

Local 340 - By-laws

**Ontario Public Service
Employees Union**

OPSEU



SEFPO

**Syndicat des Employé-e-s
de la Fonction Publique
de l'Ontario**

Effective February 22, 2005

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Preamble

The following by-laws are adopted by Local 340 pursuant to and to supplement the OPSEU constitution and to involve as many members as possible through the democratic sharing of duties, responsibilities and information.

Article 1 - Name

The organization shall be known as Local 340, Ontario Public Service Employees Union (OPSEU). The Local is situated at 40 King Street West, Suite 110, Oshawa, ON L1H 1A4.

Article 2 - Objectives

The objectives of the Local and its members are to:

- 2.1 Uphold and abide by the OPSEU Constitution and all applications and interpretations thereof.
- 2.2 Encourage active participation by all members in union activities.
- 2.3 Provide an opportunity for all members to influence and shape their future through free democratic trade unionism.
- 2.4 Encourage settlement by negotiation and mediation, of all disputes between members and the employer.
- 2.5 Ensure a safe workplace through strict enforcement of Health and Safety standards.
- 2.6 Strive for member satisfaction with their working life through encouragement of a productive and enriching work environment, free from discrimination, harassment and unfair employment practices.

- 2.7 Uphold and abide by duly accepted OPSEU corporate policy.

Article 3 - Affiliations

Local 340 will affiliate with both the Oshawa and District Labour Council and Durham-Lakeshore Area Council. In case of affiliation, fees will be paid according to Council.

Article 4 - Constitution and By-Laws

The Constitution of this Local shall be the Constitution of the Ontario Public Service Employees Union and these by-laws shall in all respects be subordinate to the said Constitution and all applications thereof. Numbers at the end of any section or sub-section refers to the relevant article of the OPSEU constitution (1993 edition).

Article 5 - Fiscal Year

The fiscal year (accounting cycle) of this Local shall begin at 00:01 hours January 1st and end at 24:00 hours December 31st (Article 25.1).

Article 6 - Membership

- 6.1 Local 340 shall be open to all employees eligible for membership in OPSEU and working at either any Ministry of Finance office (amalgamated or otherwise) located in the Durham Region.
- 6.2 Each member in good standing of this Union (Article 6), has the right to nominate and vote during all elections and at all general membership meetings, to attend all membership meetings and express views, arguments and opinions on all matters of business before any meeting. To meet and assemble freely with other members; and generally, to participate in all the

activities of the Local in a responsible manner. To present and discuss factually and honestly, the issues and personalities upon which the membership must base its decisions. These rights shall at all times be subject to the rules of procedure governing meetings and other uniform rules and regulations contained in the Constitution and By-laws. (Roberts Rules of Order)

- 6.3 The membership shall strive to obtain the objectives set forth in the OPSEU Constitution and these bylaws. In accordance with OPSEU policy, the Local and its members shall strive to maintain constructive relations with other organizations, to do all in their power to strengthen and promote the labour movement, to cooperate with the Executive Board Members, OPSEU staff and help promote organizational activities.

Article 7 - Membership Rights

Every member in good standing is entitled:

- 7.1 To be represented by the Local;
- 7.2 Subject to any qualifications stipulated in these by-laws, to be nominated for and hold one or more offices in the Local;
- 7.3 To attend any meeting of the Local Executive Committee, notwithstanding that he/she may have voice but no vote;
- 7.4 To attend any general meeting and that he/she may have both voice and vote;
- 7.5 To receive a copy of the By-laws of the Local and to be advised of amendments to it and receive an

up-to-date copy on request.

Article 8 - Membership Meetings

- 8.1 General membership meetings of all members of this Local shall be convened at least twice a year. The quorum shall be five percent (5%) of the membership. (Article 28.8.2)
- 8.2 Notice of general membership meetings will be given to the membership at least 15 working days in advance of the meeting.
- 8.3 A special general meeting of the Local may be called by the President or a majority of the LEC, or by a petition signed by not less than ten percent (10%) of the membership (Article 28.7.4).
- 8.4 An agenda for any general meeting will be provided to the membership at least 5 working days prior to the meeting.
- 8.5 No member disrupting any meeting shall be allowed to remain after being warned twice by the Chairperson. To this end, a Sergeant at Arms is to be appointed at each general membership meeting.

