

The Canadian Union of Public Employees

Delta Public Employees, Local 454

Constitution & Bylaws
(December 9, 2011)

ARTICLE 1

NAME

The name of this organization shall be:

"THE CANADIAN UNION OF PUBLIC EMPLOYEES, DELTA PUBLIC EMPLOYEES, LOCAL 454" or "C.U.P.E. LOCAL 454".

SEAL

The Official Seal of this Union shall be affixed to all official documents of this Union, upon authority of the Executive Board, and the Secretary-Treasurer of the Union shall be the custodian of the Official Seal.

STATUS

- Sec. (a) This Union was chartered by the National Union of Public Employees, June 12, 1951 and by the Canadian Union of Public Employees on September 24, 1963.
- Sec. (b) This Union is affiliated to the Canadian Union of Public Employees, C.U.P.E. - B.C., Metropolitan Vancouver District Labour Council (C.U.P.E.), the Vancouver and District Labour Council and the B.C. Federation of Labour.

ARTICLE 2

2.1 OBJECTIVES The Union has as its objectives:-

- Sec. (a) The organization of workers generally, and in particular, all workers in the public service in Delta.
- Sec. (b) The advancement of the social, economic, and general welfare of public employees.
- Sec. (c) The defence and extension of the civil rights and liberties of public employees, and the preservation of free democratic trade unionism.
- Sec. (d) The improvement of the wages, working conditions, hours of work, job security, and other conditions of public service generally.
- Sec. (e) The promotion of efficiency in public service generally.
- Sec. (f) The promotion of peace and freedom in the world.

2.2 The objectives of the Union are to be accomplished through the following methods:-

- Sec. (a) Negotiating fair wages and conditions on behalf of the members.
- Sec. (b) Establishing cooperative relations between employers and employees.
- Sec. (c) Promoting required desirable legislation.
- Sec. (d) Conducting an educational program designed to enlighten the general public with respect to the problems of public employees.
- Sec. (e) Organizing and supporting central and provincial bodies of public employees for dealing with matters peculiar to a particular area or province, and for assisting in the organizational efforts of this Union.
- Sec. (f) Cooperating with the Canadian Labour Congress, its chartered federations and labour councils, its affiliates and its departments, in furthering the general well-being of the whole labour movement.
- Sec. (g) Cooperating with the Public Services International, and the International Confederation of Free Trade Unions in their work.

ARTICLE 3

3.1 JURISDICTION

- Sec. (a) The jurisdiction of this Union shall include all of those employees who work for the Corporation of Delta and its associate bodies, including the Delta Municipal Police Board, and the Delta Museum and Archives, who are generally known as public employees.
- Sec. (b) Such other public sector employees who may choose to be represented by this Union.

ARTICLE 4

4.1 MEMBERSHIP

- Sec. (a) All employees of any of the employers whose employees are represented by Local 454 shall be considered for membership in the Union upon completion of three bi-weekly pay periods of employment.
- Sec. (b) Upon completion of the three bi-weekly pay periods, the Secretary shall notify the prospective members in writing of the date, time, and location of the next regular membership meeting.
- Sec. (c) The Secretary shall also inform the prospective members that he/she must attend that meeting in order to be accepted as a member.
- Sec. (d) If a prospective member cannot attend for some valid reason, that member shall notify the Secretary in writing and a motion to accept that person for membership may be made from the floor.
- Sec. (e) At the appropriate time, the chair shall ask, "Are there any applications for membership?".

- Sec. (f) The Secretary shall reply and read the names of any applicants and then shall move, "That the applicants for membership present be accepted as members".
- Sec. (g) Upon completion of the vote on the motion to accept as members, the President shall invite those new members to come forward to take the obligation to the Union as follows:
- "I solemnly promise and declare that I will support this Union; and that I will support and obey the Constitution of this Union; and that I will strive to improve economic and social conditions for my fellow members and for working people in general; that I will defend and strive to extend the democratic rights and liberties of all working people; that I will not knowingly or purposely wrong or assist others in wronging a member of this Union".*
- Sec. (h) Once the new members have taken the obligation, they shall have all the rights and privileges of membership all other members have.

