

*BY-LAWS COMMITTEE
PRESENTATION*



MARCH 2007
PRESIDENTS CONFERENCE



PREAMBLE



UTE BY-LAW 7, Section 4 :

- Each Local shall adopt By-laws for the conduct of its affairs **consistent** with the provisions of these By-laws and the Constitution of the PSAC.

UTE BY-LAW 19, Section 1 :

- **Nothing** in these By-Laws shall be **construed to conflict** with the Constitution of the PSAC.



OBJECTIVES

- To ensure Local By-Laws are in **accordance** with UTE By-Laws.
- To provide suggestions to achieve **consistency** within Locals By-Laws.



Duties of RVP :

UTE Regulation 8.1.(2)(j) :

- Reviews and suggests changes to Local By-Laws.



Local By-Law Review Checklist

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| <ul style="list-style-type: none">● INDEX● STRUCTURE OF LOCALS● ELECTION OF OFFICERS● ELECTION/ SELECTION/ APPOINTMENT OF LOCALS STEWARDS● VACANCIES● FINANCIAL ITEMS | <ul style="list-style-type: none">● AMENDMENTS● DISCIPLINE● DISSOLUTION● DEFINITIONS● GENERAL PROVISIONS● REGULATIONS |
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INDEX

Should have index for ease of reference.

By-Laws should be grouped by subject matter: i.e.

- Name.
- Purpose.
- Membership.
- Structure.
- Duties.
- Elections.
- Financial.
- General.



STRUCTURE OF LOCALS

How many of you have the same structure as this, for their Executive ?

- President,
- Vice president,
- Treasurer,
- Secretary/Administrative Assistant,
- Chief Shop Steward.

What other positions do you have on your Executive?



ELECTION OF OFFICERS

How many Locals have nominations and elections at their AGM ?

How many have nominations and elections prior to the AGM, and swear in the officers at the AGM ?

How many have nominations prior to the AGM and only elections during the AGM ?

Any other variation ?

ELECTION/SELECTION/APPOINTMENT OF LOCALS STEWARDS



- **how many locals elect stewards ?**
- **how many locals select stewards ?**
- **how many locals appoint stewards ?**

- **Appointments – How is it done ?**

Does your local have a maximum number of stewards provided for in your By-Laws ?

ELECTION/SELECTION/APPOINTMENT OF LOCALS STEWARDS



Recommendations:

- Stewards should NOT be elected by the membership. They should be appointed by the local executive.
- Only the Chief Shop Steward should be elected and sitting on the executive of the local.



VACANCIES

- Do your By-Laws have provisions for vacancies ?
- Is the provision by election, succession or appointment ?
- Is there a timeframe for filling vacancies (i.e. after the vacancy occurs) ?

Your By-Laws CANNOT be silent on how vacancies can be filled.

VACANCIES



Recommendations:

- Vacancy in the office of President, should be succession by the Vice-President (1st).
- Vacancy of other officers, should be by election process within a specific timeframe.
- Vacancy not filled by election process, authority may vest with the local executive to appoint.



FINANCIAL ITEMS

- Fiscal period (in By-Laws),
- Auditing of statements (how),
- Handling of property and funds,
- Signing Officers,
- Expenses – Claims.

UTE By-Law 7 section 8 states there is an obligation to forward to the National Office yearly financial statements of the local.

This should be in the local By-Laws as a duty of the Treasurer.



FINANCIAL ITEMS

Recommendations:

- Ensure financial items are in your By-Laws and /or Regulations.
- You are the custodian of the members dues.

AMENDMENTS



Do you have provisions for amending your By-Laws ?

By-Laws MUST include a provision for the amendment of By-Laws.

AMENDMENTS



Recommendation:

- Provision to amend By-Laws can only be done at an AGM by a two thirds (2/3) majority vote of the members presents.



DISCIPLINE

- Must conform to the UTE By-Laws and PSAC Constitution :
 - UTE By-Law 11 and Regulation 26,
 - PSAC Constitution Section 25 and Regulation 19.

Does your local have provisions for Recall or allow for Petitions for the removal of officers ?



DISCIPLINE

Recommendations:

Must have provisions for discipline in accordance with the PSAC Constitution and UTE By-laws for the purposes of;

- What constitutes discipline,
- Disciplinary procedures.

Those locals who have recall or petition mechanisms for the removal of officers should remove those provisions.



DISSOLUTION

- Your By-Laws MUST have a provision that states :

The Local may be dissolved by a two-thirds (2/3) majority vote of the local membership, by way of a secret ballot supervised by the National Office.

DISSOLUTION



Note:

- All **assets** of a dissolved local immediately become the property of UTE.
- **Members** of a dissolved local will be re-allocated to another UTE local by direction of the National President or Executive Council.



DEFINITIONS

- Definitions are good. They help to provide clarification of items such as :
 - Acronyms: **PSAC** – **P**ublic **S**ervice **A**lliance of **C**anada,
 - **President** should be defined as **Local President**,
 - **National President** defined as **National President of UTE.**

GENERAL PROVISIONS



- **Quorum :**
 - For all meetings of your local, i.e. committees, executive meetings, AGM's and Special Meetings should be **outlined in the By-Laws.**

GENERAL PROVISIONS



Recommendations :

- Committees and Executive Meetings should be 50% of the participants.
- AGM and Special Membership Meetings MUST be defined in the By-Laws.
- By-Laws should include the following statement concerning quorum:

« No business may be legally transacted at a meeting unless the required quorum is present ».

GENERAL PROVISIONS



- **RULES OF ORDER :**

- The rules of procedure at all meetings of the local, shall be according to the UTE Rules of Order adopted by the Executive Council on June 2002 with subsequent amendments.
- Items that are not specifically covered by the UTE Rules of Order shall be according to Rules of Order for PSAC meetings adopted by the National Board of Directors of the PSAC on January 24, 1974, with subsequent amendments.



REGULATIONS

- By-Laws are the **WHAT** of the organization,
- Regulations are the **HOW** of the By-Laws.



REGULATIONS

- **Examples :**

- Clarifying **how** a By-Law is administered such as UTE By-Law 11 and Regulation 26.
- Items not directly linked to By-Laws such as UTE Protocol on Mourning.



The By-Laws Committee



**Thanks you
for Listening!**