Article 9 - Order of Proceedings

- 1) Call to Order
- 2) Adoption of Agenda
- 3) Minutes of Previous Meeting
- 4) Business Arising
- 5) Treasurer's Report
- 6) Correspondence
- 7) Initiation of New Members
- 8) Report of Officers
- 9) Report of Committees

- 10) Nominations and Elections
- 11) Unfinished Business
- 12) New Business
- 13) Adjournment

The above order may be modified to meet operational requirements of the Local.

Article 10 - Power of Administration

- 10.1 The membership is the highest authority of this Local and shall be empowered to take or direct any action not inconsistent with the By-Laws. This action may include initiating independent investigations into issues of importance to the membership, enlisting the aid of OPSEU corporate staff and the President. An investigation of this nature may result in whatever corrective action that OPSEU corporate and a majority of the local may deem necessary, up to and including the removal of any member occupying any position on any committee (i.e. LEC, standing or ad-hoc committees, etc.)
- 10.2 Between membership meetings, the Local Executive Committee (LEC), consisting of all stewards including local officers, shall administer the affairs of the Local in accordance with the Constitution, the Local By-laws and the wishes of the membership.
- 10.4 Between LEC meetings, the Local Officers (President, Vice President, Secretary, Treasurer, Vice-Treasurer and Chief Steward) shall be empowered to act on behalf of the membership to the extent that urgent business requires prompt action, subject to the approval of the LEC and the membership.

Article 11 - Local Executive Committee

- 11.1 The officers of the Local along with all remaining stewards constitute the Local Executive Committee (LEC).
- 11.2 The Officers of the LEC shall be the President, Vice President, Secretary, Treasurer, Vice-Treasurer and Chief Steward.
- 11.3 The immediate Past President may serve as an honorary member of the LEC executive with voice but no vote.
- 11.4 A quorum of the LEC shall be in accordance with Article 28.8.2 of OPSEU Constitution (1 to 20 members - 50%, 21 to 200 members - 10 members, 201 or more members - 5%)
- 11.5 Meetings of the LEC shall be held at east once a month. Meetings may temporarily be suspended on a vote of the Officers of the LEC. Special LEC meetings may be called by the President or by a majority of LEC members.
- 11.6 Duties of the Officers of the Local shall be:

a) President

The President shall enforce compliance with by-laws and regulations of the Union and Local; preside at Local meetings; be an ex-officio member of all Local committees; generally supervise the affairs and operations of the Local; carry out such other duties as may be prescribed by the Local by-laws.

b) Vice President

The Vice President shall perform all the duties of the Presidential function during any absence of the President and accept and exercise such duties and powers as may be designated by the LEC or the President. The Vice President may also attend all functions of the Union in place of the President when the President cannot attend.

c) Secretary

The Secretary shall attend all meetings of the Local and keep Minutes; cause to be posted in a timely manner, the above Minutes; distribute notices to all members of the Local, as required; answer and/or forward all pertinent correspondence.

d) Treasurer

The Treasurer shall be responsible for proper administration of the assets and operating funds of the Local.

e) Vice Treasurer

The Vice Treasurer shall assist the treasurer with the proper administration of the operating funds of the local.

f) Chief Steward

The chief steward will supervise and assist all shop stewards and coordinate and track all Local grievances. In addition, the Chief Steward will maintain a training portfolio of all shop stewards and coordinate training when available to ensure each shop steward has the necessary educational training to

represent the members of the Local.

