

PRINCE EDWARD ISLAND UNION OF PUBLIC SECTOR EMPLOYEES

CONSTITUTION AND BYLAWS

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PRINCE EDWARD ISLAND
UNION OF PUBLIC SECTOR EMPLOYEES

CONSTITUTION AND BYLAWS

Preface:

Definitions, Interpretations and Abbreviations

1. Feminine pronouns shall also be taken to stand for masculine pronouns, and vice versa, in the interpretation of this constitution and bylaws.
2. "President" means the elected President of the union and not of any subsidiary body in the union.
3. "Board" means the Board of Directors.
4. Majority rule will apply in the interpretation of these bylaws unless otherwise specified.
5. "Plurality" - A number of votes cast for a candidate in a contest of more than two candidates that is greater than the number cast for any other candidate but is not more than half of the total votes cast.
6. "Day" shall mean a calendar day. In the computation of time, where there is a reference to time expressed as days or as "at least" or "not less than" a number of days, the first day shall be excluded and the last day included. In the calculation of deadlines, where the time for doing an act expires on a statutory holiday or weekend day, the act shall be done before the end of business on the day immediately preceding (where computing backwards) or on the next day immediately following (where computing forwards) that is not a statutory holiday or weekend day.
7. Member in Good Standing - A member in good standing is any person who is employed by an employer that qualifies under Article 4.1(b) of the constitution and who pays membership dues to the union except for any members excluded from paying dues under any current collective agreement of the union. An applicant for membership in the union may be deemed to be a member in good standing on the date on which his or her application card is received by the union staff member responsible for membership records and accepted by the secretary treasurer or authorized designate.

Continuing membership in good standing in the union, with all the rights and privileges that this entails, may be granted to a member who is on approved leave of absence without pay, or who is laid off and has a right to return to work pursuant to existing legislation. Such a member shall retain a membership in good standing in the union provided that the member makes appropriate prior arrangements with the union office for the payment of dues.

Preamble:

The Prince Edward Island Union of Public Sector Employees is incorporated under Part II of the Companies Act of the Province of Prince Edward Island (R.S.P.E.I. 1974, Cap. C-15) by letters patent dated 11 May 1961, as amended by supplementary letters patent dated 15 September 1971, as further amended by supplementary letters patent dated 21 February 1989.

CONSTITUTION

Article 1: Name

The Organization shall be known as the Prince Edward Island Union of Public Sector Employees (hereinafter referred to as "the Union").

Article 2: Headquarters

The headquarters of the union shall be located in Prince Edward Island.

Article 3: Jurisdiction

The union shall have and possess exclusive jurisdiction over all the affairs of the union and may enact bylaws, rules and regulations for its own management and control of all members.

Article 4: Purposes and Functions

- 4.1 (a) To organize and unite all employees in the Province of Prince Edward Island, both in the public and private sector, in a democratic organization capable of acting on their behalf.
 - (b) To act as a representative of the employees of (i) the government of the province of Prince Edward Island and any of its boards, agencies or commissions; (ii) any employer which is recognized or which may be recognized as an employer under the applicable labour legislation.
 - (c) To obtain through the collective bargaining process the best possible standards of compensation, health and safety and other conditions of employment and to protect the rights and interests of all members in all matters connected with the employer/employee relationships.
- 4.2 To provide a medium for united action on any issue of concern between employers and employees.
 - 4.3 To function as a democratic, non-sectarian organization, free of discrimination on the basis of race, colour, sex, creed, marital status, national origin, sexual orientation, age, physical or mental handicap or political belief.
 - 4.4 To act as the representative of the members for the purpose of discussing with the employing authority or its duly authorized representatives the general welfare of the employees and the conditions of their employment.

- 4.5 To cooperate with the employers in establishing and maintaining the highest degree of efficiency and service to the public, free from political and personal patronage, and to promote justice and equality, and to encourage harmony between the employers and the employees.
- 4.6 To function as an independent and completely autonomous body being subject to the will and decision of its membership.
- 4.7 To encourage the development of educational, social, recreational and cultural programs.
- 4.8 To purchase, take on, lease, exchange, hire or otherwise acquire and to hold, own, sell, convey, mortgage and deal in any real or personal property or any rights or privileges which the union may deem necessary or convenient with reference to any of the purposes aforesaid and capable of being profitably dealt with in connection with any of the union's property or rights.
- 4.9 To administer and account for all funds and properties coming into being as a result of the activities of the union, and to invest any monies of the union not immediately required for any of its purposes in such manner as may be determined from time to time by the Board of Directors of the union.

Article 5: Governing Authority

5.1 Convention

The governing body of the union shall be the Board of Directors and the duly elected delegates from the membership meeting in convention. The convention shall be the legitimate source of all authority in the union, and the union's final court of appeal subject to the procedure outlined in Article 9, Section 2, regarding suspension or termination of membership rights.

5.2 Board of Directors

When the union is not meeting in convention, the Board of Directors elected as prescribed in Article 11 shall be the governing body of the union.

5.3 Executive

The five (5) elected executive officers elected as prescribed in Article 16, as well as the immediate past President (without vote) whose term of office shall be limited to three (3) years, constitute the executive and are also members of the Board of Directors. The executive are authorized to carry on the day to day administration of the union between meetings of the Board of Directors.

5.4 Oath of Office

Each member elected to serve on the executive of a local or on the union's Board of Directors (including the executive officers) shall be required to sign the following oath of office: "I,, do hereby sincerely pledge my word to the P.E.I. Union of Public Sector Employees that I will truly and faithfully perform the duties of my office in accordance with the constitution and bylaws of the union."

Article 6: Membership Rights

Every member in good standing is entitled:

- 6.1 To be represented by the union as provided by existing legislation or authorized by union policies and procedures.
- 6.2 Subject to any qualifications stipulated in this constitution and bylaws, to be nominated for and hold office in the union.
- 6.3 To participate in the union's business at the Local level, participate in the election of delegates to conventions, participate in the election of the President (Article 16.6) and vote on the ratification of collective agreements affecting the member.
- 6.4 To make a formal presentation to the Board of Directors provided the member presents a written copy of the presentation to the board not less than ten (10) calendar days before the date of the regularly scheduled board meeting at which the presentation is to be made. Such notice may be waived by majority vote of the board.
- 6.5 To attend any meeting of the board notwithstanding that, except as permitted in Article 6.4, a member may not have a voice or vote at such a meeting. However, the board may meet in camera at its discretion.
- 6.6 To receive a copy of the constitution and bylaws of the union and to be advised of amendments to it and to receive an up-to-date copy whenever the constitution and bylaws are compiled and reprinted. The union shall also post all revisions to the constitution and bylaws to its website.

