

**Bylaws
Of
OPSEU Local 240**

The Faculty Union at Mohawk College

APPROVED

Article 1 – Name

This organization shall be known as Local 240 Mohawk College, Ontario Public Service Employees Union (OPSEU) Faculty.

Article 2 - Constitution and Bylaws

The Constitution of this organization shall be the Constitution of OPSEU and these Bylaws shall be in all respects subordinate to said Constitution and all applications and interpretations thereof.

Article 3 – Fiscal Year

The fiscal year of the Local Union shall begin January 1 and end December 31.

Article 4 – Membership

Section 1

The Local Union shall be composed of workers eligible for membership in OPSEU Local 240.

Section 2

Each union member in good standing has the right to nominate and vote, express opinions on all subjects before the Union, to attend all membership meetings and express views, arguments and opinions on all matters and business properly before the meeting, to meet and assemble freely with other members, and generally to participate

in the activities of the Local Union. 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 Bylaws.

Section 3

The membership shall strive to obtain the objectives set forth in the OPSEU Constitution and additional objectives as established as the policy of the Ontario Public Service Employees Union; to maintain free relations with other organizations; to do all in its power to strengthen and promote the labour movement; to cooperate with OPSEU Board members and OPSEU staff; and to help promote organizational activities.

Article 5 – Membership Meetings

Section 1

General Membership Meetings of all members of this Local shall be convened at least two (2) times each year. The quorum shall be five per cent (5%) of the local membership.

Section 2

A special meeting of the Local union may be called at the request of ten per cent (10%) of the membership who shall be members in good standing. Said request shall be presented in writing to the President who will call a meeting within ten (10) calendar days. No business other than that for which the special meeting is called shall be transacted. The quorum shall be five per cent (5%) of the local membership.

Section 3

The President shall be the Chairperson at all General Membership Meetings, LEC meetings and special meetings. In the absence of the President, the Vice-President or person designated by the Local Executive will chair such meetings.

Section 4

Two (2) weeks' notice shall be given for all regular and special meetings by the electronic circulation and/or posting of the proposed agenda to members.

Article 6 – Power of Administration

Section 1

The membership is the highest authority of this Local Union and shall be empowered to take or direct any action consistent with the Constitution or Bylaws.

Section 2

Between General Membership Meetings, the Local Executive Committee (LEC) shall be the highest authority of the Local Union and shall be empowered to act on behalf of the membership to the extent that urgent business requires prompt and decisive action.

Section 3

Between General Membership Meetings, the LEC, the President, or in his/her absence, the Vice-President, Chief Steward, Treasurer, or Communications Officer shall exercise general administrative authority and shall be empowered to act on behalf of the LEC, subject to subsequent approval of the LEC.

Article 7 – Local Executive Committees

Section 1

The Local Executive Committee shall be composed of Stewards representing various areas of the College. The Executive Officers consist of the President, Vice-President, Chief Steward, Treasurer, and Communications Officer. The immediate past-President may serve on the LEC as an ex-officio member with voice but no vote.

NOTE: Communications Officer for the purpose of our bylaws fulfills the role of secretary as outlined in the OPSEU Constitution

Section 2

Meetings of the LEC shall be held at least ten (10) times per year. At least two (2) weeks notice shall be given to LEC members. Special meetings may be called by the President or by a majority of the Committee members. No business other than that for which the special meeting is called shall be transacted.

Section 3

Fifty per cent (50%) of the LEC members shall constitute a quorum, including at least two (2) of the President, Vice-President, Treasurer, and Chief Steward.

Section 4

Any member of the LEC absent for three (3) consecutive meetings without a valid explanation (acceptable to the LEC) will be considered to have vacated his/her position. The vacancy will then be filled according to procedure of the OPSEU Constitution.

Article 8 – Steward System

Section 1

Members of this Local shall be organized into working areas based on the location of their office. Working areas include all campus and off-campus sites.

Stewards will be elected from all working areas. If a work area has greater than twenty (20) full time members additional stewards may be elected.

Section 2

The members shall elect one (1) or more Stewards for the working areas as defined in Article 8, Section 1. As provided by the Constitution, the Local defines the working areas.

Section 3

The Stewards shall constitute the Local Executive Committee (LEC) for a term of two (2) years. Elections will be held by March 31 of alternate years and the new Stewards will assume office on September 1st after each election.

Article 9 – Election of Stewards

Section 1

Elections of Stewards shall be conducted by secret ballot of the members. Written notice will be given thirty (30) calendar days in advance to all members if an election is to take place.

Section 2

Nomination notices for Local Stewards shall be sent out with the written notice of the election thirty (30) calendar days in advance in order that nomination forms may be returned to the Union Office fourteen (14) calendar days prior to the election date. All nominations must be submitted to the Local Union Office in writing and signed by the nominator and the nominee.

