

July 8, 2024

NOTICE OF SPECIAL MEETING

A Special Meeting has been called as per Section 4 of the Local's Bylaws and Constitution

To be held:

September 11, 2024 @ 5:30 pm **Newton Seniors Centre** 13775 70 Avenue

AGENDA

Discussion and vote on the following motions:

Motions: To amend various sections of the CUPE Local 402 Bylaws &

Constitution (as attached)

As per Section 4 (b) of the CUPE Local 402 Bylaws and Constitution, no business shall be transacted at the Special Meeting other than for which the Special Meeting has been called and notice given.

For more information, please call the UNION OFFICE - (604) 543-3822 or email at cupeoffice@cupe402.com

PRESENTATION TO MEMBERSHIP

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#1 (s. 3 (a))

SECTION 3 - MEMBERSHIP

(a) Membership

An individual employed within the jurisdiction of Local 402 can apply for membership in Local 402, by filling out and signing an application for membership within their respective bargaining units and paying the an initiation fee set out in these bylaws. by the Local 402.

(b) Approval of Membership

At the first membership meeting after the application has been submitted, the name(s) of the applicant(s) will be read out and unless a majority of members present at the meeting object, the applicant(s) will be accepted into membership.

(c) Oath of Membership

New members will take this oath:

"I promise to support and comply with 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."

(d) Continuation of Membership

Once accepted, a member continues as a member in good standing while employed within the jurisdiction of the Local unless the member loses good standing under the provisions of the CUPE National Constitution.

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(e) 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 Local with their current address, home telephone contact number and where available, an e-mail address.

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#2 (s. 4(c)); #2 (s. 4(e)); #2 (s. 4(f))

SECTION 4 - MEMBERSHIP MEETINGS

(a) Regular Membership Meetings

The Regular Meetings of Local 402 shall be held a minimum of seven (7) times a year, on the second Wednesday of each month at five thirty (5:30pm,) Notice of each regular membership meeting outlining the date, time and location shall be given to members at least (7) seven days in advance of the meeting.

When a statutory holiday or a situation beyond the control of the Local Union arises, which causes the cancellation of a regular membership meeting, the Executive Board shall reschedule the regular membership meeting, and will give members seven (7) days' notice of the date of the rescheduled regular membership meeting.

(b) Special Membership Meetings

Special membership meetings of Local 402 may be required and shall be called by the Executive Board or may be requested in writing by no fewer than twenty (20) members. The President shall immediately advise the members when a special meeting is called and ensure that all members receive at least twenty-four (24) hours' notice of the special meeting, the subject(s) to be discussed, the date, the time and location. No business shall be transacted at the Special Meetings other than that for which the Special Meeting has been called and notice given.

(c) Quorum

The minimum number of members required to be in attendance for the transaction of business at any regular or special Local 402 meeting shall be thirty (30 members), plus at least two (2) members of the Executive Board. In the absence of a quorum at any Regular Meeting, the Executive Board shall pay all bills and shall carry out the regular business of the Union. until the next meeting. Any decision made by the Executive Board will be reported back for ratification at the next membership meeting.

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(d) Bargaining Unit Meetings

Bargaining Unit meetings may be called to deal with matters that affect only members of the bargaining unit. Such meetings are not to be used to replace regular membership meetings and will not make decisions that affect the Local as a whole or another bargaining unit.

Bargaining Unit 402-02 regular meetings shall be held a minimum of seven (7) times a year, on the third Wednesday of each month.

The Chair of the Bargaining Unit shall advise members of the bargaining unit seven (7) days in advance of the meeting providing the time and location and an agenda. Members from other bargaining units in the Local Union may attend these meetings without vote but with voice and are not counted as part of quorum.

(e) Quorum Bargaining Unit Meetings

The minimum number of members required to be in attendance for the transaction of business at any regular or special bargaining unit meeting shall be; twelve (12) Members, plus at least one member of the Executive Board.