Article 7: Membership Dues

- 7.1 Membership Dues for members in good standing
 - 7.1.1 The Board of Directors shall set or designate the scale of the annual membership dues for members in good standing, provided the amount of such membership dues scale shall be ratified by a majority vote of the voting delegates present and voting at an annual or a special convention of the union.

7.1.2 These membership dues shall be payable by payroll deductions.

7.1.3 Notwithstanding the foregoing, members in good standing who are absent from their place of work due to injury, disability or other similar leave may qualify for full or partial waiver of the payment of dues as to be determined by the Board of Directors on a case by case basis.

7.2 Membership Dues for Retired Members

The annual membership fee to be a retired member (Article 21.3) shall be one (1) dollar per month payable by August 31 of each fiscal year (Article 18.4). Retired members may remain on the union's mailing list for whatever publications they wish to receive.

Article 8: Membership Cards and Withdrawal of Membership

8.1 Membership cards shall be issued to members in good standing within thirty (30) days after approval of an application for membership.

8.2 A member may, at any time, revoke his or her membership in the union by so stating in writing to the secretary-treasurer of the union.

Article 9: Discipline

9.1 The Board of Directors shall have the right to deny, suspend, terminate or reinstate the membership of any member of the union who does any of the following:

- (a) fails to comply with the constitution and bylaws of the union, or any instruction issued by or under the authority of the Board of Directors;
- (b) fails to account properly for receipts, disbursements, goods or equipment;
- (c) disrupts any union meeting to the extent that business cannot be carried on;
- (d) promotes or solicits the withdrawal of members from the union without just cause;
- (e) publishes or circulates among the membership false reports or misrepresentations about the union or any of its members.

9.2 Any member who is subject to a recommendation for disciplinary action shall have the right to appeal in person, by counsel, or both, firstly to the Board of Directors and secondly to the annual convention. Notification of the intent to appeal, with reasons, shall be made in writing to the secretary-treasurer within ten

(10) days of the member being informed in writing of proposed or confirmed disciplinary action being taken by the Board of Directors. Should the board uphold its disciplinary decision, the person then shall have the right to appeal to the annual convention and the final appeal shall be to the Canadian Labour Congress (CLC) ombudsman.

Article 10: Organization

- 10.1 Using regional or provincial geographical alignments, the members of the union shall be grouped into locals based on the links produced by their membership in common bargaining units or bargaining categories or by their employment by a common employer or in similar employment fields or any combination of the preceding criteria. A local shall consist of not less than fifty (50) dues-paying members. However, any group of members, or any group of persons applying to become members, may, if approval is granted by the Board of Directors, maintain their common identity as a local even though the group is less than fifty (50) in number.
- 10.2 The grouping of members into locals shall be as set out by the Board of Directors and retained in the policy manual for future reference. The composition of these locals as set out may be realigned or altered at any time and from time to time by the Board of Directors after consultation with, and with the sanction of, the locals involved. Should there be failure to agree on changes in the composition of locals as proposed by the board, the matter may be referred for disposition to the annual convention by the Board of Directors or by one (1) of the locals involved.
- 10.3 Any change involving the dissolution, creation, re-alignment or amalgamation of any Local(s) that has the effect of changing the specific entitlement to delegates or directors shall take effect the day following the next convention. Affected Locals that will qualify for extra directors in a non-election year shall proceed with a by-election for the extra director(s) in keeping with the procedures set out in Article 11.6.3 and 11.6.4. The elected or acclaimed incumbents shall hold office until the next regularly scheduled biennial election for that Local. All members in good standing of the newly re-aligned, amalgamated or created Local shall have the right to vote.

Article 11: Locals

11.1 Local Executives

- 11.1.1 Each local shall have an executive consisting of: one (1) or more directors, as elected in a secret ballot election as outlined in Article 11.6.3; an assistant director for each director, as elected at a local meeting as outlined in Article 11.6.6; one (1) or more stewards, as elected at a local meeting as outlined in Article 11.6.6 (one (1) of whom shall be the chief steward as selected under Article 11.3.4); and a secretary, as elected at a local meeting as outlined in Article 11.6.6.

11.1.2 The executive of a local shall be responsible for the administration of the local's business, with the director(s) serving as chief administrator(s) of the local. The members of a local executive shall strive at all times to work together in a co-operative and consultative process and to encourage members of the local to do likewise.

11.2 Directors and Assistant Directors

11.2.1 (a) Each local shall be entitled to one (1) or more director(s) on the Board of Directors, based on the number of dues-paying members in the local, with the exception of the Retirees local who shall retain two (2) directors. One (1) director shall be elected as prescribed in Article 11.6.3 for each two hundred and fifty (250) dues-paying members or major fraction thereof. Director entitlement shall be based on the previous yearly average local membership count as of January 1 of each election year except in the case of creation, realignment or amalgamation of locals, where the number of dues-paying members shall be determined thirty (30) days prior to the close of nominations for director.

(b) Notwithstanding the above calculation for Director entitlement, no local shall have more than two (2) directors.

11.2.2 Directors shall take office at the first board meeting following the annual convention.

11.2.3 The assistant director for each director shall replace the director in the director's absence and, in conjunction with other members of the local's executive, perform all the duties of the absent director.

11.3 Stewards and Chief Stewards

11.3.1 The number of stewards in each local shall be as determined by the Board of Directors based on such factors as the number of members in good standing in each local, the variety of workplaces and/or occupations within each local's membership, the working conditions of each local's members and, if they exist, the requirements of any applicable collective agreements.

11.3.2 A local wishing to adjust the number of its stewards shall first provide notice of motion at a meeting of the Board of Directors outlining its intention to bring forth such a motion to the next meeting of the Board of Directors and describing the general detail of its future motion.

A motion to adjust the number of stewards in any local shall require a two-thirds ($\frac{2}{3}$) majority vote by the members of the Board of Directors present and voting.