Section 3

Where more than one Steward is to be elected in a given working area, each voter may vote for up to the maximum number of positions to be filled. To be elected, a candidate must receive a majority (more than half) of the ballots cast. This may require run-off ballot to break a tie or achieve a majority.

Section 4

Mid-term vacancies occurring (or deemed to have occurred under Article 7, Section 4) from among the Stewards shall be filled promptly by election except where the vacancy occurs within 3 months of the expiry of the term of office. In every case of filling a vacancy, the new incumbent shall serve only the unexpired portion of the term of office in question.

Article 10 – Election of Executive Officers

Section 1

The members of Local 240 shall elect from among the Stewards the Executive Officers referred to in Article 7.

Section 2

Election of Executive Officers shall be conducted by the membership at a General Membership Meeting (GMM) or at polling stations by secret ballot in accordance with the OPSEU Constitution. Written notice will be given fourteen (14) calendar days in advance to all members when an election is to take place.

Section 3

Nomination notices for Local Executive Officers shall be sent out, with the list of eligible Stewards elected and the written notice of the election, fourteen (14) calendar days prior to the election date.

Section 4

Mid-term vacancies occurring (or deemed to have occurred under Article 7, Section 4) from among the Executive Officers shall be filled promptly by election from the list of eligible Stewards except where the vacancy occurs within 3 months of the expiry of the term of office. In every case of filling the vacancy, the new incumbent shall serve only the unexpired portion of the term of office in question.

Article 11 – Delegates

Section 1 – Eligibility

Any member in good standing may be nominated to stand as a Delegate to the Annual OPSEU Convention, Region 2 CAAT Meetings, Regional, and Divisional Meetings.

Consistent with the OPSEU Constitution the President of the Local is an automatic Delegate to all Union functions. If the President is unable to attend, the Vice-President becomes the automatic Delegate.

Section 2 – Elections

- (i) The President is an automatic Delegate. The total number of Delegates to be elected will be based on Membership as determined by the OPSEU formula. A minimum of two (2) Alternates will also be elected. Elections will take place at the first General Meeting of the academic year. Those elected will serve as representatives for all of the meetings held during the academic year as specified in Section 1.
- (ii) A nominee must be present at the nomination meeting or indicate in writing a willingness to be nominated from the floor
- (iii) Each nominee will be given an opportunity to address the membership prior to the vote.
- (iv) Each member may vote for up to the number of Delegates and Alternates as outlined in Section 2 (i) excluding the President who is an automatic Delegate.
- (v) The number of votes each candidate receives will determine the order of Delegates and Alternates status.
- (vi) All elections of Delegates and Alternates shall be based on the principle of winning a clear majority, with run-off ballots if necessary.

Section 3 – Attendance at Meetings

- (i) Any member having Delegate status will become a representative for Local 240 at the meetings specified in Section 1 and others as requested by the Local President.
- (ii) If the President is unable to attend, the Vice-President becomes the automatic Delegate. Should a Delegate for some reason be unable to attend a meeting, the Local President will call upon the first Alternate to serve as Delegate (and second alternate should the first be unable to attend).

Article 12 – Financial Operation

Section 1

All funds of Local 240 shall be used only for legitimate trade union purposes. Accounting for revenue and disbursements shall be done in a proper and business-like manner. Except for reasonable amounts in petty cash accounts, all expenditures shall be by cheque and shall be properly supported by vouchers. The signing officers of Local 240 shall be any two of the executive and Treasurer.

Section 2

Financial control of Local 240 shall rest with the Local Executive Committee subject to ratification of the general membership.

Section 3

No individual officer of Local 240 shall have the power to incur any indebtedness on its behalf or appropriate any money without authority from these Bylaws or from the General Membership.

Section 4

Officers of the Local may spend up to \$500 without LEC approval.

Section 5

The LEC shall be authorized to spend up to \$5,000.00 at any one time so that the Local business might be dealt with more efficiently. Any expenditure exceeding this would require General Membership approval.

Contingency Fund expenditures are excluded from this Article and are governed by Article 10.

Section 6: Member and Steward Expenses

- (i) OPSEU policy states that members are to share hotel rooms when travelling to union events. Therefore, OPSEU Head Office only covers half of the hotel expenses for a member staying alone. The Local will pay the single supplement. A local expense form must be completed and properly approved.
- (ii) The Local will pay dependent care expenses consistent with OPSEU policy to accommodate members attending approved Local or Provincial activities. A local expense form must be completed and properly approved.
- (iii) Stewards attending a Local Executive Committee meeting or other approved local business away from their office location may claim mileage in accordance with OPSEU policy.
- (iv) The Local will pay for half of the hotel room for members and delegates attending OPSEU events.
- (v) The Local will pay for the total cost of hotel rooms for alternate delegates attending the OPSEU Convention.