• : Bargaining unit 402-02 twelve (12) Members

(f) Membership Meeting

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

- (a) Acknowledgment of Indigenous territory
- (b) Roll call of officers
- (c) Reading of the Equality Statement
- (d) Voting on new members and initiation
- (e) Reading of the minutes
- (f) Matters arising from the minutes
- (g) Treasurer's Report
- (h) Communications and bills
- (i) Executive Committee Board Report
- (j) Reports of committees and delegates
- (k) Nominations, elections, or installations
- (l) Unfinished business

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- (m) New business
- (n) Good of the Union
- (o) Adjournment

The Local Union may hold membership meetings in person and/or virtually. Where virtual meetings are held, all voting will be conducted electronically provided secrecy can be maintained, where mandated.

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#3 (s. 5(a)); #3 (s. 5(c)1.); #3 (s. 5(c)2.); #3 (s. 5(c)3.); #3 (s. 5(c)4. - 7.)

SECTION 5 - NOMINATION, ELECTION, AND INSTALLATION OF OFFICERS

(a) Nominations, Election, and Installation of Officers

- 1. Nominations will be received at the regular membership meeting held in the month of May April for all positions that either the term is ended or there becomes a vacancy.
- 2. 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.
- 3. To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing.
- 4. 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.
- 5. No member will be eligible for nomination if they are in arrears of dues and/or assessments.

(b) Nomination for President

Nominations for the position of President must be received at the April membership meeting. Only names or nomination letters put forward at this meeting shall be eligible to be listed on the ballot. The nomination(s) will be forwarded to the Union Office for verification that the nominations meet the requirements described in Section 5.1 Eligible nominations.

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(c) Elections

- 1. At a the membership meeting, at least one month prior to Election Day, the President will, subject to the approval of the members present, appoint an Election Committee consisting of a Lead Returning Officer and assistant(s). The committee will include members of the Local who are neither Officers nor candidates for office. The National Representative assigned to the Local shall serve as an advisor to the committee when requested by the Local.
- 2. The Election Committee will determine the form of the ballot and ensure that sufficient quantities of ballots are made available in good time to the Lead Returning Officer. The Lead Returning Officer will be responsible for issuing, collecting, and counting ballots. The Lead Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.
- 3. The voting will take place at the regular membership meeting in May. The vote will be by secret ballot. Union office, or a determined location, the day prior to the regular membership meeting in May. The voting will take place between the hours of six (6) am and seven (7) pm.
- 4. Voting to fill one office will be conducted and completed, and recounts dealt with before balloting may begin to fill another office.
- 5. 4. All Officers, Executive and elected members of the Negotiating Committee are elected by majority vote of unspoiled ballots at a membership meeting of the Local Union, by electronic vote at a virtual membership meeting, or by referendum vote if voting at a membership meeting is not practical. Adequate notice must be given where the vote is held at a membership meeting. A referendum vote must be held in a way that permits all members to participate. The Local Union can choose whether to elect officers by majority or plurality vote when it holds a referendum vote.
 - 5. 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.

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- 6. 5. 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. a second vote will be held between the candidates with the same number of votes. Notice of the second vote will be provided at the regular membership meeting in May. The voting will take place at the Union office, or a determined location, the day prior to the regular membership meeting in June.
 - 6. When two (2) 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 declared spoiled. In the event that there is only one (1) nominee for any position the presiding officer shall order that a ballot be cast for that nominee and that person shall be declared elected by acclamation.
 - 7. 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 4.
 - 8. All election complaints by members will be submitted in writing to the Lead Returning Officer as soon as possible but in no circumstances will a complaint be valid if it is filed later than seven (7) days after the election. The Lead 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 next regular membership meeting.

(d) Bargaining Unit Elections

Nominations and elections for bargaining unit positions will take place at least one (1) month prior to the Local's general meeting in May. Bargaining unit nominations and elections will be conducted for the following positions:

In odd years the following positions shall be elected for two (2) years: Chairperson, Secretary and Executive Member at Large.

In even years the following positions shall be elected for two (2) years: Vice Chairperson, Lead Shop Steward, Membership Officer

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(e) Installation of Officers

All duly elected Officers shall be installed at the meeting at which elections are held and shall continue in office for two (2 years year(s) or until a successor has been elected and installed, provided, however, that no term of office shall be less than one year and no longer than three years.

