

KOOTENAY DISTRICT COUNCIL



BY-LAWS AND RULES OF ORDER

Revisions Approved _____

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**By-Laws and Rules of Order
of the Kootenay District Council
of the Canadian Union of Public Employees**

ARTICLE 1 – PREAMBLE

A. Name

This District Council shall be known as the “Canadian Union of Public Employees Kootenay District Council” (KDC) and is chartered by the Canadian Union of Public Employees (CUPE) (CLC), with jurisdiction throughout the Kootenays. It shall consist of local unions within the Kootenays, which are chartered by the Canadian Union of Public Employees and affiliated to the Kootenay District Council.~~within the Kootenays.~~

B. Authority

The KDC is established and operated in accordance with the provisions of the Constitution of the Canadian Union of Public Employees and the KDC derives its authority from the Constitution of the Canadian Union and from the democratic participation of the affiliated local unions whose collective interests the KDC serves and whose official views it is empowered to express as directed by the duly accredited delegates from time to time.

C. Purpose

The KDC has been formed to:

Improve the social and economic well-being of all its affiliated members;
Promote equality for all its affiliated members and to oppose all types of harassment and discrimination;
Promote the efficiency of public services; and
Express its belief in the unity of organized labour.

The following bylaws are adopted by the KDC in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the KDC, and to involve as many affiliated members of the KDC as possible through the sharing of duties and responsibilities.

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CUPE chartered organizations shall respect and apply the CUPE National Equality Statement to all of the chartered organizations' activities. The CUPE National Equality Statement can be found in Appendix A of these bylaws.

ARTICLE 2 – OBJECTIVES

The objectives of the Kootenay District Council shall be to:

- (A) ~~To p~~Promote the best interests of the membership of CUPE in the KDC through communication, consultation and unified action;
- (B) ~~To p~~Promote co-operation among affiliates on matters of mutual concern, including negotiations;
- (C) ~~To f~~Further the aims, objectives and policies of the Canadian Union of Public Employees and of the BC Division of the Canadian Union (CUPE BC);
- (D) Eliminate harassment and discrimination of any sort or on any basis; for the equality of treatment regardless of class, race, colour, nationality, age, sex/gender, language, sexual orientation, place of origin, ancestry, religious beliefs, or mental and physical disability; and the active opposition of discrimination of same wherever it occurs or appears;
- (~~E~~) ~~To e~~Encourage all workers ~~without regard to race, creed, color, or national origin~~ to share alike in the benefits of union organization, particularly public employees;
- (~~E~~) ~~To p~~Promote and endeavor to secure provincial legislation in co-operation with all parts of the organized labour movement, which will safeguard and promote the interests of public employees and of free collective bargaining, and the security and welfare of the trade union movement;
- (~~G~~) ~~To p~~Provide, co-ordinate and promote education relative to the needs of the KDC members;
- (~~H~~) ~~To m~~Monitor the effects of Private Public Partnerships (p3s)——and ~~contracting out on our affiliates and to further assist in protecting p~~Public ~~s~~Services.
- (I) Establish strong working relationships with the public we serve and the communities in which we work and live; and
- (J) Support CUPE in reaching all of the objectives set out in Article II of the CUPE National Constitution.

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ARTICLE 3 – MEMBERSHIP

A. Affiliation

Application to affiliate to the KDC shall be made in writing to the Secretary of the Council, and election to membership shall be by majority vote at a regular meeting of the KDC.

(i) New member affiliates will take this oath:

“I promise to support and obey the Constitution of this Union, to work to improve the economic and social conditions of other members and other workers, to defend and work to improve the democratic rights and liberties of workers and that I will not purposely or knowingly harm or assist in harming another member of the Union.”

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B. Disaffiliation

(i) A local union shall be deemed as disaffiliated upon written notice from the local union that it wishes to disaffiliate.

(ii) The KDC may disaffiliate a local union for a breach of the National Constitution or the Council's by-laws, by a two-thirds (2/3) majority vote at a KDC meeting. Appropriate-At least 60 days written Notice of Motion must be given.

C. Reaffiliation

A local may reaffiliate to the KDC with a two-thirds (2/3) majority vote of the KDC on the terms and conditions as negotiated between the KDC and the local.

D. Reporting

Each affiliated local shall be expected to furnish the KDC with the following:

- (i) A statement of the total membership in good standing each month, to be sent to the Treasurer.
- (ii) One copy of the current collective bargaining agreement, to be sent to the Secretary.