Section 7

The Local Executive Committee will be authorized on a year to year basis to spend an amount deemed to be suitable for cards, floral arrangements, plants or donations for: a member who is ill for a period longer than one week, a birth or bereavement for a faculty member, or for a person in the member's immediate family. Immediate family shall be defined as spouse, child, parent, sibling, grandparent, grandchild, and in-law.

Section 8

- (i) A committee comprised of the President, Treasurer and one other member will, subject to the ratification of the Local Executive Committee establish wages, working conditions and terms of employment for current and future persons employed by Local 240. The Local president or designated officer is ultimately responsible for managing employees of Local 240.
- (ii) Employees are not recognized as members of the Local and cannot have any authority, signing or otherwise.

Section 9

The Treasurer shall present a comprehensive financial report at every General Membership Meeting and a verbal report at every LEC meeting.

Section 10

Local dues shall be levied at a rate of .0275% of the gross pay of all members of Local 240. Local dues shall be adjusted to include a contingency levy of .0275% of the gross pay of all members of Local 240. This levy will go into a separate contingency fund and can only be accessed in the event of a strike, for approved strike expenses. This levy will be reviewed after five years. The implementation of the contingency levy will commence March 1, 2018.

Section 11

No assessment of the membership to increase revenue may be levied by the LEC unless the assessment has been approved by at least two-thirds of the members of the Local who vote in a referendum or two-thirds of those voting at a General Membership Meeting after having received at least ten (10) calendar days' notice of such meeting. The notice of meeting shall include a statement of intent to increase or decrease the Local assessment and by what amount.

Section 12

Partial load members shall pay local dues at the same rate as full time members.

Section 13

Where a member's pension is affected by a strike that occurs within the best 60 months as used in the calculation for the member's pension entitlement, the Local shall reimburse the member for an amount equal to the employer's contributions that would have been made during the period of the strike. To be eligible for reimbursement, the member must have performed strike duties (or approved modified strike duties) and not have engaged in strikebreaking. Payments are only to be made during the year of the member's retirement. The member must present confirmation of his/her retirement date and proof of his/her contribution payment to the CAAT Pension Plan prior to being reimbursed by the Treasurer.

Article 13 – Trustees

Section 1

Trustees shall be elected at a General Membership Meeting and may not hold any other position in the Local. Nothing shall prevent a Trustee from being elected as a Delegate to any union event or meeting. Elections for Trustees shall be held every two (2) years.

Section 2

The trustees shall be responsible for examining all books, records, and properties of their Local at least twice per year. All Executive Officers of the Local are required to make available all necessary documents to the Trustees on reasonable notice. The trustees shall make a report to the General Membership immediately following each audit.

Article 14 – Amendments**Section 1**

These Bylaws may be amended or supplemented (including additions and deletions) by presenting the amendments in writing to the Local Executive Committee (LEC) at least thirty (30) calendar days prior to a General Membership Meeting. The amendments will be studied by the LEC and presented at the General Membership Meeting. The agenda for that meeting must contain a notice of the particular Bylaw amendments that will be considered and must be received by the members at least ten (10) calendar days prior to the meeting. If approved by two-thirds (2/3) of the membership present and voting, the amendments will be considered adopted.

Section 2

These Bylaws and any amendments, supplements, additions or deletions to these Bylaws shall become effective only upon approval by the President of the Union in accordance with Article 12.5.2 of the Constitution.

Article 15-Local Committees

The Local at times may form local committees as needed. Each committee will have at least one executive member. Each committee will also submit a budget for approval at a GMM.

Appendix 1--Political Action Committee (PAC) Terms**Appendix 2—Duties of the Local Executive Officers**

Appendix 3—Sisters in Solidarity Terms

Appendix 1

OPSEU Local 240 Political Action Committee – Terms of Reference

Statement of Values

The OPSEU Local 240 Political Action Committee (PAC) will engage in projects within the union local, the College and the broader Hamilton community that are informed by the following values:

Worker's rights; peace; social justice; human rights; equality; accessible, high quality, critical public education; direct democratic participation; domestic and international solidarity with social movements that affirm these values

Suggested Areas of Action

The PAC may engage in any of the following actions:

- Educational campaigns (both among the membership and among the broader community)
- Sponsoring, supporting and partnering with community organizations that embody the PACs values
- Working on electoral politics at municipal, provincial and federal levels
- Building solidarity among the local labour movement and labour activists
- Building solidarity among Local 240's membership
- Building union profile among students
- Supporting the Local Executive and the goals and interests of the Local

Relation to Executive

The PAC will be a committee overseen by the Local Executive, with the Vice President or other officer tasked with oversight. All Local 240 members are eligible for membership in the PAC. The Executive officer in charge of the PAC will do the following each year:

- 1) Circulate a call for participation in the PAC to local membership.
- 2) Set the date for and chair the first PAC meeting of the year.
- 3) Preside over election of a Committee Chair for the year.

