



# **CONSTITUTION AND BY-LAWS**

*as Adopted and Amended up to April 2, 2019*

## **PREAMBLE**

We, the Municipal Employees of West Vancouver, believing it to be a natural right of those who toil, to enjoy to the fullest extent the wealth created by our labour and appreciating the very great benefits to be derived through uniting for mutual protection and advancement, do hereby adopt the following rules for the government of this Association.

*The adoption of this Constitution repeals the previous Constitution and all amendments made prior to this date.*

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# CONSTITUTION

## ARTICLE I

The name of this Organization shall be the "West Vancouver Municipal Employees' Association".

## ARTICLE II

Its membership shall include those employees who are members of the Association employed by the Corporation of the District of West Vancouver, West Vancouver Memorial Library Board, West Vancouver Police Board, and School District of West Vancouver.

## ARTICLE III

The objectives of the Association shall be:

- a. To obtain and maintain reasonable and safe working conditions as well as fair and reasonable wages, salaries and benefits for its members.
- b. To cooperate with the Municipal Council, Boards and other Municipal bodies related thereto in maintaining a just, impartial and efficient public service.
- c. To promote and develop sociability between its members.

## ARTICLE IV — Definitions

*Bargaining Units*: Shall include those employees who are members of the Association employed either by the Corporation of the District of West Vancouver, West Vancouver Memorial Library Board, West Vancouver Police Board, and School District of West Vancouver, and shall exclude those employed in exempt positions. These bargaining unit employees will be eligible for membership under the following conditions:

- a. if he/she signs an application for membership card;
- b. if he/she undertakes to comply with the Constitution policies and By-laws of the Association;
- c. if he/she pays the initiation fee, subject to Section 19.4;
- d. if he/she is accepted by the Association.
- e. if he/she adheres to the obligations under Article 29.

Member in Good Standing - Loss of Status: A member shall no longer be a member in good standing of the Association when:

- a. such member has been suspended from membership in accordance with the provisions of Section 26.1;
- b. such member is replacing an exempt employee on a temporary basis;
- c. such member ceases to be an employee of the Corporation of the District of West Vancouver, West Vancouver Memorial Library Board, West Vancouver Police Board, and School District of West Vancouver, with the exception of Temporary employees subject to seasonal lay-off.

Notwithstanding (c) above, a member in good standing dismissed by the employer shall, provided he/she has met the other requirements, maintain his/her status as member in good standing until all avenues of appeal against a decision of the employer to discharge have been exhausted or a decision has been made by the Association Executive not to proceed or not proceed any further.

The Association Executive may allow a person who is not or who is no longer an employee to become or remain a member in good standing of the Association.

The Association Executive may waive payments of membership fees and/or any assessments of any member on strike or lockout for the duration of the strike or lockout.

Bargaining Units: Shall include those employees who are members of the Association employed either by the Corporation of the District of West Vancouver, West Vancouver Memorial Library Board, West Vancouver Police Board, and School District of West Vancouver.

## **1. Meetings**

- 1.1 The Annual General Meeting shall be called in April on the first Monday of each year, and other regular meetings shall be held on the first Monday in February, the first Tuesday in June, the first Wednesday in September and the first Thursday in November unless designated by special notice to the members and subject to regular meetings being suspended by majority of the members present at any previous meetings. Any special meetings will be called at the direction of the President as per Article 11.1.

- 1.2 Members who do not attend a minimum of one (1) General Meeting per year (April to March) will be required to pay an assessment of \$25. A seven (7) month grace period to the attendance requirement above will be granted to any new member initiated September 1<sup>st</sup> or later of the previous year (the member will be excused from paying this assessment.). Anyone making less than \$50 net pay on the paycheque from which the assessment is deducted will be exempted from said assessment.
- 1.3 A grace period of ten minutes will be allotted at the start of the meeting for late arrivals, after that time, the doors will be locked and the attendance binder will be closed. A member must attend the entire meeting in order to win the door prize at the end of the meeting and have the meeting count towards their assessment exemption.
- 1.4 A printed agenda shall be provided to all shop stewards two (2) weeks prior to every General Meeting, with copies to be distributed or posted at each worksite. Notices of Motion will be distributed or posted at least two (2) weeks prior to the meeting at which the motion(s) are to be presented.
- 1.5 No member will be admitted to a meeting unless he or she shows his or her membership card or verification on the current active member roster (to be available at the meeting).
- 1.6 In the absence of the President and both Vice-Presidents, the Executive shall appoint a Chair from the Executive present at that meeting.
- 1.7 Membership meetings shall be called to order at the time posted on the Agenda.

