

BY-LAWS

A. NAME:

This local Association shall be known as "The Association of University and College Employees, Local #1" and shall hereinafter be referred to as the "Local Association".

B. 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.

C. JURISDICTION:

The jurisdiction of this Local Association shall include but not be limited to all full-time and part-time clerical, technical and service workers at the University of British Columbia.

D. 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 4, D 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 the laws or regulations of the province or the 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. Members unemployed for more than ninety (90) days from their last per capita tax payment, and members employed but not working in bargaining units, may maintain membership rights by paying not less than the per capita tax each month. After payment of such per capita tax each month, membership will only lapse if the per capita tax is more than three (3) months in arrears. The foregoing does not apply to members of a unit pending certification.

E. LOCAL ASSOCIATION EXECUTIVE:

The Table Officers of the Local Association shall include the following:

President  
Vice-President  
Secretary-Treasurer  
Membership Secretary  
2 Trustees

The Executive shall also include:

Chairperson of the Grievance Committee  
Chairperson of the Contract Committee  
Chairperson of the Communications Committee  
Chairperson of the Strike Committee  
1 Division Executive Representative from each Division  
Union Organiser  
Union Co-ordinator

F. ELECTION OF OFFICERS:

1. A nominee for any office must be a member in good standing of the Local Association.
2. The nomination of Local Association Table Officers shall commence at the regular monthly meeting in October and shall close at the regular monthly meeting in November. Nominations from the floor will be called for. Other nominations must be in writing to the Union Office signed by the nominator. At the November meeting all candidates will be asked if they will stand. Those not present must, if they wish to stand, have given their acceptance in writing prior to the meeting to be considered as candidates. Annual election of Local Association Table Officers shall be by referendum ballot vote where election is necessary. At least fourteen (14) days notice shall be given to the membership prior to the election. The person receiving the largest number of votes in any election shall stand elected.

Notwithstanding the above, nominations for full-time salaried positions will commence at the regular monthly meeting two months prior to the expiry of the incumbent's term. Full-time salaried officers will serve for one year from the date of their election; and no full-time salaried officer shall serve for more than two consecutive terms in any paid position.

3. The two Local Association Trustees shall be responsible for the fair conduct of the balloting in all Local Association 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 ballot count, and, in the event of a polling station vote rather than a mail ballot, one scrutineer at each polling station. The results of the balloting will be announced as soon as possible after the election. Polling places will be located at suitable locations on campus, where possible. *deleted*
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 the 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 membership meeting following the election.
5. Each of the Divisions shall hold a December election to be held by ballot or by a December election meeting of all members within the Division for the purpose of electing one member who shall be Division Executive Representative to serve as a member of the Local Association Executive, and a member who shall be a Division Steward to serve as a member of the Grievance Committee. The quorum for each Division's December election meeting shall be fifteen (15) of the members within that Division. In the event that a Division Steward, Division Executive Representative or Division Representative to a committee is recalled or resigns, a By-election to fill the vacancy will take place by ballot or at a meeting of the members within the Division, by secret ballot vote, following two weeks notice.

Within 2 months after a contract is signed, each division shall elect, by secret ballot, a member from the division to be Contract Representative.

Each division shall elect from among its members one member to represent the division on the Communications Committee.

Within 2 months after a contract has been signed, ten (10) members "at large" shall be elected to the Strike Committee. In addition, each division may elect one member from their division to serve as a Strike Committee representative. *deleted*

In addition to the divisional representatives of the Grievance Committee, three (3) members "at large" shall be elected to the Grievance Committee.

6. The Grievance Committee, Contract Committee and Communications Committee and Strike Committee shall each elect from among their members a Chairperson to serve on the Local Association Executive or have someone serve as an Executive Representative from the Committee on a rotational basis.
7. ~~The election of Local Association representatives to the Provincial Executive shall be held at the same time and in the same manner as the election of the Local Association Table 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.~~
8. Each office or group of from 5 to 20 members shall elect one steward, elections to be held at least annually. ~~The Division Executive Representative shall be responsible for keeping a current membership list of all offices or groups, within the Division, and for ensuring that each group is represented by a steward. Designation of Divisions and assignment of officers or groups to a Division may be altered from time to time by the Local Executive with the consent of the officers or groups involved.~~ *see amendment*
9. 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 the meeting at the time of nomination or to the Union office - prior to the meeting for closing nominations.~~ *received by*

G. DUTIES OF LOCAL ASSOCIATION OFFICERS AND COMMITTEES:

1. President:

The Local Association President shall preside at all meetings of the Local Association and of the Local Association Executive (except where the Local Association Executive has elected to rotate the Chair) and shall be a member ex-officio of all Committees and of all Divisions, and shall be responsible for co-ordination between the Committees and Divisions and the Executive.

