

# FRASER VALLEY DISTRICT COUNCIL

(FVDC)

## BYLAWS

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## PREAMBLE

In order to improve the social and economic welfare of its delegates, without regard to age, race, creed, colour, national origin, political affiliation, religious affiliation, gender, marital status, sexual orientation, place of residence; to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, this District Council of the Canadian Union of Public Employees (CUPE) has been formed.

The following bylaws are adopted by the District Council pursuant to, and to supplement, Appendix "B" of the CUPE National Constitution, to safeguard the rights of all delegates, to provide responsible administration of the District Council, and to involve as many delegates as possible through the sharing of duties and responsibilities.

## SECTION 1 - NAME

The name of the District Council shall be The Canadian Union of Public Employees, Fraser Valley District Council (FVDC).

## SECTION 2 - OBJECTIVES

The objectives of this District Council are:

- a) to promote the organization of workers generally and of CUPE members in particular;
- b) to advance the social, economic and general welfare of such public employees;
- c) to foster co-operation and closer relationships between CUPE Locals; and
- d) to support the objectives of CUPE as set out in Article II of the CUPE National Constitution.

## SECTION 3 - INTERPRETATIONS

- a) Masculine pronouns shall be understood to include the feminine gender.
- b) These bylaws shall be read in conjunction with the CUPE National Constitution.

#### SECTION 4 - MEMBERSHIP

a) AFFILIATION

This District Council shall consist of all Chartered CUPE Locals which lie within the geographic area of the Fraser Valley. CUPE Locals must apply in writing to the Recording Secretary of the District Council. Election to membership shall be by majority vote.

b) DISAFFILIATION

A Local shall be deemed unaffiliated upon written notice from the Local that wishes to disaffiliate.

c) RE-AFFILIATION

A Local may apply for re-affiliation to the District Council. A two-thirds (2/3) majority vote of the District Council is required to accept re-affiliation.

d) DISSOLUTION

There shall be no dissolution of the District Council as long as five (5) affiliated Locals dissent.

#### SECTION 5 - REPRESENTATION

a) Each affiliated Local shall be entitled to four (4) voting delegates at FVDC meetings.

In order to be seated as a delegate at FVDC meetings, a delegate must be a member in good standing of his Local.

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

b) National and/or Divisional Officers, Executive Board Members and Staff Representatives shall be allowed to attend District Council meetings and speak, but will hold no voting powers.

#### SECTION 6 - MEETINGS

a) The schedule of meetings for the upcoming year shall be drawn up by the Executive and presented to the delegates. Upon adoption, copies of the schedule shall be prepared and forwarded to all delegates ten (10) days before the next scheduled meeting. Copies shall be e-mailed to all affiliated Locals and if necessary, mailed.

- b) A quorum for the transaction of business at any General or Special meeting shall be one-third (1/3) of affiliated Locals, including at least three (3) members of the Executive Board.
- c) A quorum for the transaction of business at any Executive Board meeting shall be one-half (1/2) of the Executive Board.
- d) Special District Council meetings may be ordered by the Executive Board or requested in writing by a majority of the affiliated Locals. The President shall immediately call a Special meeting when so ordered or requested and shall see that all delegates receive at least seventy-two (72) hours' notice of the Special meeting and the subject(s) to be discussed. No other business shall be transacted at the Special meeting other than that for which the meeting is called and notice given.