After the PAC Chair is elected, the chair will be the person who calls meetings and organizes the meetings and business of the PAC for the year. The chair will report on PAC activities regularly to the LEC. The vice-chair would support or assume the duties of the chair as needed.

Business and Meetings

The PAC will meet regularly to discuss projects and engagement in the College and broader community. The PAC will be guided by their statement of values in their work, and will generate proposals for action. The PAC chair will give regular updates on the group's activities to the LEC.

The PAC will use consensus decision-making in their meetings. The PAC can also decide to assign permanent meeting chair and secretary duties for the year, or can choose to rotate these positions each meeting.

Quorum

In order to make binding decisions, the PAC must have a quorum of 50%+1 of declared members. PAC membership will be tracked by the PAC officers, and will consist of those Local 240 members who have expressed interest in the PAC and have committed to making regular meetings. Decisions on time-sensitive items of action can be made via email.

Officers

The PAC will elect a Chair, Vice Chair and Treasurer to one year terms. Elections will take place at the first PAC meeting of the new year (in January).

Budget and Finances

The PAC operating budget will be requested by the committee at the first meeting of each year (in January), and be approved by the Local Executive. At the first PAC meeting of the year, a proposed budget will be generated and then presented to the Executive to be ratified at their next meeting.

The PAC treasurer is responsible for recording all expenses, collecting all expense receipts and creating a report of the PAC's expenses for the LEC.

The PAC will make an annual presentation of its activities, including a financial report, at a Local 240 General Membership Meeting.

Appendix 2

Duties of Local Executive Officers

President

1. Upholds the OPSEU Constitution
2. Upholds the Collective Agreement
3. Responsible for all transactions of the Local and the other officers' activities
4. Chairs the Local Executive Committee (LEC) meetings
5. Chairs the General Membership Meeting
6. Co-chairs the Union College Committee Academic, Workload Monitoring Group and College Employment Stability Committee
7. Delegate at OPSEU functions i.e. demand setting for bargaining, Convention, etc.

Vice President

1. Orders food for LEC meetings
2. Membership forms to OPSEU Region 2 office
3. Membership list—once per year notifies OPSU of changes to our membership list, changes to stewards and charges to Officers
4. Shadows the President and acts on their behalf when the President is not available

Chief Steward

1. Grievances
 - i) create and update a grievance chart for report to LEC
 - ii) maintain grievance files in Local office
 - iii) explain and support members through the grievance process
 - iv) ensure dates for grievances are kept within required time frames
2. Arbitrations
 - i) Maintain a list of arbitrations in Local office
3. Support
 - i) Stewards in supporting their members
 - ii) Ask stewards to channel concerns to the Chief Steward instead of the President
 - iii) When responding to members ask if you may cc their steward
 - iv) Help stewards locate information in the Collective Agreement

- v) Meet with members who are on sick leave for return to work purposes to ensure that there is no violation of member's rights under the CA
 - vi) Communicate with appropriate stewards after each UCC meeting to let them know how their issues were dealt with
4. Stewards' List
 - i) Keep up to date and share in the Examiner and to Communications Officer
 - ii) Send list to HR to ensure that the stewards are blocked off Monday 3-6pm
 5. New Stewards
 - i) Welcome, define role and explain expense claim
 6. Elections
 - i) Steward election protocol
 - ii) Steward replacement protocol
 7. Meetings
 - i) Attend Officers' meeting and UCC each Tuesday 11-4pm
 - ii) Attend LEC meetings first Monday of the month
 - iii) Attend anything you can with Local President for additional support

Communications Officer

1. Attend officers' meetings and UCC/WMG/CESC meetings on Tuesdays 11-4pm
2. LEC: Local Executive Committee
 - i) Agenda –create with other officers,
 - ii) Minutes –after LEC meeting make changes as necessary to change from DRAFT to APPROVED and send to stewards for distribution to members
 - iii) CCA/WMG/CESC notes for stewards –create notes without names of members
 - iv) Distribute minutes, agenda, UCC and Chief stewards reports to stewards by Friday before the LEC
3. General Membership Meeting
 - i) Agenda –create with other officers,
 - ii) Minutes –review

iii) Distribute agenda and minutes prior to GMM

4. Website: Local 240

i) keep current list of stewards and officers posted

ii) post Examiner

iii) post other updates as necessary

Treasurer

1. Responsible for proper administration of the assets of the Local including operating funds

2. Attend UCC, LEC and Executive officers' meetings

Note: These responsibilities are in addition to those outlined in the OPSEU Constitution.

Appendix 3

Sisters in Solidarity Group

May 2, 2016

***Revised December 6, 2017-revision of Article 12 Section 10, Addition of Article 12
Section 13, Addition of Appendix 3***