ARTICLE 5

5.1 MEETINGS – MEMBERSHIP

- Sec. (a) There shall be regular membership meetings held in January, February, March, April, May, June, September, October, November and December.
- Sec. (b) An Annual general meeting shall be held in conjunction with the regular February membership meeting.
- Sec. (c) Special meetings of the membership may be called by the President as he/she deems necessary.
- Sec. (d) A special meeting shall be called by the President upon receipt of a written request for the special meeting. The written request will spell out the matters to be discussed and shall be signed by at least twelve (12) members. The special meeting shall be held within fifteen (15) days of the request being received by the President and may be held in conjunction with a regular membership meeting if the regular membership meeting is scheduled within the fifteen (15) day time period.

5.2 QUORUMS

- Sec. (a) A quorum at any meeting shall be eleven (11) members of which at least five (5) must be members at large.
- Sec. (b) In the event a quorum is not attained, the Executive Board shall pay all bills and shall carry out the regular business of the Union until the next meeting.
- Sec. (c) All decisions of the Executive Board which have been acted upon shall be reported to the members at the next regular membership meeting. A motion to endorse the actions of the Executive shall be put forward at that meeting.

5.3 ORDER OF BUSINESS - REGULAR MEMBERSHIP MEETINGS

Sec. (a)

- i. Call to Order
- ii. Reading of the Equality Statement
- iii. Roll Call of Officers
- iv. Voting and Initiation of New Members
- v. Reading of the Minutes of the Previous Meeting
- vi. Business Arising out of the Previous Meeting
- vii. Financial Report and Outstanding Accounts
- viii. Correspondence
- ix. Executive Report
- x. Reports of Committees and Delegates
- xi. Nomination, Elections and Installation of Officers, Delegates
- xii. Unfinished Business
- xiii. New Business
- xiv. Good of the Union
- xv. Adjournment

Sec. (b) The order of business may be suspended or amended upon approval of the meeting. A two-thirds majority is required to approve the suspension or amendment of the order of business.

ARTICLE 6

6.1 OFFICERS AND EXECUTIVE BOARD

Sec. (a) The Executive Board of this Union shall be:

Full time elected President	Executive at large-Parks & Recreation
1st Vice-President	Executive at large-Inside
2nd Vice-President	Executive at large-Outside
Treasurer	Executive at large-Police
Secretary	Executive at large-Museum
Executive Job Steward (2)	

Sec. (b) Table Officers of this Union shall be:-

President
1st Vice-President
Secretary
Treasurer

Sec. (c) The terms of office for the Executive Board (as of February 2013) shall be:

President - 2 years
1st Vice-President – 2 years
2nd Vice-President – 1 year
Secretary – 2 years
Treasurer – 2 years
Executive at Large – 1 year
Executive Job Stewards – 1 year

The election of the two (2) year term for the 1st Vice President shall take place in opposite years to the

elections for all other tabling officer positions. All Executive Board members shall serve as specified above or until their successor is elected.

6.2 MEETINGS – EXECUTIVE

Sec. (a) The Executive Board shall meet prior to each membership meeting at a time and date determined by the Board and from time to time as required.

The Executive board shall meet at least once a month even if there is no membership meeting planned.

Sec. (b) A quorum of Executive shall be six members of the Board.

6.3 TRUSTEES

Sec. (a) There shall be three trustees, who shall have general supervision over the property of Local 454, subject to such instructions they may from time to time receive from the Executive Board. They shall:

- (i) audit the books of Local 454 as required under Article B.3.11 of the National Constitution,
- (ii) see that the Secretary-Treasurer deposits all money belonging to the Local in the Delta Credit Union or other institution the Local may designate
- (iii) and see that all the bills authorized by the Local are promptly paid.
- (iv) There shall be half-yearly meetings for the purpose of conducting audits and for general reviewing the Constitution and administrative policies of the Local.
- (v) Recommendations from the trustees shall be forwarded to the Executive and then to the membership for decision.
- (vi) There shall be three (3) trustees elected at the first election; the one receiving the highest number of votes shall hold office for three (3) years from the date of such election; the one receiving the second largest number of votes shall hold office for two (2) years; and the one receiving the third largest number of votes shall hold office for one (1) year. In each year succeeding the first election, there shall be elected one trustee to fill the place of the trustee whose term of office then expires so as to complete the full complement of trustees required by this section; and such trustees as is elected in each succeeding year after the first election shall hold office for three (3) years from the date of his election and from that time onward until his successor shall have been elected.