- 11.3.3 (i) Stewards shall be involved in the processing of grievances and shall have such other duties as assigned by the board.
- (ii) No steward shall represent members in the workplace until such time as he or she has received training as required by the union with approval from the Stewards Council.
- 11.3.4 (i) The chief steward for each local shall be elected by the members of the local's executive from among the local's stewards. This election process will be conducted within fifteen (15) days of the elections for the local's assistant director(s), steward(s) and secretary as described in Article 11.6.
- (ii) To be eligible for nominations for Chief Steward, the steward of the applicable local shall:
- (a) have completed the Welcome to UPSE, Steward Level I and Steward Level II or their equivalents with the Steward Councils approval,
- (b) be a member in good standing for at least the past twelve (12) months, and
- (c) be nominated by a member in good standing from the applicable local.

11.3.5 Chief stewards will have particular responsibility for the recruitment, maintenance, assistance and support of the local's stewards.

11.3.6 Chief stewards (or, in their absence, their designated alternates)

(i) shall serve as voting delegates to the annual convention as part of the local's voting delegate entitlement as described in Article 13.3.1.

(ii) shall represent their applicable local on the Stewards Council.

11.4 Secretary

11.4.1 The local's secretary shall keep the minutes of all meetings of the local and shall, on approval of the local executive, be responsible for all correspondence involving the local.

11.5 Administration of Locals

11.5.1 In the absence of the local's director(s), the other local members of the local executive may perform all the duties of the absent director.

- 11.5.2 Each local shall hold a minimum of four (4) local meetings in each calendar year, including at least the following:
1. A meeting to elect voting delegates and allow local members to present proposed convention resolutions for the consideration of, and possible adoption by, the local;
 2. A meeting to review the material going before an annual or special convention and to allow local members to give direction to their delegates;
 3. A meeting to review the results of the annual or special convention and to allow delegates to present a joint report as outlined in Article 13.3.8; and
 4. The local's annual general membership meeting.

11.5.3 Failure to meet the requirements of Article 11.5.2 shall be considered as the director's resignation as a director and from the Board of Directors, unless such failure is due to illness or other reason acceptable to the board.

11.5.4 Copies of the minutes of all local meetings shall be filed with the secretary-treasurer of the union within thirty (30) days of the date on which the meeting is held. The responsibility for filing the minutes of local meetings rests with the local's secretary, working in consultation with the local's director(s) and other members of the local executive.

11.6 Election of Local Executive

11.6.1 The terms of office of members of a local executive will normally be two (2) years or until their successors are chosen as outlined in the applicable sections of this article.

11.6.2 The executives of even-numbered locals shall be elected in even-numbered years and the executives of odd-numbered locals shall be elected in odd-numbered years.

11.6.3 The director(s) for each local shall be elected on a plurality basis by the members of the local in secret ballot elections conducted under the supervision of the union's Membership Services Committee. Nominations for directors' positions must be received by union headquarters on or before August 1 of the applicable election year and the election of directors shall take place no later than August 31 of the applicable election year by mail-in ballot.

11.6.4 To be eligible for nomination as a director, a member of the applicable local must have been a member in good standing for at least the previous twelve (12) months, be nominated by a current member in good standing of the applicable Local and have completed the You and Your Union or equivalent course.

- 11.6.5 (A) (i) In the event that a vacancy in a Local Director's position occurs within the first 18 months of the Director's term of office, the Membership Services Committee shall call for nominations from the local's members for a period of at least twenty-one (21) days. Notice requesting such nominations shall be posted or shall be mailed to the local's members.
- (ii) Where more than one (1) nomination is received for a vacant position, an election shall be held and the deadline for return of ballots shall be twenty-one (21) days following the close of nominations.
- (iii) The successful candidate shall replace the original director for the unexpired portion of the original term of office.

(B) Notwithstanding Articles 11.1.1 and 11.6.3, in the event that a vacancy in a Local Director's position occurs after the end of the first eighteen (18) months of the Director's term of office, the vacant position shall be filled in accordance with Article 11.6.7.

- 11.6.6 (i) The elections for assistant director(s), steward(s) and secretary for the applicable locals as outlined in Article 11.6.2 shall be held within sixty (60) days following the conclusion of the annual convention.
- (ii) Each applicable local shall call a local meeting to allow members to participate in secret ballot elections for these positions. Such meetings shall be chaired by the local's director(s) and shall be preceded by the posting of notices containing the time, place and proposed agenda for such meeting in all workplaces in the local for a period of at least one (1) week prior to the meeting date.
- (iii) To be eligible for nominations for the positions of assistant director, steward and secretary, a member must be:
- (a) a member in good standing (as defined in preface 7)
 - (b) be nominated by a member in good standing of their applicable local, and
 - (c) accept the nomination either written to the executive of the local prior to the commencement of the local meeting or verbally at the meeting.

11.6.7 In the event of a vacancy in the office of any of the local executive described in 11.1.1, the local shall be responsible for electing a replacement for the unexpired term of office by calling a local meeting within thirty (30) days of the position being declared vacant by the

Membership Services Committee and conducting an election for that purpose.

11.6.8 Within fifteen (15) days following the elections described in Article 11.6.6, the local's director(s), assistant director(s), steward(s) and secretary shall meet and, in keeping with the provisions of Article 11.3.4, elect the local's chief steward from among those occupying stewards positions in the local as of the day of the meeting.

11.6.9 In the event of a vacancy in the office of chief steward, the local executive shall be responsible for electing a replacement for the unexpired term of office.

11.7 Replacement of Local Executive

A local wishing to do so may replace an incumbent member of the local executive by the following procedures:

- (a) A local meeting shall be called for the specific purpose on petition signed by either twenty-five (25) persons or by half of the local's membership, whichever is the greater number;
- (b) Notification of the local meeting and its purpose shall be mailed by headquarters to all members of the local at least fourteen (14) days prior to the date set for the meeting;
- (c) A two-thirds ($\frac{2}{3}$) majority vote of those members in attendance at the meeting shall be required to unseat an incumbent member of the local executive or steward.

Article 12: Stewards Council

12.1 There shall be a Stewards Council consisting of the chief stewards from each local as elected in accordance with Article 11.3.