- (iii) Any other information, upon request, relative to union-employer relations that may be of assistance to other affiliate(s), or concerning any matter relating to the good and welfare of the KDC and its affiliates as a whole, or individually.

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E. Dissolution

This District Council shall not be dissolved while there are five (5) or more local unions remaining in affiliation.

F. Life Memberships

Life Memberships may be granted, suspended or revoked in this Council by recommendation of the Executive Board of the Council and endorsement by the members of this Council at a duly constituted meeting.

A Life Member may attend all meetings and functions of the KDC, with voice but no vote. Per capita requirements are waived for a Life Member. A Life Member is not counted as part of a local's delegate entitlement.

ARTICLE 4 – REVENUE

A. Per Capita

The revenue of the KDC shall be derived from a monthly per capita tax of 0.35% of gross regular wages per month for each affiliated local union, as set from time to time by the Council. ~~This may be revised from time to time by KDC.~~

~~The monthly per capita tax is .035% of the gross wages per month for each affiliated local union.~~ A copy of the National Monthly Membership and Dues Report shall accompany each payment.

The regular monthly dues may be amended at a regular or special membership meeting. The vote must be by secret ballot. Notice of at least seven days at a previous meeting or 60 days in writing must be given.

B. Property

All monies collected by the Treasurer for per capita payment or from any other source, shall remain in the property of the KDC until properly expended. Any affiliate ceasing to be an active member shall forfeit all rights, title and interest, in and to, the property of the KDC, or any part thereof.

ARTICLE 5 – MEETINGS

A. Frequency of Meetings

Meetings of the KDC and the Executive Council shall be held a minimum of four (4) times a year.

B. Location and Dates

- i. The Kootenay District Council will normally hold four regular meetings each year.
- ii. An Annual General Meeting will be held in September or October.
- iii. Three additional meetings to be held in February, May, and November. The place of meetings shall be as set by the KDC at the Annual General Meeting... The Executive Committee of the KDC is empowered to vary the meeting dates within the month in which the KDC meeting is scheduled to be held, or if deemed necessary, cancel a Council meeting in the event of inclement weather during the winter months or for good and just reasons.
- iv. Special Meetings of the KDC may be called on direction either of the Council President or of a regular KDC meeting or the Executive Committee of the KDC or upon request of five (5) affiliated local unions.
- v. All meetings will start at 10:00 a.m. local time – reference to the scheduling of Executive meetings noted elsewhere.

C. Governing Body

The Council meeting shall be the governing body of the KDC. Its decisions shall be by majority vote.

D. Quorum

A quorum shall consist of eight (8) eligible delegates (two (2) of whom are table officers of the KDC) for all regular and special meetings of the KDC with representation from at least three (3) affiliated local unions.

E. Guests

National Officers, CUPE BC Division Officers, and Staff Representatives may attend KDC meetings with voice, but without vote.

Other guests, at the invitation of the KDC, may attend, with or without voice, as decided by the KDC and without vote.

F. Notice of Meetings

Notice of all meetings with a minimum of ten (10) days written notice shall be sent to member unions. In the case of Special Meetings, a minimum of two (2) days written notice shall be provided. The business of the Special Meeting shall be stated in the notice, and no other business shall be dealt with at that meeting. The minutes of KDC meetings shall be sent to the Secretary of each local.

ARTICLE 6 – REPRESENTATION

Each affiliated local union shall be entitled to representation at KDC meetings as follows.

50 members or less	2 delegates
51 – 150 members	3 delegates
151 – 250 members	4 delegates
251 members and over	6 delegates

Delegate representation shall be exclusive of Executive Officers of the KDC. In order to be seated as a delegate at KDC Meetings, a delegate must be a member in good standing of [their/his/her](#) local union.

A Local may send as many representatives as desired. Representatives over the delegate entitlement shall be seated as guests with voice but no vote.

ARTICLE 7 – ORDER OF BUSINESS

At the opening of the meeting the President shall take the chair, and shall conduct the business in the following order:

- (1) Call of Meeting to Order
- (2) Equality Statement (Appendix “A”)
- (3) Approval of Agenda
- (4) Roll Call of Officers
- (5) New Members
- (6) Approval of Minutes
- (7) Treasurer’s Report
- (8) Communications and Bills
- (9) Committee Reports
- (10) Nominations and Elections
- (11) Unfinished Business
- (12) New Business
- (13) Good of the Union
- (14) Adjournment

All area reports shall be given to the Secretary in written form.

