



CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 543

WINDSOR MUNICIPAL AND COMMUNITY WORKERS

By-Laws

- Windsor Municipal Employees (.1)
- Windsor-Essex County Health Unit Employees (.3)
 - A.B.C. Day Nursery Employees (.4)
- Windsor Occupational Health Information Service Employees (.5)
- Windsor-Essex Community Housing Corporation Employees (.6)
- Prism-Berlie (Windsor) Limited Employees (.7)
- Great Beginnings Child Centered Co-Operative Inc. Employees (.8)

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PREAMBLE

In order to improve and maintain the social and economic welfare of its members without regard to sex, marital status, colour, race or creed, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, this Local 543 of the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed.

The following By-laws are adopted by the Local pursuant to, and to supplement, Appendix “B” of the CUPE Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.

SECTION 1 – NAME

The name of this Local shall be CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL #543 WINDSOR MUNICIPAL AND COMMUNITY WORKERS AND SHALL INCLUDE

LOCAL 543.1 WINDSOR MUNICIPAL EMPLOYEES

LOCAL 543.3 WINDSOR-ESSEX COUNTY HEALTH UNIT EMPLOYEES

LOCAL 543.4 A.B.C. DAY NURSERY EMPLOYEES

LOCAL 543.5 WINDSOR OCCPATIONAL HEALTH INFORMATION SERVICES EMPLOYEES

LOCAL 543.6 WINDSOR-ESSEX COMMUNITY HOUSING CORPORATION EMPLOYEES

LOCAL 543.7 PRISM-BERLIE (WINDSOR) LIMITED EMPLOYEES

LOCAL 543.8 GREAT BEGINNINGS CHILD CENTERED CO-OPERATIVE INC. EMPLOYEES

Membership in the Union shall be open to all employees of these employers who are covered under the scope of the collective agreement with the Union or were formerly members of Local 543, as approved by the membership.

SECTION 2 – OBJECTIVES

The principles and objectives of the local are to:

- (a) Secure adequate remuneration for work performed and generally advance the economic and social welfare of it’s members and all workers generally
- (b) Support CUPE in reaching the goals set out in Article II of the CUPE Constitution;
- (c) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (d) Encourage the settlement by negotiation and mediation of all disputes between the members and their employers;
- (e) Establish strong working relationships with the public we serve and the communities in which we work and live;
- (g) Reduce the hours of labour and by all legal and proper means, elevate the moral, intellectual and social conditions of all workers in general, and of this membership in particular.

SECTION 3 – INTERPRETATION AND DEFINITIONS

- (a) Masculine pronouns shall be understood to include all persons.
- (b) Numbers of articles at the end of sections or sub-sections refer to relevant articles of the CUPE Constitution which should be read in conjunction with these by-laws.
- (c) Compassionate Fund – Monies given to members who work picket duty during a strike for financial

assistance.

SECTION 4 – MEMBERSHIP MEETINGS

(a) General and Special Meetings

1. General Membership meetings shall be held on the third Wednesday of each month, January through December (excluding July, August, and December) at 7:00 p.m. and shall continue until 9:00 p.m. unless adjournment is called at an earlier hour. However, an extension of time may be granted by a majority vote of those members present.

If a scheduling problem intervenes, the Executive Board shall give two weeks notice of any change in the date of the General Membership meeting.

2. Special membership meetings may be ordered by the President and/or the Executive Board or requested in writing by no fewer than **20** of the Local members. The President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least three days notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.
3. A quorum for the transaction of business at any general or special meeting shall be **20** members, including at least six members of the Executive Board.
4. The order of business at general membership meetings is as follows:
 - i. Roll call of officers
 - ii. Voting on new members and initiation
 - iii. Reading of minutes
 - iv. Matters arising
 - v. Treasurer's report
 - vi. Communication and bills
 - vii. Executive committee reports
 - viii. Reports of committees and delegates
 - ix. Nominations, elections, or installations
 - x. Unfinished business
 - xi. New business
 - xii. Good of the union
 - xiii. Adjournment

Rules of Order shall be in accordance with Appendix "A" of these By-laws.

(b) Sub-Local Meetings

1. Each Sub Local must have a minimum of two (2), with a maximum of nine (9) regular Sub Local meetings in the calendar year for the purpose of reviewing Sub Local matters and provide at least 2 weeks notice to the local members.
2. Sub Local meetings may be called by the Executive Board or Sub Local Unit chair for the purpose of dealing with the Sub Local matters not dealt with at a general or special membership meeting of the Local.
3. A quorum for the transaction of business at any Sub Local meeting shall be the number of members as determined by the Sub local as determined at their first meeting with that information submitted to the Recording Secretary of the union and shall form part of these by-laws. (Appendix E). Local 543.3 quorum shall be not less than 1/3 of the membership and nominations and elections shall be one month apart.
4. A Sub Local meeting may be called by the members of the sub local provided that a request, in writing; is made by the number of members determined by the sub local (as determined in 3 above) and submitted in writing to the Sub Local Chair with a copy forwarded to the President and Recording Secretary of the Local.
5. Three days notice of the meeting must be given to members affected by posting a notice in the workplace. The posting must include the purpose of the meeting.
6. No policy decisions shall be discussed at Sub Local meetings if it is outside the scope of the purpose for which the meeting was called. Sub Local meetings cannot pass motions that bind the Local Union unless the said motion is subsequently ratified at a General Membership meeting.