12.2 The council shall provide a forum at which chief stewards can discuss problems and other items of common interest and shall strive to increase the contribution that stewards can make to the members of their local and to the union as a whole.

- 12.3
- (a) The President shall serve as one (1) of the two (2) co-chairs of the Stewards Council.
 - (b) The council shall elect a co-chair and an alternate co-chair from among its own members. The co-chair shall, in addition to sharing the council's administrative duties with the President of the union, shall also represent the council on the Board of Directors. The alternate co-chair shall assume

the responsibilities of the position whenever the co-chair is unable to fulfill his/her duties.

- (c) Whenever possible the co-chair and the alternate co-chair shall not be an existing local director as defined in Article 11.
- (d) Sub-councils shall be organized to provide a forum for those local stewards to meet and discuss items pertaining to individual contract issues. These sub-councils would be formed with a makeup of local stewards involved in their own bargaining unit contracts and shall meet at least twice yearly.

12.4 The council shall meet at least four (4) times a year at a time and place to be determined by the co-chairs. All council meetings will be open to members of the union, except that the council may meet in camera upon adoption of a motion specifying the item or items to be addressed in camera.

Article 13: Convention

13.1 Annual Convention

- 13.1.1 There shall be an annual convention of the union held within ~~ninety (90)~~ **one hundred and twenty (120)** days of the close of the union's fiscal year at such time and place as may be determined by the Board of Directors. Notice of the time and place for holding the annual convention shall be given by advertising the meeting in at least two (2) daily newspapers published in Prince Edward Island not less than thirty (30) days before such meeting, and by advertising the meeting in the union's newsletter not less than thirty (30) days before such meeting.
- 13.1.2 A special convention may be ordered by a two-thirds ($\frac{2}{3}$) majority vote at an annual convention, by a two-thirds ($\frac{2}{3}$) majority vote of the Board of Directors, or by written request by at least ten (10) percent of the members in good standing. When a special convention has been ordered, the Board of Directors shall issue the convention call at the time specified in the order, or within thirty (30) days if no time is specified. All provisions for the holding of a regular annual convention shall be followed, except that the convention call shall give all bodies entitled to representation at least thirty (30) days notice of the time and place for the holding of the special convention, and the call shall also contain a brief statement of the reason(s) for ordering such a convention. The order of business at a special convention shall be restricted to the matters stated in the convention call.

13.2 Notice of Business

- 13.2.1 (a) Any resolution, or subject of general interest, which a member in good standing may wish to bring before the annual convention, shall be submitted by the local to which the member belongs, or by the Board of Directors, in writing to the secretary-treasurer not less than eighty-eight (88) days before the date set for the annual convention. The resolutions may be delivered in person, by mail or by fax.
- (b) Any resolution that has a potential impact on the Constitution shall be submitted, by the Board of Directors, to the secretary-treasurer not less than sixty (60) days before the date set for the annual convention. The resolutions may be delivered in person, by mail or by fax.
- 13.2.2 The secretary-treasurer shall, not later than thirty (30) days prior to the date of the annual convention, mail or cause to be distributed to all voting delegates, a copy of all resolutions or other notices received pursuant to 13.2.1 (a) or (b).
- 13.2.3 The order of business at a convention shall be prepared by the Board of Directors and submitted for approval at the opening session, along with any special rules of order. The order of business shall contain those items specified in other articles in this constitution and bylaws and any other matters at the discretion of the board.
- 13.2.4 Other business, not included in the order of business adopted at the opening session, may be considered at the annual convention, provided a two-thirds ($\frac{2}{3}$) majority vote of those present and voting favors the presentation thereof, with the exception of constitutional or bylaw amendments.
- 13.2.5 The Board of Directors shall, not less than thirty (30) days before the opening of a convention, appoint committees from among the voting delegates. The purpose of the committees shall be to assist the convention in the orderly and efficient consideration of the business going before it. The Board of Directors shall appoint a Credentials Committee, and any other committees deemed advisable or necessary. The Board of Directors shall have complete discretion as to the number of members of each convention committee and the appointment of one (1) member as chairperson. The President shall be an ex-officio member of each committee, excluding the executive nominations committee, but not more than one (1) member of the Board of Directors may be appointed as a regular member of any convention committee.

13.3 Voting Delegates

Accredited voting delegates to the annual convention shall be elected by the locals upon the following basis:

- 13.3.1 Each local may elect two (2) voting delegates for up to the first fifty (50) members in good standing and one (1) additional voting delegate for each additional twenty-five (25) members in good standing or major part thereof. Voting delegate entitlement shall be based on the previous yearly average local membership count as of January 1 of each year except in the case of re-alignment, amalgamation or creation of locals.
- 13.3.2 Each local may elect alternate voting delegates up to the number of delegates to which it is entitled. Alternates may not be seated as voting delegates on the floor of the convention unless in possession of badges of absent voting delegates from the same local.
- 13.3.3 Members of the union's Board of Directors and Chief Stewards as per Article 11.3.6 shall be voting delegates to the convention as of right.
- 13.3.4 Members in good standing, other than voting delegates, may be present at any convention as observers to the extent that seating space is available. These members shall be without voice unless given permission, on an individual basis, by the convention.
- 13.3.5 The basic responsibility of delegates is to represent the local at the regular annual meeting of the union or other special general meetings of the union.
- 13.3.6 Delegates shall be nominated and elected exclusively at a local meeting not less than eighty-eight (88) days prior to convention for a one (1) year term or until successors are elected.

Two (2) considerations shall guide the election of delegates and alternates: (1) persons nominated must give their consent to being nominated; and (2) persons nominated must be members in good standing of the union.
- 13.3.7 In general, delegates shall reflect and represent the wishes of the local as decided by majority vote at a local meeting. However, if at the annual meeting or special general meeting, important new information or a significant new argument is brought forward, of which members were not aware but which affects the wisdom of the local's decision, then delegates are free to change their vote in the best interest of the local and the union.

On issues on which the local has not given delegates any direction as to how to vote, delegates are free to vote in the best interest of the local and the union.

13.3.8 In order to keep local members informed as to what happened at the annual or special general meeting, delegates shall be expected to give a joint report to the local at the next local meeting.

