

ASSOCIATION OF UNIVERSITY AND COLLEGE EMPLOYEES

LOCAL #5

COLLEGE OF NEW CALEDONIA

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ASSOCIATION OF UNIVERSITY AND COLLEGE EMPLOYEES

LOCAL #5 (COLLEGE OF NEW CALEDONIA)

ARTICLE NO. I NAME

This Local Association shall be known by name as "The Association of University and College Employees Local No.5 and shall hereinafter be referred to as the Local Association".

ARTICLE NO. II OBJECTIVES

The objectives of the Local Association shall be the same as those of the Association of University and College Employees as provided in Section 2 of the Provincial Association Constitution and shall include to seek effective representation on all committees, boards, and other bodies dealing with matters of general College affairs concerning the membership.

ARTICLE NO. III JURISDICTION

The jurisdiction of this Local Association shall include but not be limited to all full-time and part-time employees clerical, technical and service of the College of New Caledonia in the Province of British Columbia.

ARTICLE NO. IV MEMBERSHIP

Application for membership in the Local Association shall be made in writing and may be accepted from the applicant by a Local Association officer or designated authority. Each person signing an application for membership and paying the initiation fee will thereby agree to comply with the aims, principles and policies of the Provincial Association. Upon acceptance of such application according to Section 4D of the Provincial Association Constitution, the applicant shall be entitled to full membership status. The initiation fee of this Local Association shall be one dollar (\$1.00) for each person wishing to become a member except in the case where laws or regulations of the Federal Government require a lesser or larger initiation fee, in which case the provisions of the laws and regulations shall apply, instead of and in place of the By-law requirement. When a member becomes unemployed she/he shall retain full membership rights without paying per capita tax for a period of ninety (90) days from her/his last per capita tax payment.

ARTICLE NO. V LOCAL ASSOCIATION EXECUTIVE

The Officers of the Local Association shall include the following:

1. President
2. Vice-President
3. Secretary
4. Treasurer
5. Two (2) Trustees
6. Two (2) Members-at-Large, one of whom shall be a member of the previous year's executive.

ARTICLE NO. VI ELECTION OF OFFICERS

1. A nominee for any officer must be a member in good standing of the Local Association. Members of the Executive shall serve one year terms.

ARTICLE NO. VI ELECTION OF OFFICERS con't

2. The nomination of Local Association Officers shall commence at the regular monthly meeting in September and close at the regular monthly meeting in October. Annual elections of Local Association Officers shall be by referendum ballot vote. At least fourteen (14) days prior notice of the election shall be given to the membership. The person receiving the largest number of votes in any election shall stand elected. In the event that only one person is nominated for a position, no secret ballot shall be held for that position and that person shall be elected by acclamation.
3. The two Local Association Trustees shall be responsible for the fair conduct of the balloting in all Local elections. In the event that a Trustee is running for office and is therefore not available to act as a returning officer, the Local Association Executive shall appoint a returning officer accordingly. No member running for office shall be eligible to act as a returning officer in that election. Each candidate will be allowed one (1) scrutineer at the polling station(s) and at the ballot count. The results of the balloting will be announced as soon as possible after the election in the Local Association.
4. Any protest alleging "unfair ballot" or other irregularity must be presented in writing to the Secretary of the Local Association within seven (7) days of the results of balloting being announced. Upon receipt of such protest the Local Association Executive shall meet and if the protest is upheld another ballot shall be conducted. All ballots and voting lists shall be held by the Trustees for a reasonable period after the election. A motion to destroy the ballots shall be in order at a subsequent Local Association general membership meeting following the election.
5. The election of Local Association Representatives to the Provincial Executive and the alternates shall be held at the same time and in the same manner as the election of the Local Association officers. The Local Association's member of the Provincial Constitution and Resolutions Committee shall be elected at a Local Association membership meeting prior to the Provincial Association Annual Convention.
6. Each office or group of from 5 to 20 members shall elect one steward, at a time and place to be agreed upon in advance with the Local Association Executive. Stewards may be elected at any time but elections must be held at least once annually. Designations of offices or groups may be altered from time to time by the Local Executive with the consent of the offices or groups involved.
7. Members of the previous year's Executive shall be automatically considered nominated for one of the positions of Member-at-Large, subject to the consent of the nominee.
8. No candidate may be elected to any office who is not present at the nominating meeting unless written consent to serve in the office if elected is presented to the officer presiding over that meeting at the time of nomination.