6.4 JOB STEWARDS

Sec. (a) The nomination process for Job Stewards shall be:

- (i) All completed Job Steward endorsement forms shall be forwarded to the Executive Board by the Job Stewards for consideration.
- (ii) If the Executive Board confirms the endorsement of that Job Steward, then the Executive shall recommend endorsement of the Job Steward at the next membership meeting.
- (iii) All Job Stewards must be endorsed as per the Constitution prior to their participation in the election of the Executive Job Stewards.
- (iv) The distribution of Job Stewards shall be determined by the Job Steward Terms of Reference as approved by the Executive Board.
- (v) Job Stewards shall not be entitled to be Executive members, except for the Executive Job Stewards.

ARTICLE 7

7.1 ELECTION OF EXECUTIVE BOARD

- Sec. (a) (i) Elections for the Executive Board shall be held at the Annual General meeting in February. Ballots cast at an early roving polling station on the day of the Annual General Meeting will also be counted at the Annual General meeting. This polling station will visit North Delta, South Delta and Ladner.
- (ii) The CUPE National Representative assigned to the Local, or their designate, shall act as Returning Officer for all elections and oversee the election process and balloting committee.
- Sec. (b) In December of each year, a nominating committee shall be elected for the purpose of selecting nominees to Executive positions. It shall be the task of the nominating committee to ensure that the name of at least one member is placed in nomination for each Executive position becoming vacant.
- Sec. (c) The nominating committee will read the names of willing candidates at the January membership meeting.
- Sec. (d) Additional nominations shall be accepted from the floor at the January membership meeting. No further nominations will be accepted after that date at the Annual General meeting.
- Sec. (e) To be eligible for any Executive position or Trustee position, it is necessary for the nominee to be a member in good standing.
- Sec. (f) A member may be nominated for only one position on the Executive Board, but may be nominated for more than one committee.
- Sec. (g) Upon the closing of nominations the presiding officer shall ask the Secretary to read the names of the nominees as nominated. The presiding officer shall then ask each nominee in reverse order whether they are prepared to stand or not. If a member is unable to attend the nominating meeting, they shall notify the Secretary in writing that he/she is prepared to stand for one or more positions on the Executive. The member shall be responsible for ensuring that his/her name is placed in nomination from the floor. The nomination shall be accepted as valid if the Secretary has the written notice of intent.
- Sec. (h) If more than one member is willing to stand, an election by secret ballot shall take place.
- Sec. (i) The presiding officer shall at the January membership meeting elect a balloting committee which will consist of three members at large. They will be responsible for tallying all the ballots at the Annual General meeting. All candidates may appoint a scrutineer to observe vote tallying at the Annual General meeting if they wish.
- The Returning Officer shall approve the design of the ballots prior to the election being held.
- Sec. (j) The successful candidate must receive a majority of ballots cast. When three or more candidates are nominated for the same position and no candidate on the first ballot receives a majority of the votes cast, a second ballot shall then be taken with the candidate with the least votes dropping off until such time as a candidate with a majority of the votes cast shall be elected. The presiding officer shall cast the deciding vote in case of a tie.
- Sec. (K) Election of the Executive Job Stewards shall be done at a special meeting of the Job

Stewards by the Job Stewards. All candidates shall be required to be nominated and elected in the same manner as other Executive positions at a January Job Stewards meeting.

- Sec. (l) All new officers shall be obligated at the Annual General Meeting or if not possible, at the next regular membership meeting.
- Sec. (m) In the event all positions do not have at least one member nominated then nominations shall be accepted at the Annual General meeting for those positions for which there are no nominees except Executive Job Stewards.

7.2 ELECTION OF DELEGATES

- Sec. (a) Delegates to conventions shall come from the Executive. Delegates to conventions shall be elected upon receipt of notice of the convention or conference. In the event details are known prior to the official notice being received, the election can take place earlier. If unable to get enough delegates from the Executive, nominations shall be accepted from the floor.
- Sec. (b) Alternates to conventions shall be elected at the same time as delegates.
- Sec. (c) The candidates receiving the highest number of votes and a majority shall be declared elected for the number of delegates which the Union is sending, e.g., five candidates nominated, three to go:
- A received 16 votes
 - B receives 15 votes
 - C receives 11 votes
 - D receives 5 votes
 - E receives 20 votes
- Majority is 14 votes, then A, B, E would be declared elected and C, D would be the alternates.
- Sec. (d) Election of delegates to affiliated organizations shall take place at the Annual General meeting. Candidates shall be nominated and elected in the same manner as the Executive.