## **2. Order of Business**

The order of business shall be as follows:

1. Meeting Called to Order
2. Roll Call of Officers
3. Reading and/or Approval of Minutes of Previous Meeting
4. Correspondence
5. Application for Membership
6. Reports of Officers, Delegates and Committees
7. Treasurer's Report
8. Unfinished Business
9. New Business
10. Good and Welfare

11. Nomination, Election and Installation of Officers (Annual General Meeting only, or as per By-law 12.2)
12. Adjournment

**3. Quorum**

- 3.1 Ten (10) members in good standing present at a regular or Annual General Membership meeting and in good standing shall constitute a quorum.
- 3.2 A quorum at an Executive Board meeting is constituted when more than half (1/2) of the Executive Board members are in attendance.
- 3.3 Membership meetings shall normally be called to order at 5:15 p.m. and shall in due course adjourn by 7:00 p.m., unless a motion for an extension of time is duly moved, seconded and passed. These times shall not prevail where circumstances make a morning or afternoon meeting necessary.

**4. Nomination of Officers**

- 4.1 At the regular meeting preceding the Annual General Meeting, a list of officers to be nominated shall be announced and all nominations to fill said offices shall then be made. Any absent member nominated must signify his or her acceptance of a nomination for office in writing up until 21 calendar days before the AGM, otherwise such nominations will not be accepted.

Nominations will also be accepted by the Association office up until 21 calendar days before the Annual General Meeting which must be accompanied by a written acceptance of nomination from the person nominated.

Persons nominated must be eligible under Section 5.1 of the Association's Constitution and By-laws.

Notice of the Annual General Meeting shall have attached to it the names of all members nominated for the various offices.

The Notice of the Annual General Meeting and the attachment shall be distributed to all members or posted at all worksites and on the Association website at least 14 days before the date set for the Annual General Meeting.

Nominations will NOT be permitted from the floor at the Annual General Meeting.



**5. Eligibility for Nomination**

- 5.1 To be eligible for nomination for any Executive office it is necessary to be a member for two years and to have attended at least 50 per cent of the meetings during the current year.

There being no nominations of a qualifying member for a particular position, the above requirement regarding two (2) years membership and 50 per cent attendance at meetings during the past year may be waived by the Executive Board.

**6. Nomination for More than One Office**

- 6.1 A member may be nominated for one or more offices but may only stand for one office. The member has up until 21 calendar days before the Annual General Meeting to declare for which office he/she will stand.

**7. Election of Officers**

- 7.1 The election of officers shall take place at the Annual General Meeting. Voting shall be by secret ballot and the candidate receiving the highest number of votes is elected. In the event there is only one (1) candidate running for a vacant position, a vote will not be required and the candidate shall be acclaimed to that position.

The installation of officer(s) shall take place ten (10) calendar days following the AGM.

In the event of a tie for a position, each candidate shall be given the option to provide a three (3) minute background of their qualifications to promote themselves, then a second secret ballot will be conducted at the same meeting.

- 7.2 Members who are unable to attend the Annual General Meeting due to shift work or holiday will be eligible to vote at the Advance Poll and the procedure set out will be followed.

1. The advance poll shall be held at the Association office from 10:00 a.m. to 4:30 p.m. on the Thursday preceding the April Annual General Meeting.

2. The Association Office shall prepare a list of members working their regular shift the night of the Annual General Meeting.
3. Ballots shall be printed listing the candidates for each office in alphabetical order beginning with the office of President.
4. Each eligible member shall sign opposite their name on the eligible list before being given a ballot.
5. Ballots will be placed in a sealed ballot box and counted upon completion of balloting at the Annual General Meeting.