ARTICLE 8 – ELECTION OF OFFICERS AND DELEGATES

A. Elected Officers Nominations, Election and Installation of Officers

All Executive Board members shall be elected to a two (2) year term and shall be elected alternately:

Odd Years:	Even Years:
President	Vice Presidents
Treasurer	Secretary
Diversity Vice Representative	Young Worker
Membership Officer	

Three (3) Trustees. One trustee shall be elected annually for a term of three (3) years

- i. ~~Eligibility~~ If deemed necessary by the KDC, the positions of Secretary and Treasurer may be combined and become one position of Secretary-Treasurer. This decision may be reviewed at each Annual General Meeting.
- ii. The Officers of the KDC shall be elected at the Annual Meeting of the Council and the term of office for all offices of the KDC, excepting the Trustees, shall be for a period of two years.
- iii. Nominations shall be opened at the last regular KDC meeting preceding the date of the holding of the Annual General meeting, and additional nominations can be received at the Annual General Meeting. Election of officers shall be by secret ballot; the candidate for each office receiving the greatest number of votes shall be declared elected to that office for which ~~he/shethey are~~ is standing.
- iv. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.
- v. Any member may request a recount of the votes for any election and a recount will be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as set out in Section 6(c).

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B. Eligibility

Each officer must be a member in good standing of his/her affiliated local union in order to stand for election or continue to hold office.

Should any executive board member fail to answer the roll call for two (2) consecutive meetings without having submitted good and sufficient cause, ~~his/her~~[their](#) office shall be filled by an election at the following membership meeting.

C. Vacancies

In the event of a vacancy in any office, such vacancy shall be filled at the next regular meeting of the KDC, except in the case of the President or Treasurer, in which case a special meeting of the KDC may be called to elect a new President or Treasurer.

D. Installation of Officers

i. All duly elected Officers shall be installed at the meeting at which elections are held;

ii. The Oath of Office to be read by the newly-elected Officers is:
“I, _____, promise to perform the duties of my office, as set out in the Constitution and laws of the Canadian Union of Public Employees, faithfully and to the best of my ability for my term of office. As an Officer of the Union, I will always promote the harmony and dignity of its sessions by counsel and example. I also promise to turn over all property of the Union to my successor at the end of my term.”

E. By-elections

i. Should an office fall vacant for any reason, the resulting by-election should be conducted as closely as possible in conformity with this section. The term of office for any position filled through a by-election will be the term that the vacated position was initially elected to fulfill.

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ARTICLE 9 – DUTIES OF OFFICERS

A. The President shall:

- enforce the CUPE Constitution, ~~and~~ these bylaws and the Equality Statement;
- interpret these bylaws as required;
- preside at all membership and Executive Board meetings and preserve order;
- decide all points of order and procedure (subject always to appeal to the membership);
- have the same right to vote as on all matters other members (except appeals against their 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 or refrain from casting an additional vote, in which case the motion is defeated;
- ensure that all Officers perform their assigned duties;
- fill committee vacancies where elections are not provided for;
- introduce new members and conduct them through the initiation ceremony;

- be one of three signing officers and ensure the District Council funds are used only as authorized or directed by the Constitution, bylaws, or vote of the delegates.
- have first preference as a delegate to the CUPE National Convention and CUPE BC Division Convention and Think Tank.
- attempt to attend at least one regular or special meeting to each local in his/her designated area.

B. The Vice-Presidents shall:

- perform all duties of the President if the President is absent or incapacitated;
 - if the office of President falls vacant, be Acting President until a new President is elected;
 - render assistance to any member of the Board as directed by the Board.
 - attempt to attend at least one regular or special meeting of each local in his designated area.
- The Vice President performing the duties of the President in their absence shall be determined by a majority vote of the Executive.