7.3 ELECTION OF COMMITTEES

- Sec. (a) Election of Committee members shall take place at the Annual General meeting. Their term of office shall be one year unless otherwise stated in Article 8, 8.1 Committees.
- Sec. (b) All Candidates shall be nominated and elected in the same manner as the Executive.

ARTICLE 8

8.1 COMMITTEES

- Sec. (a) There shall be the following committees of Local 454:

- Bargaining Committee - Regional; if required
- Bargaining Committee - Corporation
- Bargaining Committee - Police
- Labour Management Committee - Corporation
- Labour Management Committee - Police

Education Committee
Occupational Health & Safety Committee - Corporation
Social Committee
Good & Welfare Committee
Public Relations and Community Committee
Occupational Health & Safety - Police
Bargaining Committee – Museum & Archives
Labour Management/Occupational Health & Safety Museum & Archives

In addition there may be additional committees appointed or elected as the situation demands. The President shall be an ex-officio member of all committees.

- Sec. (b) Shall consist of 4 executive board members, as appointed by the President. The appointments may be rotated or changed as required to effectively deal with the issues being addressed by the committee. Job stewards may be substitute appointments where required.
- Sec. (c) The Labour Management Committee - Police shall consist of Executive at large - Police, one Job Steward and one elected from the floor at the Annual General meeting.
- Sec. (d) The Bargaining Committee - Corporation shall consist of the President and three Executive Board members elected at the Annual General meeting.
- Sec. (e) The Bargaining Committee - Police shall consist of the President and two other members elected at the Annual General meeting, one of which shall be a police board member. If no Police Board Member is nominated, then a General Member may be elected.
- Sec. (f) The Education Committee shall consist of one Executive Board member and at least two additional members appointed by the Executive.
- Sec (g) The Occupational Health & Safety Committee shall consist of four (4) members at large from the Corporation as spelled out in the Occupational Health & Safety Committee Terms of Reference. The elections shall take place at the Annual General meeting.
- Sec. (h) The Social Committee shall consist of one Executive Board member and at least two additional members appointed by the Executive.
- Sec. (i) The Bargaining - Committee - Regional shall consist of the President and Bargaining Committee members elected at the Annual General meeting as determined by the Regional Bargaining Committee Terms of Reference.
- Sec. (j) The Public Relations and Community Committee shall consist of four delegates elected at the Annual General meeting, plus one Executive member appointed to liaise with this committee.
- Sec. (k) Occupational Health & Safety Police – the election of the Police Occupational Health & Safety position may be held by any member at large.
- Sec. (l) The Bargaining Committee - Museum shall consist of the President or designate, and two members elected at the Annual General Meeting.
- Sec. (m) The Labour Management/Occupational Health & Safety Committee - Museum shall consist of the President or designate, and one member elected at the Annual General Meeting.