**8. Officers and Executive of the Association**

- 8.1 The officers of this Association shall consist of the President, two Vice-Presidents, the Secretary, the Treasurer, the Warden, three Trustees, and as many Executive Members-at-Large as required under Article 8.1, paragraph 2. All Officers shall serve for a period of three (3) years.

Each certified bargaining unit of the Association shall endeavour to ensure each has a representative on the Executive. A certified bargaining unit not having a member in one of the above positions will have the opportunity to elect one person, to be known as the Executive Member-at-Large, to sit on the Executive. These officers and representatives, except the Trustees, will constitute the Executive.

- 8.2 The Executive shall meet once each month to carry out general business, with the exception of July and December, or as may be determined by the Executive.

**9. Signing Officers**

- 9.1 Any two of the following officers shall be authorized to sign cheques and official documents - the President, the 1st Vice-President, the Secretary, and the Treasurer.

**10. Constitution Committee**

10.1 The Constitution Committee shall consist of one (1) representative from each certified bargaining unit, plus the Business Manager/Agent and President or appointee, a quorum being five (5) to meet once a year, if required, to examine the *Constitution and By-laws*, to examine proposals for change, and to propose changes as per By-law 23.

**11. Shop Stewards**

11.1 Shop Stewards will be elected by each unit within the organization. The Shop Stewards' will meet with the Business Manager/Agent to discuss grievances, problems, and other matters of concern to them. They will report to the Executive through the Business Manager/Agent at regular scheduled meetings.

**12. Duties Of Officers**

12.1 President

The President shall preside at all regular and special meetings of the Association; call special meetings if so requested by ten (10) members in good standing; appoint all committees not otherwise provided for, and perform such other and further duties as may of right pertain to his/her office. It shall also be his/her duty to see that all other officers perform their duties strictly in accordance with the By-laws and Constitution.

The President shall be empowered to name an alternate to the Bargaining Committee so that representation will be provided for the groups (units) involved and to fill any temporary vacancy if considered necessary.

12.2 Vice-President

The Vice-President shall, in the absence of the President, preside over the meetings of the Association and assume all the duties and obligations of the President. The Vice-President shall take precedence over the second (2<sup>nd</sup>) Vice President.

The Vice-President shall accompany and assist the President in his/her duties so as to obtain first-hand knowledge of the running of the President's Office.

### 12.3 Second (2<sup>nd</sup>) Vice-President

The Second Vice-President shall, in the absence of the President and Vice-President, preside over the meetings of the Association and assume all the duties and obligations of the President.

### 12.4 Recording Secretary

- a) The Recording Secretary shall keep a full, correct and impartial account of each meeting.
- b) The Recording Secretary shall ensure the safe preservation of the minute books.
- c) The Recording Secretary shall attend all meetings, regular, Executive and any other called by the President.

### 12.5 Treasurer

- a) The Treasurer shall ensure regular accounts, receipts and vouchers regarding all financial transactions between the Association and other parties are conducted, recorded and maintained.
- b) The Treasurer shall present an annual financial statement at the end of the fiscal year for report to the Association as well as monthly statements to the Executive.
- c) The Treasurer shall keep on file receipts for all expenditures made and shall submit to the Trustees the books and vouchers of the Association whenever required to do so.

### 12.6 Warden

The Warden shall take charge of the entrance door at all meetings of the Association, shall report to the Chair the presence of anyone not known to be a member, and he/she shall prevent any member not in good standing or non-members from entering the meeting unless otherwise directed by the meeting. The Warden shall keep a record of all members attending meetings, and shall permit no one to retire from the meeting who has not obtained permission from the Chair to do so. The Warden shall perform further duties as the Association may direct.

12.7 Executive Member(s) at Large

Executive Members at Large if required per Article 8.1 shall be required to assist in the affairs of the Association as directed by the President or Executive Board.