C. The Secretary shall:

- keep full, accurate and impartial account of the proceedings of all regular or special membership and Executive meetings, ensuring that these records include a copy of the full financial report presented by the Treasurer and will include the Trustees' reports;
- record all amendments and/or additions ~~alterations~~ in the bylaws, and make certain that these are sent to the National President for approval prior to implementing;
- answer correspondence and fulfill other secretarial duties as directed by the board;
- file a copy of all letters-correspondence sent out and keep on file all communications;
- prepare and distribute all circulars, minutes and notices to affiliated Locals;
- have all records ready on reasonable notice for auditors and Trustees;
- be empowered, with the approval of the membership to employ necessary stenographic or other assistance to paid for out of the Council's funds;
- upon termination of office, surrender all books, seals and other properties of the Council to his successor.

D. Treasurer shall:

- receive all revenue, dues and ~~assessments~~, keeping a record of each affiliates' payments, and deposit promptly all money with a bank or credit union;
- pay all CUPE affiliation fees as required;
- Sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences,
- throughout their term, and on behalf of the District Council 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 headquarters, as well as records and supporting documents for all income received by the District Council;
- record all financial transactions in a manner acceptable to the Executive and in accordance with good accounting practices;
- make a full financial report to meetings of the District Council Executive Board, as well as a written financial report to each regular Council meeting, detailing all income and expenditures for the period;
- be bonded for not less that five hundred dollars (\$500) (or any greater sum as may be decided at a Council meeting), taking into account the assets of the District Council and the amount of cash and cheques handled by the Secretary-Treasurer,

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through the master bond held by the National Office, and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office;

- pay no money unless supported by a voucher duly signed by two members of the Board, except that no voucher shall be required or the payment of per capita fees to any organization to which the Council is affiliated;
- make all books available for inspection by the auditors and/or Trustees on reasonable notice, and have the books audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees;
- provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE:
- be empowered with the approval of the membership, to employ necessary clerical assistance to be paid for out of the Council's funds;
- notify all Local Presidents who are six months in arrears and report to the Board all affiliates two or more months in arrears in the payment of union dues;
- on termination of office, surrender all books, records and other properties of the Council to their successor.

E. The Diversity Representative shall:

- function as an Executive position on the District Council,
- shall be the name put forward on behalf of KDC for CUPE BC CARD committee or Working Group.
- report to the District Council on the activities of CARD or Working Group in writing so that it can be included in the District Council's minutes,
- be an advocate on diversity / equity issues to the District Council and act as a liaison between CARD Committee or Working Group and the District Council.

F. The Young Worker shall:

- function as an Executive position on the District Council,
- shall be the name put forward on behalf of KDC to CUPE BC Young Worker's committee
- report to the District Council on the activities of the Young Workers in writing so that it can be included in the District Council's minutes,
- be an advocate on young worker's issues to the District Council and act as a liaison between Young Worker and the District Council and affiliated Locals.

G. The Trustees shall:

- act as an auditing committee on behalf of the affiliates and audit the books and accounts of the Treasurer, the Recording/Corresponding Secretary at least once every calendar year.

- make a written report of their findings to the first Council meeting following the completion of each audit;
- submit in writing to the President and Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the District Councils' funds, records, and accounts are being maintained by the Treasurer in an organized, correct and proper manner;
- be responsible to ensure that monies are not paid out without proper constitutional or membership authorization; ensure that proper financial reports are made to the affiliates;
- Ensure that proper financial reports have been given to the membership;
- Audit the record of attendance;
- inspect at least once a year any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Council, and report their findings to the affiliates;
- ~~send a copy of the completed audit report (on the prescribed form provided by the National Treasurer), as well as a copy of their report to the Council's membership along with a copy of their recommendations and/or concerns to the President and Treasurer and the Treasurer's response, to the National Treasurer of the Canadian Union of Public Employees, with a copy of the assigned National representatives;~~
- Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
 - i. Completed Trustee Audit Program
 - ii. Completed Trustees' Report
 - iii. Secretary-Treasurer Report to the Trustees
 - iv. Recommendations made to the President and Secretary-Treasurer of the Local Union
 - v. Secretary-Treasurer's response to recommendations
 - vi. Concerns that have not been addressed by the Local Union Executive Board.
- keep a record of all motions for the Trustee to be used made at KDC meetings.