Article 12 - Shop Stewards

- 12.1 The government of this Local shall be based on the Shop Steward System and the election of the officers of the LEC shall be from among the shop stewards.
- 12.2 Members of this Local shall be organized into common work areas. Stewards shall be determined by the peers of their immediate work areas. The stewards will be considered stewards at large and responsible to represent the entire Local.
- 12.3 Duties of Shop Stewards shall be to administer and monitor the Collective Agreement. To report to the Chief Steward and the LEC, those items that their members wish presented for negotiations and at all times act as a channel of communication between the members and the LEC and to present items of concern to the Employee/Employer Relations Committee.
- 12.4 In order to represent the membership it is required that the Shop Steward attend, whenever possible, all Local steward meetings or send a representative who will have voice but no vote.
- 12.5 If a Shop Steward misses three (3) consecutive steward meetings, this will be noted in the minutes and the Shop Steward must give reasonable cause. If no reasonable cause is given which is acceptable to the LEC, the Shop Steward will be deemed to have abandoned the office and a by-election will be held in the working area.

Article 13 - Elections

All elections shall be by clear majority, with run-off

elections if necessary.

- 13.1 Election of Shop Stewards shall be held in January and finalized by February of every even-numbered year. New steward positions will be accommodated by midterm elections where required.
- 13.2 Election of Local Officers of the LEC shall be held in January or February at the General Membership meeting and finalized by March of every odd-numbered year.
- 13.3 Written notice of nominations and elections of Shop Stewards and Officers of the LEC shall be given to the membership at least fifteen (15) working days in advance.
- 13.4 Nominations of Shop Stewards shall be done in writing by work area and all elections shall be based on the principle of winning a clear majority, with run-off ballots if necessary. If the size of the area warrants, multiple stewards may represent a single work area.
- 13.5 Immediately upon election of a Shop Steward, written notification of the outcome, signed by the Shop Steward and two (2) other Union members from the work area, shall be forwarded to the Secretary of the Local. No Shop Steward shall be eligible to run for Local Officer positions until such notification is received by the Secretary.
- 13.6 A general membership meeting shall take place to receive nominations and elections for LEC officers. The Local may request that voting be conducted by setting up one or more polling stations on all work sites rather than at a general membership meeting. If necessary, the President of OPSEU shall have the

authority to grant such a request and establish rules to govern such votes. Within one (1) month, the Local Officers shall be elected at one or more polling stations at the work site. If necessary, the President of OPSEU may be asked to establish rules to govern such a vote. Nominees may select a scrutineer if desired, however, a candidate may not be a scrutineer. Scrutineers will be assisted by at least one (1) OPSEU staff member.

- 13.7** The election process will be administered by an independent elections committee, appointed by the LEC. (i.e. no members of the committee may be nominees, current LEC members nor scrutineer).
- 13.8** By-elections shall be held within sixty (60) working days after a position has become vacant, except when the vacancy occurs within three (3) months of the expiry of the term of office.
- 13.9** Voting may not be by proxy.

Article 14 - Oath of Office

"I, _____, promise that I will uphold and obey the Constitution, policies of the Ontario Public Service Employees Union and the By-laws of my Local, work with the officers of the Local to represent the members, and fulfil the obligations and responsibilities of my elected position as Steward to the best of my ability."

Article 15 - Trustee

Every Local shall elect an audit committee composed of at least two members to be known as Trustees. The Trustees shall be elected at a general membership meeting from among the members and may not hold any other office in any Local.

They shall hold office for a two-year term, but at the first election in a Local the terms may be varied to provide subsequently for overlapping terms.

The Trustees shall examine all books, records, and properties of their Local, including any Unit thereof, at least twice each year. All Officers of the Local are required to make available all necessary documents to the Trustees on reasonable notice. The Trustees shall file an audit report, in a form specified by Headquarters, to Headquarters at least once every six months and shall also make a full report to the first general membership meeting following each audit.