## SECTION 7 - ORDER OF BUSINESS

The order of business to be followed by the Fraser Valley District Council shall be as follows:

- Call to Order
- Equality Statement (Appendix "A")
- Roll Call of Officers
- Roll Call of Affiliates
- New Delegates
- Adoption of the Minutes
- Treasurer's Report
- Correspondence
- Executive Board Report
- Nominations and Elections
- Unfinished Business
- New Business
- Reports of Affiliates
- Committee Reports
- Adjournment

SECTION 8 - OFFICERS

a) The Officers shall be:

- President
- Vice-President
- Secretary
- Treasurer
- Executive-at-Large (3 positions)
- Diversity Member-at-Large
- Young Worker-at-Large
- Membership Officer (2 positions)
- Trustee (3 positions)

b) The term of office for all Officers shall be:

1. The positions of President, Treasurer, one Executive-at-Large, Diversity Member-at-Large, and one Membership Officer, shall be elected in odd-numbered years for two-year terms.
2. The positions of Vice-President, Secretary, two Executives-at-Large, Young Worker-at-Large, and one Membership Officer, shall be elected in even-numbered years for two-year terms.
3. One (1) position of Trustee shall be elected each year for a three-year term.

SECTION 9 - EXECUTIVE BOARD

a) The Executive Board shall be comprised of all officers except Trustees.

b) The Executive Board shall meet a minimum of eight (8) times a year.

c) A majority of the Executive Board constitutes a quorum.

d) The Executive Board officers shall hold title to any real estate of the District Council as trustees for the District Council. They shall have no right to sell, convey or encumber any real estate without first giving notice, and then submitting the proposition to a membership meeting and having it approved.

e) The Executive Board officers shall be the governing body of this District Council between meetings. It shall take such action and render such decisions as may be necessary to carry out fully the decisions and instruction of the District Council and to enforce the provisions contained in these Bylaws. The Executive Board shall make a report of their actions and decisions to the next regular meeting of the District Council.

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- f) All charges against delegates or officers must be made in writing and dealt with in accordance with the provisions of the CUPE National Constitution.
- g) Should any Executive Board Officer fail to answer the roll call for three (3) consecutive General meetings, or three (3) consecutive Executive Board meetings without having submitted good reasons for those failures, that office shall be declared vacant and shall be filled by an election at the following District Council meeting.

### SECTION 10 - SIGNING AUTHORITY

- a) All legal documents and cheques issued by the District Council shall require the signature of two of the following:
  - Treasurer
  - President
  - Vice President
- b) The Treasurer shall be the primary cheque signatory.

### SECTION 11 - DUTIES OF OFFICERS

All Officers must give all properties, assets, funds and all records of the District Council to their successors at the end of their term of office.

All signing Officers of the District Council shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.

- a) The President shall:
  - Enforce the CUPE National Constitution and these Bylaws.
  - Preside over all General and Executive Board meetings and preserve order.
  - Decide on all points of order and procedure (subject always to the appeal of the District Council delegates).
  - Have a vote on all matters (except appeals against presiding officer 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. Ensure that all Executive Board Officers perform their assigned duties.
  - Fill committee vacancies where elections are not provided for.
  - Ensure that the District Council's funds are used only as authorized or directed by the Constitution, Bylaws, Policies, or vote of the District Council delegates.
  - Have first preference as a delegate to CUPE Conventions.

b) The Vice-President shall:

- If the President is absent or incapacitated, perform all duties of the President.
- If the office of the President falls vacant, be acting President until a new President is elected.
- Render assistance to any member of the Executive Board as directed by the Executive Board.

c) The Treasurer shall:

- Sign all cheques and ensure that the District Council's funds are used only as authorized or directed by the CUPE Constitution, FVDC Bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- Pay no money unless supported by a voucher duly signed by the President or two (2) other delegates of the Executive Board, except that no voucher will be required for payment of per capita fees to any organization to which the District Council is affiliated.
- Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the District Council.
- Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least annually and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.

d) The Secretary shall:

- Keep full, accurate, and impartial account of the proceedings of all General, Executive Board, and Special meetings of the District Council. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Treasurer. The record will also include Trustees' reports.
- Record and forward all Bylaw amendments to the National Office for approval.
- Answer all correspondence and fulfill other secretarial duties as directed by the Executive Board, and keep on file all communications to the District Council.
- Prepare and distribute all minutes and notices to delegates.
- Preside over General, Executive Board, or Special meetings in the absence of