2. Vice-President:

The Vice-President shall assist the President and shall assume the authority and duties of the President in her/his absence.

3. Secretary-Treasurer:

The Secretary-Treasurer shall be responsible for taking minutes of the meetings of the Local Association and of the Local Association Executive and shall be an Ex-Officio member of the Communications Committee; and further shall maintain accurately and properly such bookkeeping system as shall be set up under the instructions of the Local Association Executive. The Secretary-Treasurer shall present financial statements to each membership meeting and by January 1 of each year, shall submit the Local Association's books and all related papers to an auditor approved by the Local Association Executive. An annual audited financial report shall be circulated to the Local Association and Provincial Association Executives and presented to a general membership meeting of the Local Association before June 1 of each year.

4. Membership Secretary:

The Membership Secretary shall be responsible for maintaining membership records.

5. Trustees:

Responsible for the conduct of all referendums and ballots, responsible for seeing that the constitution and by-laws are adhered to within the local, responsible for keeping the by-laws up-dated and responsible for financial investigations within the local.

6. Union Organiser:

Shall be a member of the Executive, an ex-officio member of the Grievance Committee and shall do work related to that committee. The duties of this position shall include organising the steward, division and committee structures.

7. Union Co-ordinator:

Shall be a member of the Executive, an ex-officio member of the Contract Committee, shall be involved in negotiations and shall do work related to that Committee. The duties of this position shall include the general office work (i.e., correspondence, mailing, filing, membership lists, etc.) and public relations.

8. Communications Committee:

Shall be responsible for all communications, including a Local Association Newsletter, notices of meetings, and communication of important decisions to the membership.

9. Contract Committee:

Shall be responsible for researching and presenting contract proposals to the membership for discussion; for negotiating with the University on behalf of the Local Association; and for reporting to the Local Association Executive and the membership.

10. Strike Committee:

Shall in the event of a strike assist the Contract Committee and implement the strike strategy as directed by the membership.

11. Grievance Committee:

Shall be responsible for ensuring the rights of individual members on the job are respected and for representing the interests of individual members with respect to their working conditions.

12. Local Association Representatives to the Provincial Association:

The Local Association Representatives to the Provincial Executive shall be responsible for informing the membership of the activities of the Provincial Association and shall represent members of the Local Association to the Provincial Association. Although not members of the Local Association Executive, the representatives shall attend the meetings of the Local Executive.

The elected officers shall normally assume their duties of office within seven (7) days after the results of the balloting have been announced, unless a protest is lodged under Section F.4 above.

The President, Vice-President and the Secretary-Treasurer have signing authority for the Local and any two of them must sign a cheque for disbursement of funds. Application for Certification, and other legal documents shall be signed by the Local Association President and Secretary-Treasurer. The signing officers shall be empowered to sign leases for the rental of equipment which in their opinion are essential for the conduct of the business of the Union or to maintain equipment which the Union owns (subject to pre-determined restrictions).

Should any picket line appear on campus as a result of a labour dispute, the Executive shall meet immediately and send a letter to the University advising them that the Union recognizes the picket line as bona fide.

H. VACANCIES IN LOCAL ASSOCIATION TABLE OFFICERS POSITIONS:

1. Any Local Association Officer will have her/his office declared vacant if she/he misses three (3) consecutive Executive meetings without reasonable excuse.

*See 9. on page 12 of insert of proposed changes*

2. 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 referendum or by secret ballot vote at any Local Association membership meeting where the membership has received two weeks written notice.

I. RECALL:

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. A Division Steward, Division Executive Representative, or Division Representative may be recalled by a majority vote at a General Division Meeting. Any such vacancy will be filled by secret ballot election of the members within the Division within two (2) weeks.
3. Any Table Officer, Local Association Representative to the Provincial or any other member elected at a membership meeting to represent the membership of the Local Association 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, and listing 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 (2) weeks prior to the meeting. At that meeting, the Officer and/or member appointed by her/him shall have a right to speak, in answer to the petition.
  - (b) The referendum for recall shall be held prior to the next membership meeting but no sooner than two (2) 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.

J. MEETINGS:

1. Smoking is prohibited at all membership meetings.
2. All membership meetings shall be limited to a 7 p.m. deadline.
3. AUCE membership meetings shall be held from 12:30 to 1:30 OR as permitted by the contract between 12:30 p.m. and 2:30 p.m.
4. No general membership meetings will be held during a split lunch hour.
5. Motions must be printed in the newsletter and distributed to the membership at least a week prior to the membership meeting.
6. 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.
7. Non-members may not attend union meetings except when specific approval is given by the membership at that meeting.