(c) Payment of Meeting Costs

The Executive Board shall be authorized to pay reasonable costs for the rental of locations for meetings in the event that the Local 543 Union Hall cannot accommodate the membership.

SECTION 5 – VOTING ON FUNDS

Except for ordinary expenses and bills as approved at General Membership meetings:

- (a) Except for ordinary expenses itemized budgets, and bills as approved at membership meetings, no sum over Two Hundred and Fifty Dollars (\$250.00) shall be voted for the purpose of a grant or contribution to any member or any cause outside of CUPE except by a motion dealt with at a membership meeting (Article B4.4).
- (b) Elected delegates attending conferences and conventions, which includes Ontario Division, OFL, CLC & CUPE National Convention, shall have the authority to donate on behalf of the membership up to \$500.00 for the purpose of appeal & strike donation, which are endorsed by the convention.

SECTION 6 – LOCAL OFFICERS

The officers of the Local shall be the President, 1st Vice President, 2nd Vice President, Recording Secretary, Secretary-Treasurer, Chief Steward, Sergeant at Arms, Chair from each Sub-Local, Three (3) Executive Board Members At Large, Three (3) Trustees, and Stewards.

The Sub Local Officers shall include the Unit Chair and any other positions as outlined in their Collective Agreement but not limited to.

SECTION 7 – EXECUTIVE BOARD

- a. The Executive Board shall comprise all officers, except Trustees and Stewards.
- b. The Board shall meet twice a month or on the call of the President and any six (6) members shall constitute a quorum (Article B.3.14).
- c. CUPE Local 543 shall hold title to any real estate of the Local as trustees for the local. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and having it approved.
- d. The Board shall do the work delegated to them by the President and shall be held responsible for the proper and effective functioning of the assigned committee. Such committee chair shall be responsible to the General Membership.
- e. All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution (Articles B.6.1 to B.6.5).
- f. Should any Board Member fail to answer the roll call for three consecutive regular membership meetings or three general Board Meetings without having submitted reasons acceptable to the Executive Board for those failures, his office shall be declared vacant and shall be filled by an election at the following membership meeting.
- g. Any Executive Board Member who is absent and does not contact the Union Office prior to a General Membership meeting to advise that they will not be attending will be assessed a percentage amount to be deducted from out of pocket expenses.

SECTION 8 – DUTIES OF OFFICERS

(a) The President shall:

1. Enforce the CUPE Constitution and these by-laws; preside at all General membership meetings and Executive Board meetings and preserve order; decide all points of order and procedure (subject always to appeal by the membership), have a vote on all matters (except appeals against his rulings), and in case of a tie vote in any matter including elections, have the right to cast an additional vote to break the tie;
2. Ensure that all officers perform their assigned duties;
3. Fill committee vacancies where elections are not provided for. Such appointments shall be endorsed at the next General Membership meeting with exception of the Negotiating Committee;
4. Introduce new members and conduct them through the initiation ceremony;

5. Be one of three signing officers and ensure that the Local's funds are used only as authorized or directed by the Constitution, by-laws, or vote of the membership;
6. Have first preference as a delegate to all Conventions and Conferences & Seminars;
7. Ex-officio member of all the Local's committees;
8. When requested by the Unit chair of a sub-locals act as spokesperson;
9. On termination of office, surrender all books, seals, and properties of the Local to his successor;
10. Be allowed necessary funds, not to exceed \$50.00 monthly; to reimburse him for expenses, supported by vouchers, incurred on behalf of the Local;
11. Officially represent the Local on all business pertaining to the Bargaining unit and when requested by the Chairperson of another Bargaining Unit act as spokesperson for this unit. Preside as Chairperson on the Negotiating Committee;
12. Be Bonded through the master bond held by National Office and any President who cannot qualify for the bond shall be disqualified from office;
13. Attend New Employee orientation meetings as official representative of the Local;
14. Attend arbitrations and mediations;
15. Attend meeting of Windsor and District CUPE Council, and Windsor and District Labour Council.
16. On termination of office, surrender all books, seals and properties of the Local to his successor.

(b) The 1st Vice President shall:

1. If the President is absent or incapacitated shall perform all duties of the President;
2. If the office of President falls vacant be Acting President until a new President is elected;
3. Render assistance to any member of the Board as directed by the Board (Article B.3.3);
4. Other duties as assigned by the President;
5. If the President or Secretary-Treasurer is absent or incapacitated, be one of three signing officers for the local and ensure that the Local's funds are used only as authorized or directed by the Constitution, by-laws or vote of the membership;
6. Be Bonded through the master bond held by National Office and any 1st Vice President who cannot qualify for the bond shall be disqualified from office;
7. On termination of office, surrender all books, seals and properties of the Local to his successor.

