

Changes to the

By-Laws

August, 1980

(All changes are in handwriting.)

Presented by

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SECTION J: Meetings

Delete J-13.

SECTION K: Dues and Finances

Add new Section K-1 to read

"The Fiscal year shall be from January 1st to December 31st."

Change K-1 to K-2

K-2 to K-3

K-3 to K-4

K-4 to K-5

K-5 to K-6

Add new K-7 to read:

"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."

Add new K-8 to read:

"The Annual Fiscal Meeting of the Local Association shall be the June membership meeting. At this meeting the Audited Financial Statement shall be presented. A projected budgetary guideline which shall outline the estimated revenue and expenditures for the next year shall also be presented. Any major changes in the categories, priorities and amounts in outlined in this budget must be reported to the membership."

Add new Section M-3 which shall read:

"During strike or lock-out, any salaried officer(s) shall not receive more than the strike benefits paid to other members."

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 a majority vote at a Local Association

membership meeting. The vote shall be by secret ballot and it should be held after thorough discussion on the subject has occurred at the meeting. The membership must receive two (2) weeks notice of the motion of recall and of the meeting where it will be discussed and voted at. No referendum shall be necessary.

Change ?

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, except

in case of emergencies where membership approval can be requested to present motions without notice.

Addition ?

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, the Union Coordinator,

AdditionChange

(two (2))  
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~~ <sup>shall</sup> 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.

DeletionChange

12. General Division meetings, of all members within a Division, may be called at any time by the Division executive representative,

Addition

K.1. AMEND as follows:

DUES AND FINANCES

Monthly dues for all members shall be those agreed upon by referendum mail ballot. Dues shall be payable each month.

the Division Executive alternates or 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.

ten (10)

Change

J.13 change "the December" to a

Addition / K.

BUDGET :

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 December membership meeting.

Salaried officers shall normally be paid full time, but in exceptional cases the membership may decide to make them part-time or temporary. Their salary and benefits shall remain at the same rate as if the officer continued in her/his normal job as a member of the Local Association bargaining unit.

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.

Change

Change L.

DUES AND FINANCES:

1. Monthly dues shall be \$9.00 for each member of the Local Association who works 20 hours per week or more and ~~\$4.25~~ \$12.00 for each member of the Local Association who works less than 20 hours per week. Dues shall be payable each month.

*[Handwritten signatures]*

*[Handwritten signature]*

- 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.

{ ten (10) dollar }

- 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.

APPROVAL OF CONTRACTS:

Any collective agreement must be approved by a majority of votes cast by secret ballot at a membership meeting. The vote should be preceded by ample information before and at the meeting and by a thorough discussion at the meeting. The meetings concerning contract negotiations shall be

held at times and places such as to give all members concerned an opportunity to attend, ~~before they vote.~~

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Change M.

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Deletion

Change N.

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.

Change O.

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.

Change P.

DISCIPLINE:

*- if all hearings are taking place at 2 hour meetings there will be no time for other business*

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.

Deletion

Charges can be preferred against any member who:

Deletion, change, and additions

- (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) Impedes or acts in opposition to a strike or any collective action of the Union,
- (f) Upon his retirement as an officer fails to turn over to her/his successor all documents which belong to the Union,
- (g) Interferes with any officer or accredited representative of the Union in the discharge of her/his legitimate duties,

- (h) Crosses any picket line duly authorized or established by the Union or the Union executive,
- (i) Accepts to work under conditions contrary to those set forth in the collective agreement.

2. The following penalties may be imposed on a member or officer of the Union:

- (a) Reprimand,
- (b) Suspension from office for a specified period of time,
- (c) Removal from office,
- (d) Withdrawal of rights to hold office in the Union for a specified period of time,
- (e) Suspension from membership for a specified period of time,
- (f) Expulsion from the Union
- (g) Fine

Addition

Change 3.

The following procedure shall be followed in the event a member or members prefers charges against another member or members. Throughout, the accused and the accuser may be represented by an attorney or counsel of her/his own choosing.

The accused shall be considered innocent until proven guilty, and guilt may only be decided if it is proven beyond any reasonable doubt.

Addition

- (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), (g), (h), or (i),
  - iv) the concrete action the member(s) charged is alleged to have taken.

Addition

- (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) Upon receipt of at least a week's notice by the membership a Disciplinary Committee shall be elected by the membership meeting.

*Not enough time*

Addition  
+  
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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 or 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 a written report outlining the method and extend of its investigation and setting forth the facts determined through the investigation.

Deletion

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 maternity leave. In such case the length of extension shall be the same as the length of such vacation or leave.

The Executive,

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(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 Committee shall schedule a hearing, giving the accused not less than seven (7) days notice of the date and place of the hearing. Notice of the hearing to the accused should be given through a hand-delivered letter.

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(f) 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).

change

(g) 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.

Change (h) The accuser, and then the accused, shall make their summation.

DeletionChange

(i) If the Disciplinary Committee comes to the conclusion that the accused is guilty of the offence as charged, it shall ~~decide~~<sup>?</sup> on the penalty to be imposed. Their decision shall be delivered in writing as soon as possible to the Executive, the accuser and the accused.

~~not by the  
the membership~~

(j) If any of the parties wishes to appeal the Disciplinary Committee's decision, she/he may do so by delivering written notice not later than 15 days after the decision of the Disciplinary Committee. The Executive shall immediately forward a copy of this notice to the other party.

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(k) The appeal shall be heard at the first two-hour general meeting following the delivery of the notice to appeal to the Executive. The general meeting may however decide to postpone the hearing of the appeal to a subsequent meeting.

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(l) At the hearing, the membership will hear reports from the accuser, the accused and the Disciplinary Committee. Either of the parties

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or the Committee may decide to bring in witnesses; if so, there may be witnesses' examination and cross-examination by the accuser, the accused and the Disciplinary Committee. When the hearing is over the meeting will decide first whether the accused is guilty of the offence as charged, then if need be, the penalty to be imposed.

Addition

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(m) The Executive shall be responsible for ensuring that the penalty is carried out.

Change Q.

## FURTHER PROVISIONS :

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.