ARTICLE 9

9.1 RULES OF ORDER

- Sec. (a) Any member addressing an officer or member of this Union, shall use the term Sister or Brother, and no other title.
- Sec.(b) On motion the regular order of business may be suspended by a two-thirds (2/3) vote of the meeting at any time to dispose of urgent business.
- Sec. (c) Any conversation which is calculated to disturb a member while speaking or hinder the transaction of business shall be deemed a violation of order.
- Sec. (d) All questions of a Parliamentary nature, not provided for in these Rules shall be decided by Bourinot's Rules of Order.
- Sec.(e) A motion to be entertained by the Presiding Officer must be seconded and the mover and the seconder must rise and be recognized by the chair.
- Sec. (f) In presenting a motion, a brief statement of its object may be made, but no discussion of its merits shall be permitted until the Question has been stated by the Chair.
- Sec. (g) A member who has made a motion can withdraw it by consent of his seconder, providing it has not been debated. A motion, once debated, can be withdrawn only by unanimous consent.
- Sec. (h) A motion to amend an amendment shall be in order but no motion to amend an amendment to an amendment shall be permitted.
- Sec (i) Any member may call for a division of a motion when the sense will permit thereof.
- Sec. (j) A motion shall not be subject to debate until it has been stated by the chair.
- Sec. (k) When a member wishes the floor, he/she shall arise and respectfully address the chair, and if recognized by the chair, he/she shall be entitled to the floor.
- Sec. (l) If two or more members rise to speak at the same time, the chair shall decide who is entitled to the floor.
- Sec. (m) Each member, when speaking, shall confine him/herself to the Question under debate and avoid all personal, indecorous or sarcastic language.
- Sec. (n) No member shall interrupt another while speaking except to a point of order, and he/she shall definitely state the point, and the chair shall decide the same without debate.
- Sec. (o) If a member, while speaking, be called to order, he/she shall take his/her seat until the point of order is decided, when, if decided in his/her favour, he/she may proceed.
- Sec. (p) If a member feels him/herself personally aggrieved by a decision of the chair, he/she may appeal to the meeting from the decision.
- Sec. (q) When an appeal is made from the decision of the chair, said appeal shall be stated by the chairperson of the meeting in these words, "Shall the decision of the chair be sustained as the decision of this meeting?". The member will then have the right to state the grounds of his appeal and the chair will give the reason for his decision, whereupon, the meeting will

proceed to vote on the appeal without further debate.

- Sec. (r) No member shall speak more than once on any one subject until all the members desiring the floor shall have spoken; no more than twice without unanimous consent; nor more than five (5) minutes at any one time.
- Sec. (s) The presiding officer shall vacate the chair when desiring to speak on any subject, and the Vice-President shall take the chair.
- Sec. (t) Notice of motion - For the purpose of this Constitution the term notice of motion shall mean a written notice sent out by the Executive as least 7 days prior to the membership meeting or a notice received at a regular membership meeting and circulated to all members at least seven days prior to the next regular meeting or special meeting called to deal with that notice.

ARTICLE 10

10.1 CHANGES IN THE CONSTITUTION

- Sec. (a) The Local may by majority vote at a special meeting called for that purpose, make such additional By-laws as it may deem advisable or amend existing By-laws, providing they do not conflict with the National Constitution. Such meeting shall be called by the Executive Board. Advance notice of such meeting shall be given on all bulletin boards or in a letter to all members. Such notice shall be sent out at least seven (7) days prior to the meeting date; it shall state the time and place of the meeting and it shall state the proposed changes or additions to the existing Constitution and By-laws. The meeting may adopt, amend or reject the proposals contained in the notice of meeting. When individual members of the Local wish to propose changes to the Constitution and By-laws, Notice of Motion shall be served specifying the proposed amendments at a regular membership meeting and the Executive Board shall arrange to call a special meeting after proper notice to the membership.
- Sec. (b) No change in these By-laws shall be valid and take effect until approved by the National President of C.U.P.E. The validity shall date from the letter of approval of the National President.

ARTICLE 11

PER DIEMS, HONORARIUMS, EXPENSES

Per Diems, Honorariums, and Expenses shall be specified in the Administrative Policy Manual. Such information shall be made available to any member upon request.

ARTICLE 12

UNION DUES

- Sec. (a) All members shall pay the regular Union dues and assessments as determined by the membership.
- Sec. (b) Notice of Motion to change the Union dues must be as per Article 9 Sec.(t) of these By-laws.

- Sec. (c) A simple majority of the members at a special meeting is required to change the Union dues.
- Sec. (d) Initiation fees shall be \$5.00 for all members of the local effective June 2003. This amount is to recognize some of our lower wage workers and provide fairness for all workers from the aforementioned date."

ARTICLE 13

ADMINISTRATIVE POLICY

- Sec. (a) The Executive Board shall cause to exist a policy manual setting out the Administrative procedure to be followed by the Officers of Local 454, including the authorization of expenditures of Union funds and the paying of bills properly incurred by the Union. Such policy manual shall be adopted by the membership and shall be made available to all members of the Executive Board and the Trustees to guide them in their duties.
- Sec. (b) Changes in the policy manual shall be by majority vote of the membership meeting on the recommendation of the Executive Board or of the Trustees.
- Sec. (c) Notice of motion must be given and members notified at least seven (7) days in advance of the meeting where changes are considered.