(c) The 2nd Vice President shall:

1. If the President and 1st Vice President are absent or incapacitated, perform all duties of the President;
2. If the office of President falls vacant or 1st Vice President be Acting President or 1st Vice President until a new President is elected;
3. Render assistance to any member of the Board as directed by the Board (Article B.3.3);
4. Other duties as assigned by the President;
5. In termination of office, surrender all books, seals, and properties of the Local to his successor.

(d) The Recording Secretary shall:

1. Keep accurate and impartial account of the proceedings of all general or special membership and board meetings, ensuring that these records include a copy of the full financial report presented by the Secretary-Treasurer;
2. Submit amendments of the by-laws to CUPE National;
3. Answer correspondence and fulfil other secretarial duties as directed by the Board;
4. File a copy of all letters sent out and keep on file all communications;
5. Prepare and distribute all circulars, notices and agendas for Executive and General membership meetings to the appropriate members in a timely fashion;
6. Prepare a separate record from the minutes, of all approved motions from Executive Board and General membership meetings to be kept in an easily accessible format for future reference;
7. Have all records ready on reasonable notice for auditors and trustees;
8. Preside over membership and board meetings in the absence of both the President and the 1st and 2nd Vice President;
9. Provide support to office administrative assistant as required;
10. On termination of office, surrender all books, seals and properties of the Local to his successor.

(e) The Secretary-Treasurer shall:

1. 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;
2. Prepare all CUPE National per capita tax forms and remit payment no later than the 15th day of each month;
3. Collect committee budgets, prepare an annual budget to be presented to the executive board prior to the September regular membership meeting and oversee approved committee budgets;
4. Ensure that all items in the monthly dues section of the by-laws are adhered to in accordance with these by-laws;

5. Throughout his term, and on behalf of the Local Union membership, be responsible for maintaining, organizing, safeguarding, and keeping on file all supporting documents, authorizations, invoices and/or vouchers for every disbursement made, receipts for all money sent to CUPE National Office, as well as records and supporting documents for all income received by the Local Union;
6. Record all financial transactions in a manner acceptable to the Board and in accordance with good accounting practices and co-sign all cheques;
7. Make a full financial report to meetings of the Local's Executive Board, as well as a written financial report to each general membership meeting, detailing all income and expenditures for the period;
8. Be bonded through the master bond held by the National Office, and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office;
9. Pay no money unless supported by a voucher duly signed by themselves, the appropriate sub-local chair and the member incurring the expense, or any two other members of the Board, except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated;
10. Make all books available for inspection by the auditors and/or Trustees on reasonable notice prior to March and September of each year, respond in writing to any recommendations and concerns raised by the Trustees;
11. Provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE;
12. Notify all members who are one month in arrears and report to the Board all members two or more months in arrears in the payment of union dues;
13. Be empowered to purchase sufficient office supplies for the proper function of the Local (i.e. office consumables, cleaning supplies) with not one purchase being greater than \$250.00 without Executive Board Approval;
14. On termination of office, surrender all books, records, and other properties of the Local to his successor.

(f) The Unit Chair shall:

1. Preside at all sub-local membership meetings and preserve order; decide all points of order and procedure (subject always to appeal to the sub-local membership);
2. Have a vote on all matters at sub-local membership meetings;
3. Serve on sub-local grievance and negotiation committees;
4. Fill sub-local committee vacancies where elections are not called for;
5. Ensure that all stewards perform their assigned duties;
6. Keep records and attendance of all sub-local meetings;
7. Submit monthly written reports to the Recording Secretary;

8. Be in attendance at General Membership meetings as set out in Section 4 and Section 7 (g).
9. On termination of office, surrender all books, seals and properties of the Local to his successor.

(g) The Trustees shall:

1. Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the Standing Committees March and September of every calendar year;
2. 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;
3. Submit a written report of their findings to the first membership meeting following the completion of each audit;
4. Be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
5. Ensure that proper financial reports are made to the membership;
6. Inspect every March and September of each 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, and report their findings to the membership;
7. Send a copy of the completed audit report (on the prescribed form provided by the National Secretary-Treasurer) as well as a copy of their report to the Local Union membership along with a copy of their recommendations and/or concerns to the President and Secretary-Treasurer and the Secretary-Treasurer's response, to the National Secretary-Treasurer of the Canadian Union of Public Employees, with a copy to the assigned servicing representative (Articles B.3.10 to B.3.12).
8. On termination of office, surrender all books, seals and properties of the Local to his successor.

(h) The Sergeant-At-Arms shall:

1. Guard the inner door at general membership meetings, admit no one but members in good standing or officers and officials of CUPE, except on the order of the President and by consent of the members present; ensure order is adhered to;
2. Obtain the names of all those awaiting initiation, reporting such names to the Chairperson;
3. Maintain the record of membership attendance at meetings including reasons given by Executive Board members for being absent;
4. Perform such other duties as may be assigned by the President from time to time;
5. Maintain current membership list (including up to date addresses and phone numbers).