ARTICLE NO. VII DUTIES OF LOCAL ASSOCIATION OFFICERS

1. The President shall preside at all meetings of the Local Association and of the Local Association Executive, and shall be a member ex-officio of all committees.

ARTICLE NO. VII DUTIES OF LOCAL ASSOCIATION OFFICERS con't

2. The Vice-President shall assist the President, and shall assume authority and duties of the President in her/his absence.
3. The Secretary shall be responsible for taking accurate minutes of meetings of the Local Association and of the Local Association Executive. The Secretary shall be responsible for all official correspondence as directed by the Local Association membership or by the Local Association Executive.
4. The Treasurer shall maintain accurately and properly such bookkeeping system as shall be set up under the instruction of the Local Association Executive. She/he shall present financial statements to each membership meeting, and shall circulate an audited financial report to the Local Association and Provincial Association Executives by September 1 of each year. This report shall be read at the September membership meeting.
5. The elected officers shall normally assume the duties of office within seven (7) days after the results of the balloting have been announced, unless a protest is lodged as under Section Article no. VI: 4 above.
6. All cheques issued by the Local Association shall require the signature of the Treasurer and one of the following: President, Vice-President or Secretary. Applications for certification and other legal documents shall be signed by the Local Association President and Secretary.
7. No agreements shall be entered into by a Local Association Officer which change any terms or provisions of an existing labour agreement unless approval has been granted for such action by the membership of the bargaining unit concerned.

ARTICLE NO. VIII VACANCIES IN LOCAL ASSOCIATION TABLE OFFICER POSITIONS

1. Any Local Association Officer will have her/his office declared vacant if she/he misses three (3) consecutive meetings without reasonable excuse.
2. Local By-elections shall be called by the Trustees when an office becomes vacant unless such office becomes vacant within two months of the opening of annual elections, in which case the office shall remain vacant until the annual elections are held. By-elections shall be held by secret ballot vote at any Local Association membership meeting where the membership has received two weeks written notice.

ARTICLE NO. IX RECALL OF LOCAL ASSOCIATION OFFICERS

1. Any steward may be recalled at any time by a majority vote of the members of the office or group which that steward represents. Vacancies shall be filled by election within seven (7) days.
2. Any Table Officer may be recalled by referendum ballot of the Local Association membership, according to the following procedures:
 - a) Following receipt of a petition for recall signed by 25% of the Local Association membership, stating the specific complaints against the Officer, the Local Association Executive shall send written notice to all the membership including a copy of the petition and a brief answer written by the Officer concerned, and announcing a Local Association membership meeting to discuss the recall. This notice shall be made approximately two weeks prior to the Meeting. At that meeting, the Officer and/or a member appointed by her/him shall have a right to speak, in answer to the petition.

ARTICLE NO. IX RECALL OF LOCAL ASSOCIATION OFFICERS con't

- b) The referendum for recall shall be held prior to the next membership meeting but no sooner than two weeks. The ballot shall be carried out by the Trustees in the usual manner.
- c) The Officer will be recalled if the motion for recall is approved by a majority of votes cast.