13.4 Quorum

The quorum of any convention shall be one-half (1/2) of the eligible voting delegates entitled to vote. If a quorum is not present, the chairperson may adjourn the meeting to a date not less than fourteen (14) days thereafter.

13.5 Convention Chairperson

The President, or in his or her absence the first vice President, or in their absence the second vice President, or in their absence the third vice President or in their absence the secretary-treasurer shall preside at every convention of the union whether annual or special, provided however, that in the absence of the executive officers, or upon their refusal or failure to act, the convention shall elect a chairperson to preside thereat.

Article 14: Board of Directors

- 14.1 The Board of Directors shall consist of: the executive officers; the immediate past President (non-voting) for the first three (3) years after the end of his or her term of office as President; and the local directors or their authorized alternates; and the co-chair of the Stewards Council as elected under the provisions of Article 12.3(b) or his or her designated alternate.
- 14.2 The Board of Directors shall meet at least six (6) times a year, at such time and place as may be designated by the President. In the event of the President refusing to call a meeting, this may be done on the direction of the majority of the executive officers, or any five (5) members of the Board of Directors.
- 14.3 The quorum for board meetings shall be majority of the board except as provided for in Article 19.2 for bylaw amendments.
- 14.4 The Board of Directors shall authorize the engagement of such employees as they may deem necessary from time to time to carry out the administration of the affairs of the union.
- 14.5 The Board of Directors shall ratify the remuneration and terms of employment of all employees of the union.

- 14.6 The Board of Directors shall establish and from time to time revise the travel allowances of the union.
- 14.7 The Board of Directors shall cause a manual of policy decisions or directives taken by the board to be compiled and maintained, and kept on file at union headquarters, accessible to any member in good standing.
- 14.8 If a member of the Board of Directors is absent from three (3) consecutive meetings of the board, such member shall be considered to have resigned from the board, unless such absence is due to illness or other reason acceptable to the board.

Article 15: Board Committees

- 15.1 The Board of Directors shall establish such committees as may be necessary to provide services and implement operations and procedures as required by the constitution and bylaws and give effect to policies and programs approved by the executive officers, the Board of Directors, and by annual or special convention.
- 15.2 Committees shall be appointed for a twenty-four (24) month period commencing the first board meeting following the annual convention in even-numbered years.
- 15.3 A committee shall consist of the chairperson(s) and not less than two (2) additional members. The chairperson(s) may recommend to the board for ratification that additional members be added.
- 15.4 The line of authority of committees is through the committee chairperson(s) to the board.
- 15.5 The terms of reference for each committee will be as prescribed by the board.
- 15.6 A committee may be discontinued at the discretion of the board.
- 15.7 Resignation of committee members, who are appointed by the board, shall be deemed to be effective the date a letter of resignation is received by the secretary-treasurer.
- 15.8 Each committee shall present a report to the annual convention. This report shall have prior approval of the board and be filed annually.

Article 16: Executive Officers

- 16.1 There shall be an executive committee of the union consisting of: five (5) elected officers - a President, a First Vice President, a Second Vice President, a Third Vice President and a Secretary-Treasurer; the immediate past President (without vote) as prescribed to in Article 5.3

- 16.2 The elected executive, with the exception of the President, shall serve a two (2) year term of office and shall be elected by secret ballot by majority vote of all accredited voting delegates present and voting at annual conventions. The second vice President and secretary treasurer shall be elected in even-numbered years; the first vice President and third vice President in odd-numbered years.
- 16.3 Nominations for elections of the executive, with the exception of the position of President, shall be received from the membership at large by an Executive Nominations Committee. The Executive Nominations Committee shall consist of a minimum of three (3) members, appointed annually by the Board of Directors and, when possible, from past Presidents of the union. The purpose of the Executive Nominations Committee will be to receive, review and establish the credentials of each member nominated for election to executive office. The committee shall be responsible for reporting the names of all eligible nominations for each executive officer position, with the exception of the position of President, to the annual convention and for the administration of the election of executive officers by secret ballot at the convention. To be eligible for nomination for an executive officer position, a minimum of one (1) year's membership in good standing in the union is required.
- 16.4 Each nomination for executive officer shall be confirmed in writing, signed by a nominator and seconder, all of whom must be members in good standing. All nominations for executive officer positions, with the exception of the President, must be received by Union headquarters eighty-eight (88) days prior to the annual convention. Notwithstanding this requirement, nominations, with the exception of the position of President, may also be accepted from the floor of the convention in session. All elections for executive officer positions, with the exception of the position of President, shall be in order of titles indicated in Article 16.1.
- 16.5 If no nominations for a particular executive officer position are received by the Executive Nominations Committee by the deadlines outlined in Article 16.4, the matter shall be referred to the annual convention for all executive positions and nominations shall be invited from the convention floor, excepting that the position of President shall be referred to the Executive Nominations Committee for the filling of such vacancy in accordance with the constitution.
- 16.6 Presidential Election
- 16.6.1 Presidential Nominations Committee shall consist of:
- a) Members of the Membership Services Committee (or its equivalent);
 - b) One member of the Constitution, Structure and Organizing Committee (or its equivalent); and
 - c) Where possible, at least one former President of the Union.

- i) The term of this committee shall be from the day following the Convention of the year prior to the Presidential election, for a three (3) year term.
- ii) Any declared candidate for the position of President and any sitting/acting President shall not form part of this committee.

16.6.2 The President shall be elected by members in good standing for a three-year term commencing in 2006. To be eligible for nomination to the position of President, a minimum of one year's continuous membership in good standing in the union is required. Nominations must be received by union headquarters one-hundred and sixteen (116) days prior to the annual convention in an election year. Where more than one nomination is received, the Presidential Nominations Committee shall, initiate a secret ballot election process no later than eighty-eight (88) days prior to convention, with completion of the first round of voting within thirty days (30) days thereafter. Such ballots shall be distributed to each member in good standing, and to the Retiree's local based on the number of convention delegates to which the Retiree's local is entitled. This distribution process shall not include workplace distribution. Ballots shall be counted by the Presidential Nominations Committee and each candidate for the position of President shall be eligible to appoint two scrutineers each to witness the official count of all ballots received. The candidate receiving an absolute majority of ballots cast shall be declared elected as President and he/she shall take office within 30 days following the annual convention. In the event of a tie vote, it shall be the responsibility of the Presidential Nominations Committee to conduct another election. In the event that no candidate receives an absolute majority of the votes, second and/or subsequent ballots shall occur before the annual convention. If only one nomination is received at the union office one-hundred and sixteen (116) days prior to the annual convention, the person so nominated shall be declared elected as President.