6. On termination of office, surrender all books, seals and properties of the Local to his successor

(i) The Chief Steward shall:

1. Be responsible for the proper maintenance and functioning of the Steward body;
2. Appoint stewards when required;
3. Hold a meeting of the Steward body on a bi-monthly basis except the months of July, August & December or at the call of the Chief Steward;
4. Make monthly reports to the Executive Board and Membership;
5. Be the Chairperson of the Grievance Committee;
6. Be in attendance at arbitration and mediation meetings;
7. Assist sub-locals if requested may attend meetings;
8. Assist in training of stewards;
9. Ensure that the National Rep assigned to the sub-locals and President are made aware of the status of on-going grievances; prepare all briefs as required;
10. Render assistance to any member of the Executive Board as directed by the President;
11. On termination of his office, surrender to his successor all books, papers, seals, documents and other property of the union.

(j) The Executive Board Member(s) at Large shall:

1. Represent membership as an Executive Board Member;
2. Chair at least one committee;
3. Render assistance to any member as directed by the President;
4. On termination of office, surrender all books, seals and properties of the Local to his successor

(k) The Stewards shall:

1. Act as the Union's rep at the workplace and shall ensure that grievances are filed if the employer fails to comply with the terms of the collective agreement;
2. Keep the members informed and in touch with the Union Administration;
3. Assist the members with any problems that may occur;

4. Attend Steward meetings, as called by the Chief Steward;
5. Assume any other duties as assigned, from time to time, by the Unit Chair, President or Executive Board;
6. Investigate and report on all grievances to the Chief Steward;
7. Communicate Union business to all members in their area or yard, promote the beliefs of the union;
8. Must attend steward-training course(s) prior to assuming the responsibilities of the position;
9. On termination of office, surrender all books, seals and properties of the Local to his successor

SECTION 9 - EXPENSES

MILEAGE

A member (including officers) who is requested or required to drive their automobile for union business shall be paid a monthly allowance after providing the Secretary Treasurer a monthly mileage report properly completed (to be supplied by the Local – Appendix D) for all mileage in performance of work for the Local from the first to the last day of the month, calculated at the current rate equal to the City of Windsor Collective Agreement per kilometer.

CAR INSURANCE DIFFERENTIAL

Any increase in Car Insurance Premiums, Worker's Compensation premiums, or any cost comparable, incurred by a Local Officer will be reimbursed upon proper documentation to the Secretary Treasurer of the Local on the recognized forms. When possible administration of same will be completed by the Local Union.

TRAVEL ARRANGEMENTS & EXPENSES

Such expenses authorized to be paid by the Secretary Treasurer of the Local shall, without restricting the generality of the foregoing, include such items as train, bus or airplane tickets, parking fees, car rental, car mileage, taxi fares, air limousine service, meal(s) & accommodations allowances, and in the case of an authorized convention or educational function, registration fees in accordance to itemized costs set out in the Education Policy.

NON-RECEIPTABLE INCOME

Those members of the Local elected to positions on the Executive Board of the Local including Trustees and Stewards, shall be entitled to receive during their term of office out of pocket expenses for their services as outlined in Appendix "B". It is further agreed that an annual increase equal to percentages negotiated in Local 543.1 collective agreements shall be granted automatically effective January 1st, of each year beginning 2009.

No two out of pocket expenses will be paid to any member at one time.

All Officers of the Local must attend monthly General Membership meetings and Executive Board Meetings to receive out of pocket expenses unless a valid reason is given to the President for non-attendance.

Stewards & Joint Health & Safety Representatives must attend monthly meetings, or as called by the Chief Steward or Health & Safety Co-coordinator to receive out of pocket expenses, unless a valid reason is given to the Chief Steward or Health & safety Co-coordinator for non-attendance.

All authorized expenses claimed by any member of the Local, other than out of pocket, to be provided to the members of the Executive Board, including trustees and stewards, as provided for hereto shall be accompanied by receipts.

Payment of Expenses – Payment will be made upon submission of a voucher, with receipts, within 90 calendar days of the incurrence (when possible) of the said expense.

Members requested by the Local to sit on Committees (other than the Executive Board Members including Trustees and Stewards) shall be paid on authorization of the Executive Board for expenses incurred. This applies only when regular wages are not being paid.

Any such out of pocket expenses as provided to members of the Local elected to positions on the Executive Board including Trustees and Stewards, may be in the manner and in differing amounts for different members of the Executive Board of the Local.

The Treasurer of the Local is hereby authorized to make such payments from time to time to any members of the Executive Board or to any other member of the Local attending as a delegate to any authorized convention, educational function, community organization or serving as a member of any Committee of the Local in respect to those expenses incurred by such members.

No expenses shall be paid to anyone resigning during their term of office until all properties have been returned to the Local and in good order. Said payment shall be pro-rated to their period of service.