12.8 Trustees

There shall be three Trustees who shall have general supervision over the property of the Association subject to such instructions as they may from time to time receive from the Executive. They shall audit the books of the Association bi-annually to see that all bills are promptly paid. The Trustees shall also perform other and further duties as the Association may direct and the Constitution provide. There shall be three Trustees elected at the first election; the one receiving the highest number of votes shall hold office for three years from the date of such election; the one receiving the second highest number of votes shall hold office for two years; and the one receiving the next highest number of votes shall hold office for one year. In each year succeeding the first election, there shall be elected one Trustee to fill the place of the Trustee whose term of office then expires so as to maintain the full complement of Trustees as required by this section and such Trustees as elected each succeeding year after the first election, shall hold office for three years from the date of his/her election.

**13. Positions Declared Vacant**

13.1 In the event of any officer failing to attend more than two (2) consecutive meetings, without having an acceptable reason to offer for his/her absence, shall have their office declared vacant.

13.2 The replacement for any office declared vacant during the term, for any reason, it shall be ensured at that time each bargaining unit is represented on the Executive. See Article 8.1.

**14. Absence of Officers**

14.1 During the temporary absence of any officer, the Executive Board may appoint a member to act in his/her stead.

**15. Business Manager and Business Agent**

15.1 The Business Manager shall manage the Association Office in accordance with the direction set by the Executive and membership. The Business Manager and Business Agent shall attend all general and special membership meetings, grievances, and other meetings as required by the membership, Executive and By-laws. The Business Manager/Agent shall attend to all controversies between the Association and employers as provided for in the various collective agreements, or at the direction of the President, Executive or membership, and attend to the affairs of the Association.

The Business Manager and Business Agent shall report his/her activities to the membership and Executive.

The Executive shall review annually the routines and performance of the Business Manager and Business Agent, unless such review is called for by 50% (fifty per cent) plus one of an Executive or General Membership meeting.

15.2 If the position of Business Manager/Agent is vacant, the Executive is hereby empowered to appoint/hire such person(s) as are deemed necessary to attend to the daily affairs of the Association. Until such time as the position of Business Manager/Agent is filled/reinstated, the Executive shall review the performance of said person(s) on an ongoing basis.

**GENERAL**

**16. Bargaining Committee**

16.1 In bargaining with Boards and other Civic Bodies enrolled under the certification of the West Vancouver Municipal Employees' Association, the Bargaining Committees shall consist of the Business Manager and Business Agent together with the Shop Stewards and/or other employee representatives from the bargaining units involved.

The Executive Board shall be empowered to name an alternative to the Bargaining Committee to fill any temporary vacancy, if considered necessary.

Upon signing the memorandum of agreement for a proposed new collective agreement, the Bargaining Committee shall consult with the membership within the bargaining unit affected prior to a ratification vote.

- 16.2 At no time can a member alter existing terms and conditions or negotiate his/her own agreement with the District of West Vancouver, Boards, or other Municipal Bodies related hereto.

**17. Rules of Procedure**

- 17.1 The Rules of Procedure in debate, not herein provided for, shall be governed by and in accordance with the rules laid down in *Bourinot's Rules of Order*. One copy will be retained at the Association office, and one copy will be provided to the Association President.

**18. Reports of Committees**

- 18.1 All Committees shall perform the duties assigned to them within the time specified, and shall report the results of their efforts back to the Executive of the Association.
- 18.2 The Executive will report to the membership on committee matters. Matters of a confidential or sensitive nature will not be included in these reports, including the names of grievors and/or the details of negotiations.

**19. Contracts and Agreements**

- 19.1 Members must honour all contracts negotiated between the Association and the Municipal Council, Boards and other Municipal bodies where Union shop, closed shop or Union maintenance clauses are inserted in agreements between the Association and the Municipal Council, Boards and other Municipal bodies.

**20. Initiation Fees, Dues and Assessments**

- 20.1 Initiation Fees, Dues and Assessments will be collected through a written assignment to the Municipal Council, Boards or other Civic bodies.
- 20.2 The Initiation Fee shall be determined at any meeting where notice thereof has been given.
- 20.3 The monthly dues and assessments shall be determined at any meeting of the Association where notice thereof has been given. Any dues or assessments set at any meeting of the

Association and not altered at any later meeting, shall remain in full force and effect until so altered.