Article 16 - Finances

- 16.1** The LEC shall present a budget to a general membership meeting annually.
- 16.2** A summary financial statement will be posted for the membership monthly, including details of any donations made under Article 16.6 and 16.7.
- 16.3** The signing officers are any two of the following: the President, Vice President, and Treasurer.
- 16.4** The signing officers shall have the authority to spend up to twelve-hundred and fifty dollars (\$1,250.00), per incident, on behalf of the members of Local 340, with the approval of the LEC. Amounts greater than twelve-hundred and fifty dollars (\$1,250.00) must be approved by a general membership meeting. Amounts less than or equal to five-hundred dollars (\$500.00), per incident, may be approved by any two (2) signing officers.
- 16.5** The treasurer shall have control of one-hundred and fifty dollars (\$150.00) petty cash.

- 16.6** On the request of any charitable group, the LEC is authorized to spend up to one-thousand dollars (\$1,000.00) on charitable donations per year.
- 16.7** On the request of any Union related social group, the LEC is authorized to spend up to five-hundred dollars (\$500.00) on social donations per year.
- 16.8** Donations not covered under Articles 16.6 or 16.7, must be approved by a general membership meeting. Members wishing donations under this article must submit written requests for donations under this article at least 10 working days prior to the general membership meeting.
- 16.9** Any member, attending LEC approved Education Seminars or who is authorized to act on behalf of the Local at any meeting except Local Executive, LEC, general membership and standing committee shall be compensated out of pocket expenses at a rate determined by motion of policy passed at a general membership meeting. Such compensation shall apply only when the member is not receiving wages and other out of pocket expenses from OPSEU or the employer. (Per Diem)
- 16.10** Any member attending LEC approved Educational Seminars, elected as a delegate or alternate to a duly authorized Divisional Meeting, Regional Meeting, Convention or any other OPSEU corporate function shall have the following paid by the Local, where reasonable (where Head Office does not cover the expense as per their policy Section 10 - Expense Guidelines):

Meals, travel (mass transit or mileage at OPSEU rates), accommodations at single rates where possible (to encourage member participation) and own time.

- Expenses will be covered by the Local or head office, not both.
- 16.11** LEC Executives and delegates attending to union business are entitled to single room accommodations at the locals expense. The LEC may give special consideration for single room accommodation to others on request.
- 16.12** Lost wages will be paid by Head Office when expense claims include proof of lost wages for LEC approved functions. Own time will be paid when proof not provided. Own time or wages will be paid by the Local when proof is not provided, but not both.
- 16.13** Special consideration will be given to claims for Child/Elder Care.
- 16.14** Within reason, and in order to encourage participation and learning, the Local will cover the expenses of observers to functions named in Article 16.9 above. The LEC has the authority to set reasonable limits on the number of observers to any function.
- 16.15** The Local will not pay honorariums. Instead, the Local will negotiate with the employer in order to purchase time off (at the employers or the Local's expense) for use by the LEC to conduct union business during business hours. The distribution of any hours so negotiated will be at the discretion of the LEC.
- 16.16** Own time may be claimed by Stewards, Officers or any member when performance of their duties to the Local requires personal time to be spent. The validity of the time spent must be attested by at least two (2) officers who will sign the claim form.

Article 17 - Delegates and Alternates

- 17.1 It is the responsibility of all delegates to ensure that the Local is represented on the floor of the convention/function, either in person or by the alternate. The credentials must be properly handed over to the alternate.
- 17.2 It is the responsibility of any alternate to be available to substitute for a delegate at all times during convention/function.
- 17.3 Delegates, alternates and observers to all functions/conventions shall be elected by a clear majority at a general membership meeting from the membership at large. It is understood that the President is an automatic delegate to convention and other functions using the convention formula. In unusual circumstances where a general membership meeting is not possible in time for a function other than the convention or regional meetings, the LEC may elect delegates, alternates and observers from the general membership.

Article 18 - Committees

- 18.1 The membership of the Local at a general membership meeting, shall elect the members of each established committee, unless otherwise mandated.
- 18.2 The following are currently established committees:
Education Committee
Communications Committee

Other legally or corporately mandated committees may be formed as required (i.e. Human Rights, Social and Welfare, Political Action, etc.)