SECTION 10 – FEES, DUES, AND ASSESSMENTS

Initiation Fee:

Each application for membership in the Local shall be directed to the Secretary-Treasurer and shall be accompanied by an initiation fee of Ten (10.00) Dollars, which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected the fee shall be returned (Articles B.4.1 and B.10.2).

Re-Admittance Fee:

The Local shall grant a withdrawal card to members when leaving their place of employment to take up an occupation elsewhere or in another shop or industry in the jurisdiction of another affiliated or chartered union. Such withdrawal card shall be evidence of the fact that the holder was in good standing in the Local when he transferred his employment from the jurisdiction of the Local and shall entitle him to take up membership in the same Local at a future date should he again work within its jurisdiction, without the payment of a new initiation fee.

The re-admittance fee shall be one (\$1.00) dollar (Articles B.4.1 and B.11.2).

Assessment Fee:

Upon the death of a member of the Local (not including a retired or honorary member) the Treasurer shall remit the sum of Five Hundred Dollars (\$500.00) to the beneficiary of the deceased member as designated on the Designated of Beneficiary Card.

Upon the retirement, on pension, of a member in good standing of the Local, the Treasurer shall remit to the retired full-time member the sum of Seven Hundred & Fifty Dollars (\$750.00) and Three Hundred and Seventy Five Dollars (\$375.00) to a retired part-time member.

As required, special assessments shall be levied as necessary to provide sufficient funds to cover the foregoing amounts. All such assessments shall be deposited in a special trust fund. Monies necessary to cover the above shall be advanced from the General Fund, if required, until the special assessment has been levied and received by the Treasurer.

All retiring members shall be sent an application for membership to the Municipal Retirees Organization Ontario (M.R.O.O.) and should the member wish to join, the union agrees to buy the \$25.00 lifetime membership on their behalf. (Note this practice begins effective February 10, 2009). **All retiring members not part of the OMERS plan shall receive a gift of equal value.**

Monthly Dues:

- a. The monthly dues shall be 2.0% of regular gross earnings, excluding overtime, shift premiums and other allowances.
- b. Two dollars (\$2.00) per member per pay will be kept in a separate fund to be used for a strike fund. Such money will be used only for matters directly related to a strike. Money used for any other purpose must be endorsed by a vote of ninety-five (95%) of the members present at a meeting for which a notice of motion has been properly submitted in accordance with these by-laws.
- c. If the National Per Capita Tax structure is increased at a National Convention, the dues structure outlined in Section **10 (a)** will increase automatically to reflect such increase.
- d. Changes in the levels of the Initiation Fee, the Re-Admittance Fee, or the Monthly Dues can be affected only by the following procedure for amendment of these by-laws (see Section 16), with the additional provision that the vote must be by secret ballot (Article B.4.1 and B.4.3).
- e. Notwithstanding the above provisions, if the CUPE Convention raises minimum fees and/or dues above the level herein established, these by-laws will be deemed to have been automatically amended to conform to the new CUPE minimum.
- f. A member who takes Leaves of Absence, L.T.D., Lay-Off, or is on WSIB, Maternity or Parental Leave from the employer may make application to the Executive Board to have their regular dues changed to a flat rate of six dollars (\$6.00) per month while on such leave of absence. Upon approval, such dues for the expected period of the leave of absence shall be paid by payroll deduction or direct payment to the Treasurer.
- g. Special assessments may be levied in accordance with Article B.4.2 of the CUPE Constitution.

- h. A special levy equal to 5% of bi-weekly gross wages will be deducted from each member who is deemed Essential or Critical Service during a strike or lock out beginning the first full pay period. These funds will be deposited into a separate account to be used for striking members that perform picket duty.

SECTION 11 – NON-PAYMENT OF DUES AND ASSESSMENTS

Any member in arrears for a period of three months or more shall be automatically suspended and his suspension shall be reported to the Executive Board by the Secretary-Treasurer. The Executive Board shall report to the next membership meeting with a recommendation. Any member under suspension wishing to be reinstated shall, upon application, pay the re-admittance fee, plus any dues and assessments in arrears. This money will be returned if the application is rejected. If a member has been unemployed or unable to work because of sickness, he shall pay the re-admittance fee but may not be required to pay his arrears (Article B.11.1).

Honorary Members – Non Voting

Upon retirement, members shall become Honorary Members-Non Voting. These members are entitled to attend all General Membership Meetings and participate in Local functions. They will have no voting rights and shall not be required to pay dues.

SECTION 12 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

(a) Nominations

Nominations shall be received at the regular membership meeting held in the month of April. No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting his consent in writing, stating a valid reason accepted by the members and duly witnessed by another member. No member shall be eligible for nomination if he is in arrears of dues and/or assessments. Nominees must be member in good standing (see Article B.10.3) of the Constitution.

Elections votes shall take place at the General Membership meeting in May. The vote shall be by secret ballot.