8. 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 Thursday of each month. The normal meeting time may be changed by majority vote of any membership meeting. Notice of the precise date, time and place of each meeting shall be given to the membership at least one (1) week prior to the meeting. Special membership meetings may be held at any time by the call of the President of the Local Executive, by petition of 30 members of the Local Association, or by decision of a regular monthly meeting. Notice for such special meetings must be posted in a conspicuous place at least three (3) days prior to such a meeting. Except where otherwise stated, the quorum for business at any membership meeting shall be twenty-five (25) members.
9. The Local Association Executive shall meet at least monthly at the call of the President or of any four (4) members of the Executive. The quorum for business at any Local Association Executive meeting shall be a majority of the members of the Executive, and a majority of votes cast on any matter shall be decisive.
10. Meetings of Committees shall be at the call of the Chairperson of the Committee, of the President, or of any three (3) members of the Committee concerned. The quorum for business of any Committee shall be a majority of its members, and a majority of votes cast on any matter shall be decisive.
11. Meetings of the stewards within any Division shall be at the call of the Division Steward, Division Executive Representative, Union Organizer, or any two (2) stewards. The stewards within a Division may decide to hold meetings on a regular basis. The quorum for business at these meetings shall be one-third (1/3) of the stewards within that Division.
12. General Division meetings, of all members within a Division, may be called at any time by written request, to the Division Executive Representative signed by any ten (10) members in a Division. The membership within a Division may decide to hold general Division Meetings on a regular basis. The quorum for business at these meetings shall be fifteen (15) members of the Division involved.
13. The annual fiscal meeting of the Local Association shall be the December membership meeting. At this meeting a projected budget shall be presented, debated and approved. Any major change in the categories, priorities, and amounts outlined in the budget in the ensuing year must be reported to and receive the approval of a membership meeting for which notice of the budgetary decisions to be made has been given to the membership. There shall be no salaried officers of staff unless it is so established by ~~the~~ <sup>a</sup> ~~December~~ membership meeting, which shall also determine the salaries of same, provided those salaries do not exceed the highest ~~salary~~ <sup>wage rate</sup> paid to members at UBC. During strike or lock-out, any salaried officers shall not receive more than the strike benefits paid to other members. 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. *for the bargaining unit*

K. DUES AND FINANCES:

1. Monthly dues shall be ~~\$10.00~~ <sup>\$12.00</sup> for each member of the Local Association who works 20 hours per week or more and ~~\$4.25~~ <sup>\$5.75</sup> for each member of the Local Association who works less than 20 hours per week. Dues shall be payable each month.
2. The Local Association shall have the right to levy on its members for special purposes, one assessment per year of a maximum of five (5) dollars, which must be approved by a 2/3 majority vote of the members at a Local Association membership meeting, provided notice of the vote has been given at least fourteen (14) days prior to the meeting. Further assessments require approval by a referendum vote.
3. A five (5) dollar per member assessment shall be made each August and the assessment shall be used for Strike expenses and pay if we go on strike.

4. A Local Association strike fund shall be set up and after August 1976, ten (10) percent of the monthly dues shall be allocated to a strike fund to be kept in a yield savings account.
5. AUCE Local 1 shall pay the medical plan premiums and group life premiums for those employees whose sick leave credits run out, while awaiting the collection of benefits under the Total Disability Plan, Group Life Insurance and Pension Plan.

L. 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.

M. STRIKES AND LOCKOUTS:

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

N. CHANGES TO EXISTING LABOUR AGREEMENTS

No agreement shall be entered into by a Local Association Officer, Committee Member or Member elected to represent the bargaining unit which changes any terms or provisions of an existing agreement unless approval has been granted for such action by the membership of the bargaining unit.

O. DISCIPLINE:

1. Any number of members of the Local Association shall have the right to prefer charges against any other member of the Local Association, according to Section 17 of the Provincial Association Constitution and the following provisions.

Charges can be preferred against any member who:

- (a) Violates any provision of the Provincial Constitution and/or Local Association By-laws,
  - (b) Obtains membership through fraudulent means or by misrepresentation,
  - (c) Fraudulently receives or misappropriates any property of the Provincial Association or Local Association,
  - (d) 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 or Local Associations,
  - (e) Fails to act in accordance with any decision of a regular or special membership meeting of the Local Association,
  - (f) Continues to work for the employer while the Local Association is on strike.
2. The following procedure shall be followed in the event a member or members prefers charges against another member or members. Throughout, the accused shall be considered innocent until proven guilty, and guilt may only be decided if it is proven beyond any reasonable doubt.
    - (a) The member(s) laying the charge (the accuser) shall, in writing, state the following:
      - i) their name(s),
      - ii) the name(s) of the member(s) being charged,
      - iii) which of the above provisions the member(s) is charged with having violated (i.e., Article N.1. (a), (b), (c), (d), (e) or (f),
      - iv) the concrete action the member(s) charged is alleged to have taken.