The monthly dues and assessments shall be stated in Section 20.4 of the Constitution.

- 20.4 All members of the Association shall be assessed dues on a monthly basis, as 1.5% of gross earnings for that month.

In addition, an initiation fee shall be assessed for each new member at \$50.

Dues shall only be assessed upon wages/salary earned for work performed. No dues shall be assessed on pay-out of fringe benefits.

- 20.5 Meeting attendance assessment – see Article 1.2.

**21. Application for Membership**

- 21.1 Any person employed by the Corporation of the District of West Vancouver, Boards, and other Civic Bodies under the jurisdiction of the Association shall become a member of the Association, by filling out the regular application card and check-off form and signing his or her name thereto and after such application has been submitted, it shall be filed.

**22. Majority Necessary in Voting on Applications for Membership**

- 22.1 When an applicant is reported on by the Executive, the President shall ask whether there are any reasons known to exist why the applicant should not be admitted to membership. If no objections are stated, the Association shall proceed to vote, and a majority of the members in good standing present and voting shall elect.

**23. Amending Constitution and By-laws**

The following procedure shall be followed to amend the Constitution and By-laws:

- 23.1 A written Notice of Motion shall be read into the Minutes of the Association at any General Meeting. The motion shall then be discussed, debated and voted at the next scheduled General Meeting.



**24. Fees and Expenses**

- 24.1 Should the occasion arise that legal counsel is needed for the protection of any member in the performance of his/her regular duties on behalf of the Association, then the Executive is empowered to act.
- 24.2 Members of regularly constituted committees shall, if required to attend special committee meetings, be reimbursed reasonable out of pocket expenses.
- 24.3 Assessments collected (as per Article 1.2) shall only be used for the purpose of assisting members.
- 24.4 Ordinary expenses connected with the business of the Association, including grievances, salaries, and office expenses need only be approved by the Executive; all other expenditures will be by approval of the membership. No motion will be entertained that will reduce the Association's current balance by more than 50% or savings by more than 20% without a Notice of Motion being given at the General Meeting prior to the motion being presented. Other expenditures are as stated in the By-laws.

**25. Delegate Expenses**

- 25.1 Members or delegates attending meetings, other than conventions, outside the Greater Vancouver area shall require at least four members of the Executive to authorize expenditure of said trip.

**26. Remuneration**

- 26.1 The monthly annual stipend for all Executive Board positions shall be determined by the membership at the Annual General Meeting in April, when necessary.
- 26.2 Members of the Bargaining Committee other than the President, 1st Vice-President, Secretary and Treasurer shall receive \$25 for each meeting attended while negotiating a new contract.
- 26.3 Two attendance prizes of \$100 shall be awarded at each regular meeting of the Association and shall be conducted in the following manner:

Members attending the regular meeting will sign the attendance book where their name will be assigned a number. During the regular business of the meeting two numbers will be drawn and the two prizes of \$100 awarded the attending members whose names correspond with the number drawn. No Executive Board member may claim an attendance prize.

**27. Strikes and Lockouts**

27.1 No member shall cross any legal picket line, except as authorized by the Executive, or in a perceived emergency in which human life is jeopardized.

**28. Penalties**

28.1 When, in the opinion of the Executive, a member fails to comply with the By-laws or the spirit of the Constitution, it may recommend to a regular meeting that an impartial hearing be held.

28.2 Non-compliance with By-laws and resolutions may result in a member being fined, reprimanded, suspended or expelled.

**29. Members Entitled to Hearing**

29.1 Every member of this Association shall be entitled to a fair and impartial hearing by a committee of five appointed from the floor for all offences involving a fine, reprimand, suspension or expulsion.

**30. Charges Against any Member or Members to be in Writing**

30.1 Charges made against any member must be submitted in writing and specify the particulars of the grievance or grievances against such member and be signed by the member or members preferring the charge. The accused shall receive a copy of the charge or charges at least 10 (ten) days prior to the hearing to enable the member to prepare his defence. Should the accused refuse to appear at the time and place fixed for the hearing, the member may be fined, reprimanded, suspended or expelled, as a majority of the members of the regular meeting may decide.