- both the President and Vice-President.
  - Have all records ready on reasonable notice for the Trustees.
- e) The Executives-at-Large, the Diversity Member-at-Large, and the Young Worker-at-Large shall:
- Be present at all General, Executive Board, and Special meetings of the District Council.
  - Perform other duties as assigned by the Executive Board.
- f) The Membership Officer shall:
- Guard the inner door at all District Council meetings and admit only delegates in good standing, or Officers and Officials of CUPE, except on the order of the President and by consent of the delegates present.
  - Maintain the record of delegate attendance at District Council meetings.
  - Perform other duties as assigned by the Executive Board.
  - Introduce new delegates.
- g) The Trustees shall:
- Act as an auditing committee on behalf of the District Council delegates and audit the books and accounts of the Treasurer, the Secretary, and the committees annually.
  - Make a written report of their findings at the next General 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 Council's 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 District Council authorization.
  - Ensure that proper financial reports are made to the membership.
  - Use audit forms supplied by the National Office and send a copy of each audit to the National Secretary-Treasurer in accordance with the provisions of the CUPE National Constitution.
- h) The Regional Vice-President/Alternate Regional Vice-President representing the District Council shall provide a written report of CUPE BC's Executive Board Meetings.



## SECTION 12 - EXPENSES / PER-DIEMS

All expenses and per-diems shall be paid by the District Council in accordance with the CUPE BC Expense Policy.

## SECTION 13 - PER CAPITA

### a) Per Capita

- i) The per capita rate shall be set by a two-thirds (2/3) majority vote of the District Council delegates.
- ii) Changing the per capita rate can only be effected by following the procedure for amendment of the Bylaws (see Section 19), with the additional provision that the vote must be by secret ballot.
- iii) Per capita shall be based on all members working in the Fraser Valley region as per the FVDC Policy and Per Capita Form.

### b) Non-Payment of Per Capita

Any Local in arrears for a period of three (3) months or more shall be subject to a fifteen percent (15%) penalty on all arrears. After six (6) months arrears, Locals shall be subject to suspension of affiliation. Any Local under suspension wishing to be reinstated shall, upon application, pay all dues and penalties for which it is in arrears. If a Local was on strike or was locked out, the Local may request a waiver of its arrears.

### c) Re-affiliation/Arrears

Disaffiliated Locals wishing to re-affiliate to the District Council must pay all arrears, dues and penalties outstanding at time of disaffiliation with terms of repayment to be negotiated by the Executive Board.

## SECTION 14 - EXPENDITURES

Executive Board Officers must have prior approval by the membership in order to spend \$200 or more in the execution of District Council business.

## SECTION 15 - NOMINATIONS, ELECTIONS AND INSTALLATION OF OFFICERS

### a) Nominations

To be eligible for nomination, a delegate shall have attended at least fifty percent (50%)

of the District Council meetings held in the last twelve (12) months or in the period they were a delegate if less than a year, unless a valid reason acceptable to the District Council has been given for non-attendance. No Nomination shall be accepted unless the delegate is in attendance at the meeting, or has allowed to be filed at the meeting his consent in writing, including a signed Oath of Obligation, duly witnessed by another delegate. No delegate shall be eligible for nomination if the Local's dues are in arrears.