The Oath of Office to be read by the newly-elected Officers is "I promise to support and comply with the Constitution, goals, principles and policies of the Canadian Union of Public Employees."

(f) 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.

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#4 (s. 11)

SECTION 11 - SIGNING OFFICERS

The Treasurer, the President, the First Vice President and the Second Vice President shall be the signing officers. Any two (2) of these four may sign on behalf of the Local Union. Each cheque must be signed by two signing Officers, one of which must be the Treasurer.

Signing Officers of Local 402 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.

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#5 (s. 12 - Secretary)

SECTION 12 - DUTIES OF OFFICERS

All officers are encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

All Officers must give all properties, assets, funds and all records of the Local Union to their successors at the end of their term of office.

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SECRETARY

The Secretary shall:

- Record full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustees' reports".
- Preside over membership and Executive Board meetings in the absence of the President, First Vice President and Second Vice President.
- Performs other duties required by the Local Union, its bylaws or the National Constitution.

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#5 (s. 12 - Treasurer)

SECTION 12 - DUTIES OF OFFICERS

All officers are encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

All Officers must give all properties, assets, funds and all records of the Local Union to their successors at the end of their term of office.

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TREASURER

The Treasurer shall:

- Comply with the Administrative and Financial Policies established by the Local.
- 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.
- Ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local 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.
- 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. In consultation with the Executive Board, designate a signing Officer during prolonged absences.

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- Be responsible for maintaining, organizing, safeguarding, and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local.
- 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 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 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 is affiliated.
- Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
- Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.
- Be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local Union's funds.
- Notify all members who are one month in arrears and report to the Executive Board all members two or more months in arrears in the payment of union dues.
- Chair the Finance Committee.

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#6 (s. 13)

SECTION 13 - FEES, DUES, AND ASSESSMENTS

(a) Initiation and Readmission Fee

Local 402 may charge an initiation and readmission fee of between \$1 and \$10. Payment of initiation fees is a tangible confirmation of the desire to become a member of your Local and the Canadian Union of Public Employees. Each application for members in the Local will be directed to the Treasurer and will be accompanied by an initiation fee of one (1) dollar which shall be in addition to monthly dues. The Treasurer shall issue a receipt. If the application is rejected, the fee shall be returned.

The Initiation Fee shall be established from time to time by a General or Special Membership Meeting, but in any event, shall not be less that One Dollar (\$1.00).

(b) Readmission Fee

The readmission fee shall be one (1) dollar.

(c) (b) Monthly Dues

The regular union dues payable by each member shall be established from time to time by Notice of Motion at a General or Special Membership Meeting.

(c) 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.

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(d) Non Payment of Dues and Assessments

A member who fails to pay dues and assessments for three (3) months is automatically suspended from membership. The suspension will be reported to the Executive Board by the 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. The readmission fee cannot be less than the initiation fee of the Local.

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.

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#7 (s. 19 (c))

SECTION 19 - COMMITTEES

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(c) Negotiating Committee

This will be a special committee established at least within six (6) months prior to of 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 the President, First Vice President, Second Vice President, Secretary, Treasurer, Lead Shop Steward, and three (3) members elected by the general membership one Executive member. Not more than one (1) member of those elected from the general membership shall be from each of the following membership groups:

- Corporate Services
- Engineering
- Finance
- Parks, Recreation and Culture
- Planning and Development
- RCMP Support Services

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 402's negotiating committee shall make every effort to attend Collective Bargaining Training.

Bargaining Unit 402-02 – the negotiating committee shall consist of the Chairperson, the Vice-Chairperson, the Secretary, and an elected member of the Bargaining Unit. An alternate member may also be elected.

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APPENDIX C RULES OF ORDER 13.)