16.7 Vacancy of Executive Officers

16.7.1 In the event of a vacancy between annual conventions in the office of an executive officer, with the exception of President, the Board of Directors shall appoint by majority vote, at the next board meeting following confirmation of such vacancy, a member in good standing to fill the vacancy until the next annual convention, at which time an election will be held to fill the unexpired term of office.

16.7.2 In the event the President is unable to complete his/her term of office, the Board of Directors shall appoint by majority vote, at the next Board meeting following confirmation of such vacancy, a member in good standing **from the present Executive Officer positions**, to fill the vacancy until the procedure outlined in 16.6.2 can be invoked. **If there are no interested executive officers then the board of directors shall elect a member in good standing from the elected board of directors,**

to fill the vacancy until the procedure outlined in 16.6.2 can be invoked.

- 16.8 Executive meetings shall be held at least eighteen (18) times a year, at such time and place as may be designated by the President. In the event of the President refusing to call a meeting, this may be done on the direction of the majority of the executive officers.
- 16.9 The quorum for executive meetings shall be a majority of the voting members of the executive.

Article 17: Duties of Executive Officers

17.1 President

- 17.1.1 The President shall be full-time and shall take office within thirty (30) calendar days from the day following conclusion of the convention.
- 17.1.2 The President shall be the chief executive officer of the union.
- 17.1.3 The President shall preside at meetings.
- 17.1.4 (a) The President shall interpret and enforce observance of the constitution and bylaws.
- (b) Shall a member in good standing dispute the President's interpretation of any Article within the Constitution, they shall notify the Chair of the committee responsible for the Constitution within five (5) days. The Chair shall call a meeting of the Committee and they shall make a recommendation for resolution, to the Board of Directors, within fourteen (14) days of the date the Chair was notified.
- 17.1.5 The President shall be an ex-officio member of all committees, excluding the executive nominations committee, the Presidential Nominations Committee and the Committee responsible for the Constitution when it is meeting for the purpose of investigating an interpretation of the Constitution as outlined in 17.1.4(b).
- 17.1.6 The President shall designate one (1) of the vice Presidents or the secretary-treasurer to assume all duties and powers of his or her office in the President's absence.
- 17.1.7 The President shall report in writing on union activities to the annual convention.

17.1.8 The President or his or her designate shall act as chief spokesperson for the union on policy matters and major issues.

17.1.9 (a) The President shall be paid an annual salary of \$73,558.00. The President's contract shall be the collective agreement the incumbent had prior to being elected to the position of President and he/she shall be entitled to all the benefits exclusive of salary. Salary adjustments shall be as per the PSESU Collective Agreement as they occur throughout the fiscal year, and excluding overtime and any other articles that do not directly apply to the position of President.

(b) The annual salary figure listed in Article 17.1.9(a) shall be amended on the day following each annual convention to reflect the salary adjustments of the previous year.

17.2 Vice Presidents

The vice presidents shall assume the duties of the President as required or designated.

17.3 Secretary-Treasurer

17.3.1 The secretary-treasurer shall be responsible for preparation of the annual budget.

17.3.2 The secretary-treasurer shall be responsible for the collection of all dues, subscriptions or other monies owing to the Union and the deposit of same as prescribed by Article 18.

17.3.3 The secretary-treasurer shall ensure that the just debts and other expenses of the union are made by duly authorized, counter-signed cheques.

17.3.4 The secretary-treasurer shall prepare and present the annual financial statement.

17.3.5 The secretary-treasurer shall be the chairperson of the Finance Committee.

17.3.6 The secretary-treasurer shall be responsible to keep an accurate record of proceedings at meetings of the Executive Committee, Board of Directors and the Annual convention.

17.3.7 The secretary-treasurer shall ensure that all records and correspondence pertaining to union affairs are maintained.

- 17.3.8 The secretary-treasurer shall be responsible for the performance of such other duties as may occasionally be required by the Board of Directors.
- 17.3.9 The secretary-treasurer shall be the custodian of the seal of the union, which shall bear the name of the union engraved thereon in legible characters.
- 17.3.10 The secretary-treasurer shall assume the duties of the President as required or as so designated by the President.

Article 18: Union Funds

18.1 Financial Deposits

The Board of Directors shall arrange that all funds received by the union shall as soon as possible after the receipt thereof, be deposited in a chartered bank, credit union or trust company in Prince Edward Island to the credit of the union.

18.2 Securities

The Board of Directors shall arrange that all bonds or other securities which are the property of the union shall be kept in a safety deposit box or in safekeeping in a chartered bank, credit union or trust company on P.E.I. to be released only on the signature and personal appearance of the union secretary-treasurer or one (1) other authorized signing officer.

18.3 Annual Audit

18.3.1 The membership shall appoint at each annual convention of the union an accountant to hold office until the next annual convention. Such accountant shall be a chartered accountant or a registered public accountant pursuant to the Public Accounting and Auditing Act, R.S.P.E.I.1974, cap. P-27 and amendments thereto. The accountant shall make a report to the membership at the annual convention on the accounts examined by him or her. If the annual convention fails to appoint an auditor, the Board of Directors shall make the appointment.

18.3.2 The auditor(s) shall not be an employee of the public service or a member of the Prince Edward Island Union of Public Sector Employees in the province of Prince Edward Island.

18.4 Fiscal Year

The fiscal year of the union shall be from ~~September 1~~ **August 1** to ~~August 31~~ **July 31** annually, **beginning 2012-2013.**

18.5 Signing Officers

The President, the first vice President and the secretary-treasurer shall be the signing officers of the union for all fiscal transactions, contracts, instruments and documents of a legal nature, and those documents requiring the seal of the union, with any two (2) of the three (3) signatures required. They may draw, accept or endorse cheques, bills of exchange and promissory notes on behalf of the union as authorized by the Board of Directors.

