desires to speak on a question, or offers a motion, he/she shall not process further until recognized by the chair, except to state that he/she rises to a point of order or on a question of privilege.
10. When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
11. Every member, while speaking shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any reflection on the Local or any member thereof.
12. If a member, while speaking, is called to order, he/she shall cease speaking until the point is determined, when, if decided in order, he/she may again proceed.
13. No sectarian discussion (that is to say, religious discussion) shall be permitted in the meeting at any time.

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14. No member, except the Chairperson of a Committee or the mover or seconder of a resolution, shall speak more than three (3) minutes at any one time, or more than once on the same question, until all members wishing to speak have had an opportunity to do so, when he may be allowed, by permission of the chair to speak a second time.
15. The Chairperson 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 give a casting vote, or, if he/she chooses, refrain from voting, in which case the motion does not prevail and the decision is negative.
17. When a question has been put, no motion shall be in order except (1) to adjourn, (2) to move 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 motion 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 Chairperson 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 is speaking and (2) when members are voting. A motion to adjourn, having been put and defeated, shall not be in order again, if there is further business before the Local, until fifteen minutes have elapsed.
20. Before the Presiding officer declares the vote on a question, or after a vote has been declared lost or carried by acclamation, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall be taken and the Secretary shall count same.
21. If any member shall feel him/herself personally aggrieved by the decision of the chair, he/she may appeal to the Local from such decision.
22. When the decision of the Chairperson is appealed from, he/she shall state his/her decision, and the reasons therefore, from the chair. The party appealing shall state briefly the reasons for the appeal, after which, without further debate, the question shall be put this: "Shall the decision of the chair stand as the decision of the Local?" It shall require a majority vote to sustain such appeal.
23. After a question has been decided, any two members who have voted in the majority may at the same or next meeting move consideration 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 prior notification to the President.
25. All business done in the Local shall be confidential to the members of the Local.
26. All rules and proceedings of debate not herein provided for shall be as defined in the Constitution of the Canadian Union of Public Employees.

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Appendix D

In-Service Fund

LETTER OF UNDERSTANDING

BETWEEN:

THE BOARD OF EDUCATION OF
SCHOOL DISTRICT NO. 22 (VERNON)

AND:

CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 5523
(VERNON SCHOOL DISTRICT EMPLOYEES)

18. **IN-SERVICE FUND**

(AS PER v. Ready Consent Order dated May8, 2006)

1. An In-Service fund consisting of \$75,000, to be provided by School District 22 as of July 1, of each year. The fund shall be maintained and accounted for by School District 22.

\$40,000 shall be utilized for union directed union training and collective agreement administration. The remaining amount of \$35,000 will be utilized to offset the cost of benefit improvements added in the 2012-2014 collective agreement (excluding Drug card).

- i. A joint committee comprised of three CUPE members appointed by Local 5523 and three District representatives appointed by the Secretary-Treasurer shall be given the task of developing the terms and conditions of how this fund is to be used and for what purpose. All voting of the committee shall be by majority.
- ii. The fund will be used to cover all costs of training including wages, wage loss, benefit costs, tuition and/or course materials and all legitimate costs as determined by the committee.
- iii. Money not used between July 1 and June 30 of the following year shall remain in the fund and shall be available for use in the following year or years.
- iv. The cost of replacements for employees granted any leave to take training or development programs authorized by the committee shall be paid from the fund.

Signed at Vernon, British Columbia, this 28 day of January 2015

FOR THE BOARD:
[Original Signed by L. Hill]

FOR THE UNION:
[Original Signed by M. Olsen]

Secretary-Treasurer

President, CUPE Local 5523