



## **BY-LAWS**

### **PUBLIC SERVICE ALLIANCE OF CANADA**

**LOCAL 90140, COMMISSIONAIRES OF PRINCE EDWARD ISLAND**

**As adopted by the 2007 Founding Annual General Meeting**

**at Charlottetown, Prince Edward Island**

**and as amended by the Annual General Meeting**

**in**

**Charlottetown, Prince Edward Island, February 28, 2019.**

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## **BY-LAWS**

### **PUBLIC SERVICE ALLIANCE OF CANADA**

#### **LOCAL 90140 COMMISSIONAIRES OF PRINCE EDWARD ISLAND**

##### **BY-LAW 1 – NAME AND JURISDICTION**

- 1.1 The name of this organization will be known as the Public Service Alliance of Canada, Local 90140, Commissionaires of Prince Edward Island. It will be Directly Chartered as Local 90140 of the Public Service Alliance of Canada (PSAC), affiliated with the Canadian Labour Congress.
- 1.2 This PSAC Directly Chartered Local (DCL) 90140, hereinafter referred as to the “Local”, shall be governed by these By-Laws and comply with the Public Service Alliance of Canada (PSAC) Constitution and Regulations.

##### **BY-LAW 2 – PURPOSE AND OBJECTIVES**

- 2.1 The purpose and objectives of the Local are:
  - (a) To unite all members of the Local in a single democratic organization.
  - (b) To obtain through democratic means for all members of the Local (as defined in By-Law 3), the best possible standard of wages, benefits, and other conditions of employment.
  - (c) To provide representation and to protect the rights and interests of all members of the Local.

##### **BY-LAW 3 – MEMBERSHIP**

- 3.1 All members of the Local shall respect and comply with the definition of member in good standing contained in the PSAC Constitution and Regulations.

#### **BY-LAW 4 – MEMBERSHIP RESPONSIBILITIES**

- 4.1 Every individual member of the Local is deemed to agree by and to be bound by the provisions of these By-Laws, upon applying for membership in the Local or continuing membership in the Local.
- 4.2 All members of the Local shall be entitled to membership rights and privileges in accordance with the PSAC Constitution and Regulations and applicable legislation.

#### **BY-LAW 5 - FORM OF ORGANIZATION**

- 5.1 This PSAC 90140 Local shall be composed of members employed by the Canadian Corps of Commissionaires (N.B. & P.E.I. Division, INC.)
- 5.2 The membership in this Local shall elect, in accordance with the provisions of these By-Laws, not less than three (3) officers who shall be President, a Vice-President and a Secretary-Treasurer to conduct their affairs. For the purpose of efficiency and ease of operation, a Local may divide the responsibilities of the office of Secretary-Treasurer into two separate positions of Secretary and Treasurer. Signing officers shall be the President, Vice-President and Treasurer. Their term of office shall not exceed two (2) years without re-election.
- 5.3 This Local shall adopt By-Laws for the conduct of its affairs consistent with the provisions of the PSAC Constitution and Regulations. This Local shall submit a copy of their current By-Laws and any Regulations to their PSAC Regional Executive Vice-President every time they are amended by the membership.
- 5.4 The Local shall ensure that the PSAC's anti-harassment statement is read at all the Local meetings, socials and functions and that at least one (1) anti-harassment coordinator is identified.

## **BY-LAW 6 - ADMINISTRATIVE STRUCTURE**

### 6.1 Composition of the Executive

The Executive shall consist of the following elected officers of the Local:

- (a) President
- (b) Vice-President
- (c) Secretary/Treasurer\*
- (d) Chief Shop Steward
- (e) Trustee

\*For the purpose of efficiency and ease of operation, the Local may divide the responsibilities of the office of Secretary-Treasurer into the following: Secretary and Treasurer. The election procedure set forth in these By-Laws shall apply.

### 6.2 Executive Duties and Responsibilities

- (a) The executive shall exercise all the powers afforded them and perform all duties in accordance with these By-Laws;
- (b) Discharge all duties and obligations imposed upon them by the Local and PSAC Constitution and Regulations;
- (c) Be vested with the authority to deal with all matters affecting the business, purpose, aims, and objectives of the Local;
- (d) Be vested with the authority to spend Local funds for the benefit of the members, in keeping with these By-Laws;
- (e) Approve all expenditures of the Local;
- (f) Approve all expenses to be reimbursed (with receipts) to any officer of the Executive (or membership);
- (g) The Executive has a maximum expense limit of \$300 per event and \$100 per item. Anything greater must be approved by the membership.

### 6.3 Honorariums

(a) Executive Honoraria:

Honorariums for executive officers shall be paid, *at maximum*, at the following annual rates:

- President: \$750
- Vice-President: \$375
- Treasurer: \$375\*
- Secretary: \$375\*
- Chief Shop Steward: \$560
- Trustee: \$375

*\*if combined Sec-Treas: \$560*

(b) Executive Honoraria shall be paid 4 times a year (quarterly) following each completed 3 months' service upon initial election/appointment. This payment shall be pro-rated accordingly;

(c) Sick Benefit honorarium:

Members in good standing shall be eligible for a payment of \$300 after being absent from work thirty days or more for medical reasons and with the confirmation of the member's employer or supervisor. This benefit shall only be accessed once per year, per member in good standing.