(b) Election

1. At a General membership meeting at least one month prior to Election Day the President shall, subject to the approval of the members present, appoint an Elections Committee consisting of a Returning Officer and three assistants. The committee shall include members of the Local who are neither officers nor candidates for office; it shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.

2. Notice shall be posted within seven (7) days after nominations and include, Name of Nominees, Position running for, Date of Vote, time and location(s) of vote.
3. The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
4. The Returning Officer shall be responsible for issuing, collecting, and counting ballots. He must be fair and impartial and see that all arrangements are unquestionably democratic.
5. Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
6. Unless otherwise specified, a candidate must obtain a majority of votes cast, i.e. at least 50% plus 1 to be declared elected. When no candidate obtains a majority of votes the candidate receiving the fewest votes shall be dropped and a second ballot taken. The process shall continue until one candidate has obtained a majority.
7. In case of a run off there shall be an additional election shall be held within 10 days of the main election to complete the election.
8. When two or more nominees are to be elected to any office, by ballot, each member voting shall be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
9. Any member may request a recount of the votes for any election and a recount shall be conducted provided however, a majority of the members present at the meeting shall vote in favour of such recount. Such recount shall be taken immediately prior to election of any other office.
- 10. An advance poll shall be held at the union office from 8:00 a.m. until 5:00 p.m. on the day of the election meeting.**
11. No member is allowed to hold more than one elected office. A Trustee may however serve as a Steward.

(c) Installation

1. All duly elected officers shall be installed at the meeting with effective date to be the 1st day of the following month at which elections are held and shall continue in office for two (2) years or until such time as a successor has been elected and installed.
2. The terms of office for Trustees shall be laid down in Article B.3.10 of the CUPE Constitution.

(d) By-Election

In the event that any elective position becomes vacant during the normal period between elections, a special nomination at a General Membership meeting and a special election at the following General Membership meeting may be held, or the President may make a temporary appointment.

(e) Nomination, Election and Installation of Sub Local Chair

Nomination

1. Upon giving the Sub Local membership 30 days posted notice, the Sub Local Chair or Executive Board shall call for nominations and elections to be held at a regular Sub Local Membership meeting as outlined above.
2. To be eligible for nomination a member shall have attended at least 50% of the membership meetings held in the previous 12 months or in the period he was a member, if less than a year, unless a valid reason, acceptable to the Sub Local is given for non attendance at the meeting(s). No member shall be eligible for nomination if he is in arrears of dues and/or assessments. Nominees must be currently working in a Bargaining Unit position.

Election

1. At the beginning of the regular sub local meeting at which the election is to be held, the Chair, or an Executive Board Officer, shall, subject, to the approval of the members present, appoint an Election Committee, consisting of a Returning Officer and assistant(s). The committee shall include members of the Local who are neither officers nor candidates for office; it shall have full responsibility for voting arrangements and shall treat information submitted as confidential.
2. The Sub Local Chair or attending Executive Board Officer shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
3. The Returning Officer shall be responsible for issuing, collecting, and counting ballots. He must be fair and impartial and see that all arrangements are unquestionably democratic.
4. The voting shall take place as determined by the CUPE National Representative at a regular Sub Local membership meeting held immediately following the General Membership meeting at which elections were held. The vote shall be by secret ballot.
5. Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
6. A majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots shall be taken, if necessary, to obtain a majority. On the second and subsequent ballots the candidate receiving the lowest number of votes in the previous ballot shall be dropped. In case of final tie vote, the presiding Returning Officer may cast the deciding vote.
7. When two or more nominees are to be elected to any office by ballot, each member voting shall be required to vote for the full number of candidates to be elected or member's ballot will be declared spoiled.
8. Any member may request a recount of the votes for any election and a recount shall be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a sub local membership meeting as laid out in Section 4 (d) (5).

Installation

- (1) All duly elected officers shall be installed upon election and shall continue in office for a period of 2 years.

Stewards

- (1) The nomination and election of Stewards shall take place every two (2) years in a fair and democratic method as chosen by the Sub Local Chair and the members of the affected sub local

SECTION 13 – DELEGATES TO CONVENTIONS, CONFERENCES, OR SEMINARS

- (a) Except for the President, Executive Board members of the local who wish to attend a convention shall submit their name at an Executive Board meeting to which a lottery will be drawn and endorsed by the membership.
- (b) Delegates to the Windsor and District CUPE Council, and Windsor and District Labour Council shall be elected annually. An official reporter for these delegates shall be appointed annually by the President from among these delegates, and he shall be required to report at each membership meeting of the Local on proceedings at recent meetings of the Council.
- (c) All delegates elected to conventions, conferences or seminars held outside the County of Essex shall be paid a per diem (meal allowance) of Ninety dollars (\$90.00) per day. This per diem shall be paid in addition to any loss of salary incurred by attendance at the convention, conference or seminars. Any registration fee shall also be paid by the Local.
- (d) Delegates to conventions, conferences or seminars held locally shall receive an out of pocket allowance of Twenty (\$20.00) dollars per day and compensation for any loss of salary incurred by attendance at the convention, conference or seminar and also parking paid with receipt. Any registration fee shall be also paid by the Local.
- (e) Those attending weeklong summer schools where meals and accommodations are covered will be paid One Hundred (\$100.00) dollars for the week and any loss of salary incurred by attendance at the school. Any registration fee shall also be paid by the Local.
- (f) In regards to travel it is endorsed by these by-laws that the lowest cost burden possible to the Local will apply when travelling on behalf of Local 543, taking into consideration the distance and urgency of travel. Such matters will be scrutinized by and voted on by the Executive Board and accountable to the General Membership. When a member decides to take his own vehicle instead of riding with others attending the same event no mileage will be paid unless approved in advance by the Executive Board.