- 18.3 An Employee/Employer Relation Committee and Health and Safety Committee may function at both working locations of the Local.
- 18.4 The Union Health and Safety Committee shall be comprised of members of the Local appointed by the LEC. The Chairperson will be elected at the same time as Officers of the LEC. During their term, the committee members must complete the educational requirements as prescribed by OPSEU policy.
- 18.5 The Employee/Employer Relations Committee (ERC) shall be comprised of members of the LEC. Committee members will be elected by the LEC to sit on said committee.
- 18.6 Any member wishing to attend any committee meeting should request guest status through the Chair of the committee. Guests should be accommodated whenever practicable.
- 18.7 Unless otherwise stated, the Chair of each committee will be elected by the members of the committee.
- 18.8 Special ad-hoc committees may be formed from time to time by the President, a membership meeting or by a majority of the LEC. Members may be appointed by the LEC if a general meeting is not practical.

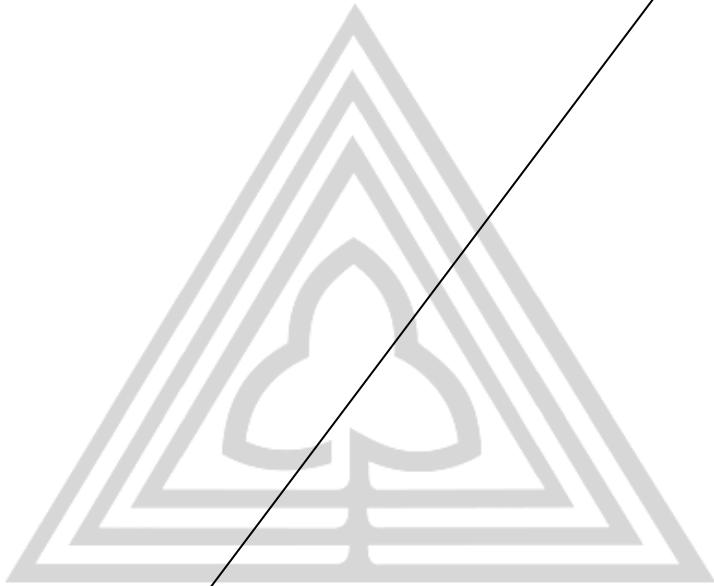
Article 19 - Amendments

- 19.1 These by-laws may be amended by presenting the amendments in writing to the LEC at least 10 days prior to a general membership meeting. The amendments will be studied by the LEC for presentation to the next general membership meeting. The agenda for that meeting must contain a notice of all amendments to be considered.

19.2 Approval by two-thirds (2/3) of the membership present and voting at a meeting with a quorum will render the amendment adopted.

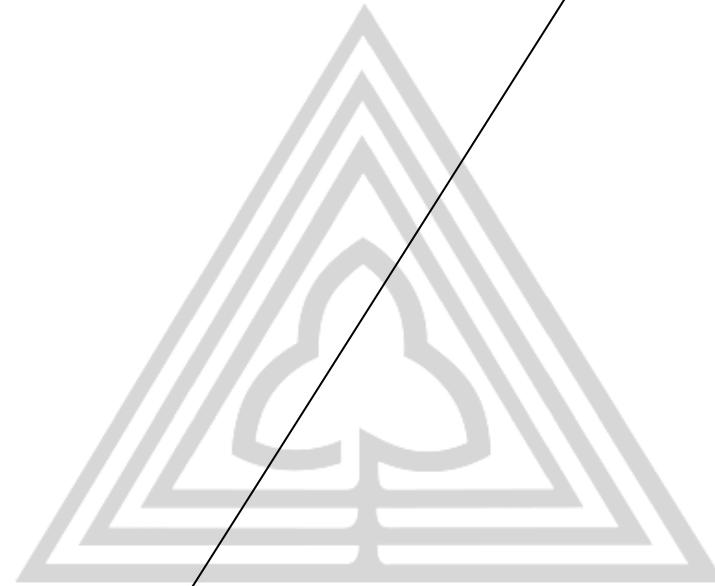
19.3 No amendments to these by-laws shall take effect until they have been approved by the President of OPSEU.

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