**31. Obligation of Members**

"If accepted, I agree that I will abide by the provisions of the Constitution of the Association and further, agree to conform to the rules and By-laws of the Association;

"That I will make every possible effort to attend the meetings and will pay all dues and assessments levied in accordance with the By-laws;

"That I will be orderly at its meetings, respectful in words and actions, charitable in judgement of my fellow members and will never wrong a fellow member or see him/her wronged if in my power to prevent."

**32. Obligation of Officers**

"I,....., sincerely promise that I will truly and faithfully, and to the best of my ability, perform the duties of my office for the ensuing term as prescribed in the Constitution and By-laws of this Association, and will at all times endeavour, both by my 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 any monies or property of the Association in my possession to my successor in office."

**33. Parliamentary Rules**

33.1 On motion, the regular order of business may be suspended by a vote of the meeting at any time to dispose of any urgent business.

33.2 All resignations of officers must be submitted in writing.

33.3 Any conversation which is calculated to disturb a member while speaking, or hinder the transaction of business, shall be deemed a violation of order.

33.4 All questions of a Parliamentary nature, not provided for in these rules, shall be decided by Bourinot's Rules of Order.

**34. Motions**

34.1 A motion, to be entertained by the Presiding Officer, must be seconded and the Mover and the Seconder must rise and be recognized by the Chair.

- 34.2 In presenting a motion, a brief statement of its objects may be made, but no discussion of its merits shall be permitted until the question has been stated by the Chair.
- 34.3 A member who has made a motion can withdraw it by consent of its Secunder, providing it has not been debated. A motion, once debated, can be withdrawn only by unanimous consent.
- 34.4 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.
- 34.5 When a question has been put, no motion shall be in order except (1) to adjourn, (2) the previous question, (3) to lay on the table, (4) to postpone for a definite time, (5) to refer, (6) to amend, which motions shall have precedence in the order named. The first three of these shall be decided without debate.
- 34.7 All voting on Constitutional Amendments and By-law changes shall be by majority vote required for passage.

**35. Debate**

- 35.1 A motion shall not be subject to debate until it has been stated by the Chair.
- 35.2 When a member wishes the floor, he/she shall rise and respectfully address the Chair and, if recognized by the Chair, he/she shall be entitled to the floor.
- 35.3 If two or more members rise to speak at the same time, the Chair shall decide which is entitled to the floor.
- 35.4 Each member, when speaking, shall confine himself/herself to the question under debate, and avoid all personal, indecorous, or sarcastic language.
- 35.5 No member shall interrupt another while speaking, except to a point of order, and he/she shall definitely state the point, and the Chair shall decide the same without debate.
- 35.6 If a member, while speaking, be called to order, he/she shall take his/her seat until the point of order is decided, when, if decided in order, he/she may proceed.

- 35.7 If any member shall feel himself/herself personally aggrieved from the decision of the Chair, he/she may appeal to the meeting from the decision.
- 35.8 When an appeal is made from the decision of the Chair, said appeal shall be stated by the Chairman of the meeting in these words: "Shall the decision of the Chair be sustained as the decision of this meeting?" The member will then have the right to state the grounds of his/her appeal, and the Chair will give the reason for this decision; thereupon the meeting shall proceed to vote on the appeal without further debate.
- 35.9 No member shall speak more than once on the same subject, until all the members desiring the floor have spoken, and shall speak no more than twice without unanimous consent, nor more than five minutes at any one time.
- 35.10 The Presiding Officer shall vacate the Chair when desiring to speak on any subject, and the Vice-President shall take the Chair.

**36. Voting**

- 36.1 All motions required for the routine order of business of general membership meetings shall be voted on by the members present at these meetings, so long as those present constitute a quorum as defined in Section 3.1.

**37. The Seal**

- 37.1 The corporate seal of the Association and Building Society shall be under the custody of the Business Manager and shall not be affixed to any document except in the presence of the President and the Business Manager, or any other member of the Executive authorized by the President.

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