SECTION 14 – COMMITTEES

(a) Negotiating Committee

The committee shall consist of six (6) members of the Local or as provided for in the Collective Agreement. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. Committee members shall be selected from the officers of the Local by the President and approved by the membership present at the next months following General Membership Meeting. The CUPE representative assigned to the Local shall be a non-voting member of the committee and shall be consulted at all stages, from formulating proposals, through negotiations, to contract ratification by the membership.

(b) Grievance Committee

This committee shall comprise of not less than three (3) members with the Chairperson of the committee being the Chief Steward. The duty of this committee is to determine if grievances not settled through steps under the collective agreement process should be recommended to proceed to arbitration or mediation. All reports of this Committee shall be submitted first to the President and Executive Board at an Executive Board meeting, then to the General membership at a General Membership meeting and to no other.

(c) Education Committee

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

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

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

Co-operate with the Union Development Department (Education) and Communications Branch of CUPE, and with the regional education representative, in implementing both the Local and CUPE's policies in these fields. The committee shall comprise of the amount of members, as the Chairperson deems necessary, and shall be appointed from among union officers.

(d) By-Law Committee:

This committee will be responsible for reviewing and recommending revisions to the By-Laws as required from time to time subject to approval of the membership and National President of CUPE. The committee shall consist of at least four (4) members of the Executive Board. By-laws shall be reviewed every Five (5) years or as required from time to time.

(e) WSIB/LTD & Accommodation Committee

This committee shall consist of union members who shall receive WSIB training within one year of appointment;

The purpose of the committee is to be a resource to members who are dealing with WSIB matters, LTD forms or workplace accommodation issues;

The committee shall organize participation in the Day of Mourning and any other Health and Safety events for the local in conjunction with the Occupational Health & Safety Committee;

Members of this committee shall familiarize and update themselves on all matters related to the WSIB so that they can receive and process all claims up to the Tribunal Appeal Level.

(f) **Occupational Health & Safety Committee**

This committee shall consist of designated union members of the various departmental Joint Health and Safety Committees, the designated alternate members and the 543 Health & Safety Co-ordinator.

The Health & Safety Coordinator shall be appointed by the Local Executive, based on training, experience and ability of the prospective candidates.

The committee shall organize participation in the Day of Mourning and any other Health and Safety events for the local in conjunction with the Occupational Health & Safety Committee.

The Co-ordinator shall appoint various union members to the departmental Joint Health & Safety Committee and the designated alternates, based upon their training experience, ability and other relevant factors of prospective candidates. The Co-ordinator shall report to the President.

The Co-ordinator may from time to time designate an alternate co-ordinator when the co-ordinator is ill, on vacation or unavailable.

The committee shall meet every other month a one half hour (½) prior to the monthly General Membership meeting. Meetings to be scheduled opposite to those of the Stewards meetings.

Be required to report monthly as required to the General Membership on behalf of the Committee and or to the Executive Board.

(g) **Political Action Committee:**

This committee shall represent Local 543 in all matters that necessitate Political Action in the broadest possible terms.

This committee shall co-operate with all Political Action Committees within the CUPE structure and the labour movement in general.

Involve lobbying elected and or appointed officials in all levels of government via presentation of written briefs or verbal comments.

The Chairperson shall prepare a written monthly report to the General Membership.

(h) **Social/Compassion Committee:**

In the event of death of a member or one of immediate family, extend the local's condolences and make other appropriate gestures in accordance with custom or the wishes of the family concerned not to exceed fifty dollars (\$50.00).

Members ill for more than ten (10) working days, whether in the hospital or not, have sent to them a token of the Local's concern and desire to help. This token can be in the form of a fruit basket, flowers or donation but shall not exceed thirty-five dollars (\$35.00 including tax) and shall not exceed more one time every twelve (12) months.

The committee shall be comprised of at least one member from the Executive Board **and shall** assist in planning and preparation of all Social Events including the Christmas Party.

(i) **Benefits Committee:**

Processing issues, concerns and complaints of the members in regards to Benefits;

Attend provider meetings as scheduled from time to time and report information to the General Membership;

Assist the Negotiating Committee whenever the need arises.

(j) **Special Committees**

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

(k) **Budget Committee**

Committee shall consist of the Secretary Treasurer, Local President, & two Executive Board members appointed by the President. The committee's main focus is to be responsible to oversee and monitor annual budgets.