18.6 Special Funds

18.6.1 All funds of the union required by any convention of the union to be set aside for the special purposes of a welfare fund, defence fund, building fund, or any other special purpose, shall be deposited in separate accounts identified as to purpose in a chartered bank, credit union, trust company or provincial deposit receipts in the Province of P.E.I. to the credit of the union.

18.6.2 Defence fund monies may be used, as authorized by the Board of Directors, for the following purposes: (i) arbitration expenses during negotiations; (ii) legal fees during negotiations; (iii) strike pay in the event of a legal strike (as defined under the applicable legislation of the province of P.E.I.) on the part of a local of the union; (iv) to permit the union to meet its commitments to the NUPGE Defence Fund; (v) other emergency costs.

Article 19: Amendments to Constitution and Bylaws

19.1 Constitutional Amendments

19.1.1 The constitution of the union shall be amended only by the annual convention, or by a special convention called for the specific purpose.

19.1.2 Proposal(s) to amend the constitution can only be placed on the order of business of a convention by (i) the Board of Directors or (ii) the procedure described in Article 13. Prior to their acceptance for placement on the order of business, all proposed constitutional amendments shall be reviewed for continuity with existing Articles by the committee responsible for the Constitution and Bylaws. This committee may propose additional changes to existing Articles to ensure proposed amendments work within the Constitution and Bylaws.

19.1.3 A motion to amend the constitution shall require a two-thirds ($\frac{2}{3}$) majority vote of those present and voting.

19.1.4 The effective date of all amendments to the constitution shall be the day following convention, subject to Article 20.

19.2 Bylaws Amendments

A two-thirds ($\frac{2}{3}$) majority of the Board of Directors present and voting shall have the authority to amend or add to the bylaws of the union, provided such amendments or additions are not contrary to the general purposes of the union as defined in the constitution. All directors must receive at least ten (10) days notice of any meeting at which proposed changes in the bylaws are to be discussed, with details of the proposed changes. At least two-thirds ($\frac{2}{3}$) of the total number of directors must be present at any meeting at which any bylaw is changed or new bylaw added.

Article 20: Companies Act Requirements

- 20.1 Where required by the Companies Act of the province of P.E.I. adoption of and amendments to this constitution and bylaws shall be considered to be in the form of "special resolutions" until the approval of the Director of Corporations has been obtained.
- 20.2 A convention shall be deemed to be "a general meeting of the shareholders or members" for all purposes under the Act.
- 20.3 Where the Minister under the Act, a court, or a judge directs a change in name or other matter laid down in this constitution and/or bylaws, the constitution and/or bylaws shall be deemed to have been amended accordingly, Article 19 notwithstanding.
- 20.4 The Board of Directors shall be responsible for assuring the union's compliance with those provisions of the Companies Act which are binding or preemptory. Where the Act is permissive this constitution and bylaws shall govern.

BYLAWS

Preamble:

As provided for in Article 3 of the constitution of the union, it is deemed expedient to formulate and adopt certain regulations for regulating the affairs of the incorporated body. These regulations are set forth in the following bylaws.

Article 21: Membership

21.1 New Members - Organizing

Employees of any employer who meet the requirements under Article 4.1(b) of the constitution and bylaws who are desirous of becoming members of the union shall be deemed to be a bona-fide member when:

- (a) the employee completes and signs a valid membership-registration card;
and

- (b) the employee, on the date of application, pays the amount of membership dues as required by the union or the applicable labour legislation; and
- (c) the membership-registration card is received by any duly elected officer or employee on behalf of the union.

Employees who meet the requirements specified in (a), (b) and (c) above shall be entitled to be represented by the union for the purposes of collective bargaining and as provided by existing legislation or authorized by union policies and procedures.

Employees in this category shall not be members in good standing until such time as the employee pays regular bi-weekly dues to the union as required under the relevant collective agreement.

21.2 Ratification of New Groups

Groups meeting the requirements contained in Article 4.1(b) of the constitution may apply to the Board of Directors for membership, with such membership subject to ratification by a two-thirds ($\frac{2}{3}$) majority vote of the board members present and voting.

21.3 Retired Members

21.3.1 Retired members shall consist of those persons from all categories of membership in the union who have retired from employment. In determining delegate representation to annual or special conventions, however, such representation shall be based solely on the number of retired members who had been a member in good standing for at least two (2) years preceding retirement.

21.3.2 A retired member shall not be entitled to hold executive office in the union nor have the right to vote at any meeting of the union save meetings of retired members only, except in the case of the representative(s) of the retired members, to the Board of Directors (Articles 14.1 and 11.1) and to annual or special convention, who shall have the right to vote at any meeting of the union which he/she is entitled to attend.

21.4 Associate Members

21.4.1 Upon application by a member in good standing, associate membership may be granted without payment of dues by the Board of Directors for:

Sick leave without pay;
Leave of absence without pay, subject to Section 7 of the Preface; and
Temporary layoff.

21.4.2 Associate members shall be entitled to all the privileges of membership except the right to vote or hold office.

21.5 Life Members

Life members shall consist of persons elected to life membership by vote at a general or special meeting of the union on recognition of meritorious service. Nominations for life membership shall be received from all other categories of members. The Board of Directors shall act as a nominating committee with the responsibility of selecting nominations by majority vote to be presented to a general or special convention. A life member shall be entitled to hold office and have the right to vote at any meeting of the union only if he/she also holds membership in a category that has such right.

21.6 Affiliated Members

Affiliated members shall consist of employees of the union. Affiliated members shall not hold elected office nor have the right to vote at any meeting of the union. An affiliated member may be selected as a delegate to represent the union at any meetings of organizations of which the union is a component or an affiliate.