- (b) The written charge shall be delivered to the Executive.
- (c) The Executive shall immediately forward one (1) copy of the charge to the below mentioned Committee of Inquiry (or arrange the immediate election of same), and hand-delivered a second copy of the charge to the accused, along with a copy of the sections of the Provincial Constitution and these By-laws dealing with discipline, and a notification as to the accused's right to counsel.
- (d)
  - i) A Committee of Inquiry shall be elected by the membership meeting, nominations having been opened at a previous meeting. The Committee shall be composed of seven (7) members and four (4) alternates, the alternates being, in the event of a contested election, those candidates receiving the eighth, ninth, tenth, and eleventh greatest number of votes. The Committee shall only be elected if and when necessary. Once, elected, however, it shall exist for one year. Any member of the Committee directly involved with a charge, either as accused accuser, shall step down while such charge is being investigated,
  - ii) The purpose of the Committee shall be to investigate any charge that has been laid and to determine the facts of the case. The Committee shall seek to determine whether or not the accused carried out the concrete action they are alleged to have carried out. The Committee shall make no assessment as to guilt or innocence, that is, it shall not judge as to whether the alleged concrete action is or is not in violation of Section N (1) of these By-laws. The Committee shall make a written report outlining the method and extend of its investigation and setting forth the facts determined through the investigation. The guiding principle shall be that only those facts can be accepted which can be proven beyond any reasonable doubt,
  - iii) In its investigation, the Committee shall seek information from such persons and sources as it deems appropriate. In the event of interviewing the accused, the latter shall be informed of their right to have counsel present. The investigation, from date of receipt of the charge, until completion of the written report, shall take a maximum of one (1) month. However, this time limit may be extended in the event the accused is on vacation, leave of absence, sick or on maternity leave. In such case the length of extension shall be the same as the length of such vacation or leave.
- (e) The accuser and accused shall receive a copy of the written report immediately upon its completion. The accuser shall then have the right to continue to prefer charges or to drop same. In the former case, the matter shall be referred to the membership meeting for a hearing.
- (f) The Executive shall set a hearing (Special Membership Meeting) for the earliest possible date, and shall hand-deliver a letter to the accused stating the date, time, and place of the hearing. The hearing shall in no case take place sooner than seven (7) days after said delivery.
- (g) If the accused fails to appear at the hearing, the hearing may proceed in her/his absence, unless the accused has, prior to the time of the hearing, presented a medical certificate or proven a personal emergency which prevents her/him from attending. In the event of extraordinary circumstances, refer to clause (m).
- (h) At the hearing, the Committee of Inquiry shall read its written report(s). The member(s) laying the charge, or her/his representative, shall then read the charge and make her/his statement. The accused or their counsel shall then reply with the defence. In their respective statements, either party may challenge any aspect of the report of the Committee of Inquiry and may present evidence and/or witnesses to support such challenge. Both parties shall have the right to immediate cross-examination of witnesses. Any member, including members of the Committee of Inquiry, may then question the accuser, the accused, any witnesses presented, or any member of the Committee of Inquiry. A speakers list will be followed, and as long as there are members wishing to speak, the debate must continue for a minimum of fifteen minutes.



- (i) The accuser, and then the accused, shall make their summation.
- (j) The accuser and the accused, their counsel, witnesses called by either party, and the members of the Committee of Inquiry shall then leave the room. The membership shall then discuss the verdict. A speakers' list shall be followed, and as long as there are members wishing to speak, the debate must continue for a minimum of fifteen minutes. The membership will then be asked to find the accused either guilty or innocent of violating Section N(1) of these By-laws. Those members who find the accused guilty will so signify, and those who find the accused not guilty will so signify. The verdict shall be decided by a majority of those present at the hearing.
- (k) If the verdict is guilty, the penalty, as provided in Section 17(B) of the Provincial Constitution, shall be debated and decided.
- (l) The Executive shall be responsible for ensuring that the penalty is carried out.
- (m) A motion to reverse a conviction or a given penalty shall be in order at any future membership meeting, providing the mover and seconder originally voted on the prevailing side.

P. 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 of the Provincial Association Executive.