ARTICLE NO. X MEETINGS

1. Any member in good standing of the Local Association shall have the right to attend any meeting, including Executive and Committee meetings, in which case the member shall have voice at the discretion of the Chair, but no vote.
2. General membership meetings of the Local Association shall be held on a regular basis, preferably monthly, but in no case less than quarterly. The monthly meetings shall normally take place on the third Wednesday of every month. The normal meeting time may be changed by majority vote of any membership meeting.
3. Special meetings of the membership may be held at any time by the call of the President or by a majority decision of the Local Association Executive, by petition of at least ten (10) members of the Local Association, or by decision of a regular monthly meeting. One week's written notice of such special meeting shall be given to all members.
4. The Local Association Executive shall meet at least monthly at the call of the President or of any four members of the Executive.
5. The quorum for business at any membership meeting shall be 10% of the membership or 12 members, whichever is the greater. The quorum for business at any Local Association Executive meeting shall be four members.
6. The annual fiscal meeting of the Local Association shall be the September membership meeting. At least two weeks written notice of this meeting shall be given to all members.
7. Any Officer or Steward temporarily working on the legitimate business of the Local Association shall be paid at her/his regular job rate for any time lost from her/his job.

ARTICLE NO. XI DUES AND FINANCES

1. Rules and By-Laws Committee declines recommendation on this matter and transfers privilege of choice to membership at large. Reference Attachment #1 - Proposal for Membership Referendum on Dues Assessment By-Law.
2. The Local Association shall have the right to levy on its members, for special purposes, one assessment per year of at most five dollars (\$5.00), which shall be voted on by two-thirds (2/3) majority vote of the members at a Local Association membership meeting, provided that proper notice has been given at least fourteen (14) days prior to the vote. Further assessments shall require approval by a referendum vote.
3. All monies in the hands of the Treasurer shall be deposited in the name of the Local Association and a complete record of all monies received and paid out shall be kept. The trustees shall be responsible for inspecting the financial records of the Local Association.

ARTICLE NO. XI DUES AND FINANCES

4. The accounts of the Local Association shall be audited annually by such persons as are appointed by the membership at the Annual Fiscal Meeting, or if no such appointment is made, by such persons as are appointed by the Local Association Executive.

ARTICLE NO. XII APPROVAL OF CONTRACTS

Any collective agreement must be approved by a majority of votes cast in a referendum of the membership in the bargaining unit concerned. The referendum shall be held in conjunction with a series of meetings to discuss the collective agreement, held at times and places such as to give all members concerned an opportunity to attend before they vote.

ARTICLE NO. XIII STRIKES AND LOCKOUTS

A bargaining unit shall not strike without the approval of the membership in that unit. Voting shall be by secret ballot and a majority of votes cast shall be necessary for a strike to take place.

ARTICLE NO. XIV DISCIPLINE

Any member of the Local Association shall have the right to prefer charges against any other member of the Local Association or any Provincial Association Officer according to Section 17 of the Provincial Association Constitution. Charges can be preferred against any member or officer who:

1. Violates any provision of the Provincial Constitution and/or Local Association By-laws.
2. Obtains membership through fraudulent means or misrepresentation.
3. Fraudulently receives or misappropriates any property of the Provincial Association or Local Association.
4. Acts in collusion with the employer with a view to injuring the Provincial Association or Local Association or impeding the implementation of any policy of the Provincial Association or Local Association.
5. Fails to act in accordance with any decision of regular or special membership meetings of the Local Association.

ARTICLE NO. XV PROCEDURE

1. Except as otherwise provided in these Local Association By-laws or the Provincial Association Constitution, Bourinot's Rules of Order shall govern the conduct of all Local Association meetings and Local Association Executive meetings.
2. Any of these By-laws may be amended by a majority vote at a Local Association membership meeting provided that notice of motion of the amendments has been posted at least seven (7) days prior to the vote. Any amendments to these By-laws shall only become effective upon approval by the Provincial Association Executive.

ARTICLE NO. XVI ORGANIZATIONAL YEAR

1. In the initial year of operation the Officers and Committees of the College of New Caledonia Staff Association shall continue in office as the Officers and Committees of the Local Association until the first general election.
2. Stewards will be elected by each office or group as soon as possible after the granting of a charter to the Local Association.

ARTICLE NO. XVI ORGANIZATIONAL YEAR con't

3. Two Local Association Representatives to the Provincial Executive shall be elected by the membership of the Local Association as soon as possible after the granting of a Charter to the Local Association.
4. In the organizing period prior to certification, a member will be considered to be in good standing if she/he has paid the \$1.00 (one dollar) initiation fee.