b) Elections

1. Elections shall be held at the Annual General Meeting. The length of terms for the offices shall be those set out in Section 8(b). The President, subject to the approval of the delegates, may appoint an Election Committee consisting of a Returning Officer and Assistant(s). This Committee shall include delegates to the District Council who are neither Officers nor candidates for office. It shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.
2. The Executive Board shall determine the form of ballot and ensure sufficient quantities are made available in good time to the Returning Officer.
3. The Returning Officer shall be responsible for issuing, collecting and counting ballots.
4. The voting shall be by secret ballot.
5. Voting to fill one office shall be conducted and completed and recount dealt with, before balloting may begin to fill another office.
6. A majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots shall be taken if necessary, to obtain a majority. On the second and subsequent ballots, the candidate receiving the least number of votes in the previous ballot shall be dropped. In the case of a final tie vote, three presiding Executive Board Officers may cast the deciding ballot.
7. When two or more nominees are to be elected to any office by ballot, each delegate voting shall be required to vote for the full number of candidates to be elected or the delegate's vote will be declared spoiled.
8. Any delegate may request a recount of the votes for any election and a recount shall be conducted if the request is supported, in a vote by at least the number of delegates equal to the quorum for a District Council meeting as laid down in Section 6(b).

c) Installation

All duly elected Officers shall be installed at the meeting at which the elections were held, and shall continue in office until their term expires, or until a successor has been elected and installed.

d) Elections

Should any office fall vacant pursuant to Section 9(g), or for any other reason, the resulting by-election should be conducted as closely as possible in conformity with this section.

## SECTION 16 - DELEGATES TO CONVENTION

The President shall have first preference to all conventions. An alternate delegate shall be elected at a General or Special meeting.

## SECTION 17 - COMMITTEE

Special ad hoc committees may be established for a specified purpose and period by the District Council at a General, Executive Board, or Special meeting. The delegates shall be elected at a General meeting, or may, by specific authorization to the District Council, be appointed by the President or Executive Board. Two members of the Executive Board may sit on any special committee as ex-officio members.

## SECTION 18 - RULES OF ORDER

All meetings of the District Council shall be conducted in accordance with the basic principles of Canadian Parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these Bylaws as Appendix "A". These rules shall be considered as an integral part of the Bylaws and may be amended only by the same procedure used to amend the Bylaws. In situations not covered by Appendix "A", the CUPE National Constitution may provide guidance, but if the situation is not dealt with there, Bourinot's Rules of Order shall be considered and applied.

SECTION 19 - AMENDMENT

- a) These Bylaws are always subordinate to the CUPE National Constitution (including Appendix “B”), as it now exists or may be amended from time to time, and in the event of any conflict between these Bylaws and the CUPE National Constitution, the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.
- b) These Bylaws shall not be amended, added to, or suspended, except upon a majority vote of those present and voting at a General or Special meeting, following seven (7) days’ notice at a previous meeting or at least sixty (60) days’ written notice.
- c) No change in these Bylaws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President.

APPENDIX “A” - BYLAWS

1. The President, or in his absence the Vice-President, shall take the chair at all District Council meetings. In the absence of both the President and Vice-President, the Secretary shall act as President, and in the absence of the Secretary, a President pro-tem shall be chosen by the District Council.
2. No delegate except the Chair of a committee making a report or the mover of a resolution, shall speak more than five minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had an opportunity. Chair and the movers of the resolution shall be limited to fifteen minutes, except with the consent of the meeting.
3. The President shall state every question before the District Council. Before allowing a debate thereon and again immediately before putting it to a vote, shall ask: “Is the District Council ready for the question?” Should no delegate rise to speak, the question shall be then put.
4. A motion to be entertained by the presiding Executive Board Officer must be moved and seconded.
5. A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution, shall be in order.
6. On motion, the regular order of business may be suspended by a two-thirds (2/3) vote of those present, to deal with any urgent business.
7. Resolutions may only be placed before the District Council by the Executive Board or by the delegates of affiliated Locals of the District Council. Any delegate wishing to place a resolution before a regular meeting shall present such resolution to the Secretary, to be submitted to the Executive Board who in turn shall submit it, with or without their recommendation, to the full meeting of the District Council.
8. At the request of any delegate and upon a majority vote of those present, a question may be divided when the sense will admit of it.
9. Any delegate having made a motion may withdraw it with the consent of the seconder, except that any motion once debated cannot be withdrawn except by a majority vote of those present.