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H. The Membership Officer Shall:

- Guard the inner door at meetings of the KDC and admit only affiliated members in good standing or Officers and Officials of CUPE, except on order of the President and by consent of the members present.
- Assist in maintaining the record of attendance at meetings by making sure the members sign the attendance book as they enter.
- Perform such other duties as may be assigned by the Executive Board from time to time

- Maintain a nominal roll of the Local's Officers showing an affiliate's attendance record at meetings
- On termination of office, surrender all monies, books and other property to their successor

ARTICLE 10 – EXECUTIVE COMMITTEE MEETINGS

A. Committee Members

The Executive Committee shall be composed of:

President	Vice-President
Treasurer	Vice-President
Membership Officer	Secretary
Diversity seat	Trustees (Voice but no vote)

B. Meetings

The Executive Committee of the KDC shall hold regular meetings or may meet prior to the meeting of the Council, and shall make recommendations on all such matters as may arise or be required concerning the affairs of the Council.

- i. A majority of the Executive Board constitutes a quorum.
- ii. The Executive Board shall hold title to any real estate of the KDC as trustees for the KDC. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposal to a membership meeting and having it approved.
- iii. The Executive Board shall do the work delegated to it by the KDC and shall be held responsible for the proper and effective functioning of all committees.
- iv. Should any Executive Board member fail to answer the roll call for three consecutive regular meetings or three consecutive regular Executive Board meetings without having submitted good reasons, their office shall be declared vacant and shall be filled by an election at the following membership meeting.

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C. Special Meetings, Communications

On call of the President or on request of a majority of the Executive Committee, a special meeting of the Executive Committee shall be convened. Otherwise, all business and

consultations of the Executive Committee between regular meetings shall be conducted by phone or mail.

ARTICLE 11 – COMMITTEES

The KDC shall establish temporary or permanent Standing Committees as shall be deemed necessary for the proper functioning of the KDC.

ARTICLE 12 – RULES OF ORDER

The Rules of Order of the KDC shall be those set out in the Constitution of the Canadian Union of Public Employees.

ARTICLE 13 – SIGNING AUTHORITY

Expenditures of the KDC shall be for the purpose of the KDC only and in all cases shall be made by cheque, signed by two of the three signing officers or other officer the KDC may designate.

ARTICLE 14 – EXPENSES

A. Eligibility

(a) Payment of KDC Funds

Funds can only be spent for valid purposes of the KDC under the following circumstances:

- When the expenditure is authorized by a budget approved by a majority of members present and voting at a regular or special membership meeting;
- When these bylaws or KDC policies approve the expenditure; or
- Through a vote of the majority of members present and voting at a regular or special membership meeting.

(b) Payment of Per Capita Tax and Affiliation Fees

Authorization to pay per capita tax to CUPE National, to CUPE BC Provincial Division, or any labour organization the KDC is affiliated with, is not required.

(c) Payment of KDC Funds to Members or Causes Outside of CUPE

In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than \$400, a notice of motion must be made at a regular membership meeting and then approved at the following regular or special membership meeting before the grant or contribution can be paid out. The approval meeting must be no earlier than seven days after the meeting where notice of motion has been given.

(d) No Officer or member of the KDC will be allowed to spend any KDC funds without first having received authorization under Section Article 145(a) of these bylaws.

Expenses shall be paid as per the KDC Policies.

B. Other Expenses

Expenses not covered by KDC Policies shall be referred to the membership for approval.

C. Changes

Any changes to this Article shall be in accordance with Article 15, Section 1.

ARTICLE 15 – AMENDMENTS TO THESE BYLAWS IS CONSTITUTION

A. Procedure

Amendments to these By-Laws, so long as they do not conflict with the Constitution of the Canadian Union of Public Employees nor its principles and policies, may be adopted, provided that notice of the proposed amendments, in writing, is presented to one meeting and read again at the next succeeding meeting, when it shall require a two-thirds (2/3) vote of the members present and voting for adoption.

B. Effective

Amendments shall be effective only after approval in writing of the National President of the Canadian Union of Public Employees.

APPENDIX “A” – EQUALITY STATEMENT

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behaviour that creates conflict prevents us from working together to strengthen our union.

As unionists, mutual respect, cooperation and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile or offensive environment.

Harassment means using real or perceived power to abuse or humiliate. Harassment should not be treated as a joke. The uneasiness and discomfort it creates are not feelings that help us grow as a union. Harassment focusses on the things that make us different instead of the things that bring us together like shared concerns about our families, decent wages, safe working conditions, fairness at work, and justice in society.

We believe that CUPE’s policies and practices should reflect our commitment to equality. We urge members and staff to participate fully in CUPE activities mindful that all sisters and brothers deserve dignity, equality and respect.