Article 22: Standing Committees

22.1 Committees shall include, but not necessarily be limited to the following:

(a) Standing Board Committees

- ~~(i) Bargaining Political Action and Organizing~~
- ~~(ii) (i) Constitution and Structure~~
- ~~(iii) (ii) Education & Occupational Health and Safety~~
- ~~(iv) Human Rights~~
- ~~(v) (iii) Finance~~
- ~~(vi) (iv) Pensions and Insurance~~
- ~~(vii) (v) Membership Services & Communications~~
- ~~(viii) (vi) Public Relations & Recreation/Convention~~
- ~~(ix) (vii) Staff Relations~~
- (viii) 50th Annual Convention (2011) Planning Committee (Ad Hoc)**
- ~~(x) Presidential Election~~
- ~~(xi) Alternate Dues Structure, Building and Records & Retention Committees, (Ad Hoc)~~

(b) Convention Committee

- (i) Credentials
- (ii) Executive Nominations

Article 23: Convention Procedures

23.1 Credentials

- 23.1.1 Not less than eighty-eight (88) days before the date set for the annual convention, each local shall advise union headquarters of the names of the local's accredited voting delegates and alternates for the annual convention.
- 23.1.2 The convention Credentials Committee shall be provided by the union headquarters with a complete list of all accredited voting delegates, and alternates, and it shall be the Credentials Committee's responsibility to seat voting delegates accordingly.

23.2 Rules of Order

- 23.2.1 All proceedings of the union, executive officers, Board of Directors and the Stewards Council and the locals, shall be governed by Bourinot's Rules of Order except as otherwise provided in Section 23.2.2.
- 23.2.2 A convention shall be governed by the following rules of order (and in any matter not susceptible to regulation by these rules, Bourinot's Rules of Order shall be applied).
 - 1. Effective June 1, 1979, and except as otherwise provided, all resolutions, petitions and appeals to be considered by any convention must be received by the secretary-treasurer sixty (60) calendar days immediately preceding the opening of the convention.
 - 2. Any resolution to be accepted for consideration by the annual convention must be submitted by the board or by a local and must be signed by the presiding officer of the body submitting it. A resolution, other than a constitutional resolution, shall not deal with more than one (1) subject, shall refer to the action which is proposed and shall contain not more than one hundred and fifty (150) words.
 - 3. When a delegate wishes to speak he/she shall proceed to one of the microphones provided for that purpose. When recognized by the chair, he/she shall give his/her name and the local or organization he/she represents and shall confine his/her remarks to the question at issue.
 - 4. Before speaking, unless it be on a point of order, an appeal made immediately following the decision of the chair, or a motion for the

orders of the day, or a question of privilege, a delegate must be recognized by the chair.

5. When two (2) or more delegates rise simultaneously, the chair shall decide the order in which they are to be recognized.
6. No delegate may speak for more than five (5) minutes on any motion and no delegate may speak twice on the same motion until all other delegates who wish to speak on that motion have had an opportunity to do so.
7. No delegate may interrupt another delegate who has the floor except for the points or motions listed in Rule 4, above.
8. Any delegate who refuses to take his/her seat when called upon by the chair to do so may, at the discretion of the chair, be suspended from the remainder of the convention or any part thereof, and if any delegate persistently engages in unparliamentary behaviour, the chair shall name him/her and ask the convention to impose appropriate sanctions.
9. The chairperson may participate in a debate provided he/she vacates the chair to do so.
10. Any motion, once debate has begun, becomes the business of the convention and may be withdrawn or replaced by the mover only if there is no objection or, if there be any objection, only with the consent of the convention.
11. Where a motion or resolution may be amended, an amendment, and an amendment to the amendment (i.e. a sub-amendment), shall be in order. No further sub-amendment shall be in order until the first has been disposed of.
12. Questions shall be decided by a majority vote unless otherwise specified in the constitution and bylaws. Voting will be by show of hands. However, on demand by at least twenty (20) delegates, who shall stand to signify their demand, a counted standing vote shall be taken. On a motion, supported by a majority of delegates present and voting, a roll call vote, or a vote by ballot, shall be ordered. The motion for a roll call vote, or a vote by ballot, may be moved at any time prior to the question being called.
13. A majority or a two-thirds ($\frac{2}{3}$) majority in any vote shall be calculated on the basis of delegates present and voting, or casting valid ballots (in the case of written votes).

14. The chairperson may vote on any question. In the case of a tie, he/she may cast the deciding vote. If he/she does not break the tie, the motion is lost.
15. A delegate may challenge a decision of the chair. A seconder is required and the issue is not debatable except that the challenger and the chairperson may each respectively, state briefly the basis for the challenge and the decision. The chairperson may remain in the chair and shall put the question: "Shall the decision of the chair be the decision of this assembly?" A majority vote is required to overturn the decision of the chair.
16. No delegate who has spoken on a question may move referral, or any other motion that would have the effect of denying or limiting the right of others to speak on the question.
17. A motion to adjourn, table, postpone, or otherwise delay may be repeated after progress.
18. A delegate may move "that the previous question be put." It is not debatable and, if adopted by a two-thirds ($\frac{2}{3}$) majority, has the effect of closing debate on only the immediate motion, amendment or sub-amendment.
19. Any committee bringing a resolution or report before the convention shall move adoption, any recommendation of the committee notwithstanding.
20. Reports of committees are not subject to amendment except such as is acceptable to the committee, but a motion to refer back to the committee for reconsideration shall be in order. A referral back without instructions is not debatable or conversely with instructions is debatable.
21. If the report of a committee is adopted it becomes the decision of the convention; if defeated it may be referred back to the committee for reconsideration.
22. A motion to reconsider a question may be made by a delegate who voted with the prevailing side on that question. This motion must be made during the same or immediately succeeding session of the convention at which the question was decided and must be supported by a majority.
23. A notice of motion to reconsider a question may be given by any delegate who voted with the prevailing side and such notice must be given at the same session of the convention at which the

question was decided. The motion to reconsider then stands to be called up at the next session, or within twenty-four (24) hours.

Any delegate may call up the motion, which requires a simple majority vote to be adopted. If not called up within twenty-four (24) hours, or if final adjournment shall have intervened, the effect of the notice is lost.

24. As a general rule, the opportunity to speak first on a resolution should be given to a delegate from the organization(s) that originated it. On committee reports a member of the committee should be given the opportunity to speak first.
25. A resolution may, in case of urgent and pressing necessity previously explained by the mover, be made only by consent of two-thirds ($\frac{2}{3}$) majority without notice as provided in Rule 1 having been given. No such resolution may be offered if it is substantially the same as one on which the judgement of the convention has already been expressed during the same convention.
26. The rules of order and the order of business, once adopted, may be changed only by a two-thirds ($\frac{2}{3}$) vote.
27. Any rule of order and procedure can be temporarily suspended by a two-thirds ($\frac{2}{3}$) majority of the delegates registered.