Special Note: All committees shall prepare and submit an annual budget for approval to Executive Board and General Membership

SECTION 15 – RULES OF ORDER

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these by-laws as Appendix “A”. These rules shall be considered as an integral part of the by-laws and may be amended only by the same procedure used to amend the by-laws.

In situations not covered by **Appendix “A”**, the CUPE Constitution may provide guidance, but, if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied.

SECTION 16 – AMENDMENT

- (a) These by-laws 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 by-laws and the CUPE Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President. (Article 9.2 (c), 13.3 & B.7.1)
- (b) These by-laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following seven days notice at a previous meeting or at least sixty days written notice. (Article B.7.1)
- (c) No change in these by-laws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President. (Article 13.3 & B.7.)

Appendix “A” to the By-laws of Local 543, C.U.P.E.

RULES OF ORDER

- (1) The President or, in his absence, the 1st Vice-President, shall take the chair at all membership meetings. In the absence of both the President and 1st Vice-President, the 2nd Vice President shall act, as President in the absence of 2nd Vice President then the Recording Secretary shall act as President, and in his absence the Local shall choose a President pro-tern.
- (2) No member, except the Chairperson of a committee making a report or the mover of a resolution, shall speak more than five minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had an opportunity. Chairpersons and movers of a resolution shall be limited to fifteen minutes, except with the consent of the meeting.
- (3) The President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask: “Is the Local ready for the question?” Should no member rise to speak, the question shall then be put.
- (4) A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
- (5) A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
- (6) On motion, the regular order of business may be suspended by a two-thirds vote of those present, to deal with any urgent business.
- (7) All resolutions and motions other than those named in Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being put to the Local.
- (8) At the request of any member, and upon majority vote of those present, a question may be divided when the sense will admit of it.
- (9) Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
- (10) When a member wishes to speak on a question or to make a motion, he shall rise in his place and respectfully address the presiding officer, but, except to state that his rises to a point of order or on a question of privilege, he shall not proceed further until recognized by the chair.
- (11) When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
- (12) Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection on the local or member thereof.

- (13) If a member, while speaking, is called to order, he shall cease speaking until the point is determined; if it is decided he is in order, he may again proceed.
- (14) No religious discussion shall be permitted.
- (15) The President shall take no part in debate while presiding, but may yield the chair to the 1st Vice-President in order to speak on any question before the Local, or to introduce a new question.
- (16) The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he may in addition give a casting vote, or if he chooses, refrain from breaking the tie, in which case the motion is lost.
- (17) When a motion is before the Local, no other motion shall be in order except (1) to adjourn, (2) to put the previous question, (3) to lay on the table, (4) to postpone for a definite time, (5) to refer, (6) to divide or amend, which motions shall have precedence in the order named. The first three of these shall be decided without debate.
- (18) A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be now put?" If it is adopted the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
- (19) A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
- (20) A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen minutes have elapsed.
- (21) After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.
- (22) If any member wishes to challenge (appeal) a decision of the chair, he must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for his challenge. The chairperson may then state briefly the basis for his decision, following which the chairperson shall immediately and without debate put the question: "Shall the decision of the chair be sustained?" A majority vote shall decide except that in the event of a tie the chair is sustained.
- (23) After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
- (24) No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of officers, or the taking of a vote; and no member shall be allowed to leave without the permission of the 1st Vice-President.
- (25) The Local's business and proceedings of meetings; are not to be divulged to any persons outside the Local or the Canadian Union of Public Employe

Appendix “B”

OUT OF POCKET EXPENSES

The following expense allowance shall be provided the 1st of each month:

| | | | |
|----------------------|-----------------------|----------------------------------|----------|
| *President: | \$325.00 | *Secretary Treasurer: | \$200.00 |
| *1st Vice President: | \$225.00 | *Sergeant At Arms | \$125.00 |
| *2nd Vice President: | \$200.00 | *Executive Board Members: | \$125.00 |
| *Recording Secretary | \$200.00 | *Sub Local Chairs | \$125.00 |
| *Chief Steward | \$250.00 | *Stewards: | \$ 45.00 |
| *Trustee(s) | \$ 50.00 (per report) | *Health & Safety Representatives | \$ 35.00 |

Local 543.3 & 543.6 – Secretary - \$45.00 per month.

*With Increases negotiated as per the Collective Agreement (Local 543.1)

Note: Steward’s & Health & Safety Representatives are to be paid quarterly. All other Board members are paid the first of each month.

CUPE 543

STATEMENT OF CAR MILEAGE FOR UNION BUSINESS

Daily Log (Please Print Day/Year) _____

| DATE | ODOMETER READINGS | | # of KMS | Details of Meeting |
|--------------|-------------------|------|----------|--------------------|
| | TO | FROM | | |
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| TOTAL | | | | |

NAME (Please Print)

I hereby certify that the kilometres travelled, as reported above, were connected with Union Business & request reimbursement.

 Signature of Treasurer

 Signature of Union Member