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10. When a delegate wishes to speak on a motion, they shall respectfully address the presiding Executive Officer, but, except to state they rise on a point of order or on a question of privilege, they shall not proceed further until recognized by the chair.
11. When two or more delegates indicate they wish to speak at the same time, the presiding Executive Officer shall decide which one is entitled thereof.
12. Every delegate while speaking shall adhere to the question under debate and avoid all personal, indecorous or offensive language as well as any poor reflection on the District Council or delegate thereof.
13. If a delegate, while speaking, is called to order, he shall cease speaking until the point is determined. If it is decided he is in order he may again proceed.
14. No sectarian discussion shall be permitted.
15. The President shall take no part in debate while presiding, but may yield the chair to the Vice-President in order to speak on any question before the District Council, or to introduce a new question.
16. The presiding Executive Officer shall have the same rights as other delegates to vote on any question. In case of a tie, they may in addition give a casting vote, or if they choose, refrain from breaking the tie in which case the motion is lost.
17. When a motion is before the District Council, no other motion is in order except a motion to 1) adjourn; 2) put the question; 3) lay on the table; 4) postpone; 5) refer; or 6) divide or amend. These six motions shall have precedence in the order indicated. Motions 1 through 3 shall be decided without debate.
18. A motion for the previous question, when regularly moved and seconded, shall be put. If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any), according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended shall be put to the District Council.
19. A motion to adjourn is in order except when:
  - 1) a member has the floor, and
  - 2) when delegates are voting.
20. A motion to adjourn, having been put and lost shall not be in order again if there is further business before the District Council, until fifteen minutes have elapsed.

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21. After the presiding Executive Board Officer declares the vote on a question and before the District Council proceeds to another order of business, any delegate may ask for a division. A standing vote shall then be taken and the Secretary shall count same.
22. If a delegate wishes to challenge (appeal) a decision of the Chair, he must do so at the time the decision is made. If the challenge is seconded, the delegate shall be asked to state briefly the basis for his challenge. The Chair may then state briefly the basis for the decision, following which the Chair shall immediately and without debate put the question: "Shall the decision of the Chair be sustained?" A majority vote shall decide except that in the event of a tie the Chair is sustained.
23. After a question has been decided, any two delegates who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
24. No delegate shall enter or leave a meeting during the reading of the minutes, the initiation of new delegates, the installation of officers, or the taking of a vote; and no delegate shall be allowed to leave without the permission of the Chair.
25. The District Council's business, and proceedings of meetings, is not to be divulged to any person outside CUPE without the permission of their District Council.

## APPENDIX “B” - 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.

Discriminatory speech or conduct which is racist, sexist, transphobic, or homophobic hurts and thereby divides us. So too does discrimination on the basis of ability, age, class, religion and ethnic origin.

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue, or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a union.

Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society, and in our union.

CUPE’s policies and practices must reflect our commitment to equality. Members, staff, and elected officers must be mindful that all persons deserve dignity, equality, and respect.



APPENDIX “C” - OBLIGATION OF DELEGATES

“I \_\_\_\_\_, sincerely promise and declare I will be faithful to the duties devolving upon me as a delegate of this District Council, that I will attend all meetings of this District Council if possible and work at all times for, and in the interest of, this District Council and the Canadian Union of Public Employees.”

New Officers Oath:

The Presiding Officer shall State:

“Fellow delegates, repeat after me the following obligation using your name where I use mine:

“I \_\_\_\_\_, do most sincerely promise, that I will truly and faithfully, to the best of my ability, perform the duties of my office, for the ensuing term as prescribed in the National Constitution and Laws of the Canadian Union of Public Employees; and as an Officer of this Fraser Valley District Council, will at all times endeavour, both by counsel and example, to promote the harmony and preserve the dignity of its sessions. I further promise, that at the close of my official term, I will promptly deliver all monies, books, papers or other property of this District Council in my possession to my duly elected successor in office.”