- 1. The President will be the Chairperson at all membership meetings. In the absence of the President, the Vice-President will be the Chairperson at the membership meeting. In the absence of the President and Vice-President, the Secretary will be the Chairperson at the membership meeting. In the absence of the President, Vice-President and Secretary, members at the membership meeting will select a Chairperson by majority vote. Quorum rules must be met.
- 2. Members are not allowed to speak about an issue for more than five minutes. Members can only speak to an issue once unless there is agreement by the members at a meeting, or where all those wishing to speak have had the opportunity to speak.
- 3. The Chairperson of a committee who is making a report or the mover of a motion may speak for up to fifteen minutes. With the agreement of the members present, the fifteen minutes may be expanded.
- 4. The Chairperson will state every motion presented at a membership meeting before allowing debate on the motion. Before putting a motion to a vote, the Chairperson will ask: "Is the Local ready for the motion?" If no member rises to speak, the motion will be voted upon.
- 5. A motion must be moved and seconded. The mover and seconder must rise and be recognized by the Chairperson.
- 6. 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
- 7. An amendment to a motion or an amendment to an amendment to a motion that is a direct negative to the main motion is never permitted.
- 8. On motion, the regular order of business at a membership meeting may be suspended where two-thirds of those present vote to do so. The regular order of business should only be suspended to deal with urgent business.

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- 9. Motions other than those named in Rule 19, or motions to accept or adopt the report of a committee, will, if requested by the Chairperson, be put in writing prior to beginning debate and vote.
- 10. At the request of a member, and upon a majority vote, a motion which contains more than one action or issue can be divided.
- 11. The mover of a motion can withdraw the motion upon the consent of the seconder prior to the end of debate. Once debate has ended on a motion, the motion can only be withdrawn upon unanimous vote of the members present.
- 12. A member who wishes to speak on a motion, or a member who wishes to move a motion, shall rise and respectfully address the Chairperson. The member shall not proceed until the member is recognized by the Chairperson except where the member rises to a point of order or on a question of privilege.
- 13. The Chairperson will keep a speakers list and, in all cases, will determine the order of speakers including those circumstances where two or more members rise to speak at the same time. Debate shall alternate between pro and con speakers, where appropriate.
- 14. A member, while speaking, will speak only to the issue under debate. Members shall not personally attack other members. Members will refrain from using language that is offensive or in poor taste. Members will generally not speak in a manner that reflects poorly on the Local Union or other members.
- 15. A member that is called to order will stop speaking until the point of order is determined. If it is decided that the member is in order, then the member may continue speaking.
- 16. Religious discussion of any kind is not permitted.
- 17. The Chairperson will not take part in any debate. Where the Chairperson wishes to speak on a resolution or motion, or where the Chairperson wishes to move a motion, the Chairperson must rise from the chair and hand the chair over as outlined in Rule #1.

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- 18. The Chairperson will have the same right to vote as other members. In the case of a tie vote, the Chairperson may cast another vote or the Chairperson may refrain from casting an additional vote, in which case the motion is defeated.
- 19. When a motion is before the members, no other motion is in order except a motion to 1) adjourn; 2) put the previous question; 3) lay on the table; 4) postpone for a definite time; 5) refer; or 6) divide or amend. These six motions shall have precedence in the order indicated. Motions 1 through 3 shall be decided without debate.
- 20. The Chairperson will ask "Will the main question be now put?" where a motion for the previous question is moved and seconded. If approved, the Chairperson will then take votes on the motion and amendments to the motion (if any) in order of priority. If an amendment or an amendment to an amendment is approved, then members will be asked to vote on the motion as amended.
- 21. A motion to adjourn is in order except when a member is speaking or when members are voting.
- 22. A motion to adjourn, if lost, is not in order if there is further business before the Local Union, until fifteen minutes have elapsed.
- 23. After the Chairperson declares the vote results on a question, and before the Local Union proceeds to another order of business, any member can ask for a division. A standing vote on the division will be taken and the Recording Secretary will count the standing vote.
- 24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked to state briefly the basis for the appeal. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, "Will the decision of the chair be upheld?" A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.

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- 25. At a membership meeting where a question has been decided any two members who voted with the majority can give notice of a motion to reconsider a decision of the membership at the next membership meeting. The motion to reconsider requires the support of a two-thirds majority of members who vote. If two-thirds majority of members support reconsideration, the question will be placed in front of the membership for debate and a subsequent vote.
- 26. Members are allowed to leave a meeting with the permission of the Vice-President; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.
- 27. The Local Union's business and the proceedings of meetings are not to be divulged to any persons outside the Local Union, or the Canadian Union of Public Employees.