### 6.4 Executive Meetings

- (a) The Executive shall meet at the call of the President or at the request of two (2) members of the Executive;
- (b) Meetings of the Executive shall normally be held in the Charlottetown office of PSAC or other locations as required and confirmed in the notice of meeting;

- (c) The Local Executive shall hold, as a minimum, regular quarterly Executive meetings for the proper conduct of the Local's affairs;
- (d) The President (or their designate) may, instead of convening a meeting at a specified place and date, hold a telephone conference if the subject matters can be so dealt with;
- (e) A special meeting may be called by the Executive to deal with an issue requiring immediate attention. A special meeting shall have power to deal only with the matters specified in notice of the special meeting.

## 6.5 Committees

- (a) There may be ad-hoc Committees as established by the executive;
- (b) All Committees shall submit a written report on their activities to each regular Executive meeting.

## 6.6 Vacancies

- (a) If a vacancy occurs in the post of any Local Officer for more than 3 months, an acting officer shall be appointed by the President (or their designate) from within the Executive with the consent of the Executive member so named;
- (b) If the office of the President, Vice President, Treasurer, Secretary, Chief Shop Steward or Trustee becomes vacant or if the incumbent becomes unable to perform the duties of the position, six (6) months or more prior to the Annual General Meeting, an election shall be held to fill the vacancy;
- (c) All nominees for office must be members in good standing of PSAC and have indicated in writing or verbally that they are prepared to stand for office;
- (d) Any member standing for office who is not present at the election must have prior written confirmation of their willingness to stand for election.

## **BY-LAW 7 – ELECTION OF OFFICERS**

- 7.1 The election of officers shall be by secret ballot and decided by simple majority (50% +1) of those voting. A ballot shall be distributed to all members in good standing entitled to vote for each office. Each member in attendance entitled to vote shall write on the ballot the name of his or her choice for the office called. The term of office shall be for two (2) years or the remainder of the term, in accordance with these By-Laws (e.g. vacancy). Officers shall not hold Office for more than 2 consecutive terms in the same position without a 1 term break.
- 7.2 The President and Secretary-Treasurer (or if position is split, only the Treasurer) and Chief Shop Steward will be elected in odd years and the Vice-President and Secretary (if Secretary-Treasurer position is split) and Trustee will be elected in even years.

***\*\*\*N.B. For the February 28, 2019 AGM, in order to transition to these By-Laws, elections will be held in the following manner in order to implement the officer election process on a go-forward basis. NEXT ELECTIONS will be held as follows:***

- President: 2-year election (next election fall 2021);
  - Treasurer: 2-year election (next election fall 2021);
  - Trustee: 2-year election (next election fall 2021);
  - Vice-President: 1-year election (next election fall 2020, then this position will be elected for a two-year term);
  - Secretary (if split from Secretary-Treasurer): 1-year election (next election fall 2020, then this position will be elected for a two-year term);
  - Chief Shop Steward: 1-year election (next election fall 2020, then this position will be elected for a two-year term);
- 7.3 All nominees must be members in good standing of PSAC and be in attendance at the time of the election or have given prior written consent to stand for election to the Nominations Committee. All nominees must be duly moved and seconded by members in good standing in attendance at the meeting.



- 7.4 A member may accept a nomination while holding position in another office. If the member is successful in the election, their prior position will be declared vacant and be filled in accordance with these By-Laws.
- 7.5 In the event of more than two (2) candidates for any office, the candidate receiving the lowest number of votes shall be dropped from the ballot whenever a clear majority of the votes cast is not accorded any candidate. This procedure shall continue on each succeeding ballot for the position until a candidate receives the necessary clear majority.
- 7.6 In the event of only one (1) candidate runs for office, the election shall be considered an uncontested election and candidate shall be elected by acclamation.
- 7.7 At least 30 days prior to an Annual Meeting, the President (or designate) shall appoint a Nominations Committee of not less than two (2) members, who are not running for election, which shall decide their own Chairperson.
- 7.8 Written nominations signed by the nominee, their nominator and seconder, all of whom must be members in good standing of PSAC, shall be submitted to the Nominations Committee.
- 7.9 The duties of the Nominations Committee shall be to:
  - (a) receive nominations for all executive officers;
  - (b) verify the eligibility of nominees;
  - (c) ascertain the willingness of nominees to accept and perform the duties of any office they may be elected; and
  - (d) to submit a nominations report of nominations received to the Nominations Committee Chairperson
- 7.10 The Chairperson of the Nominations Committee may conduct the elections or delegate this function to the senior attending PSAC elected officer (or their designate) in attendance.
- 7.11 The Chairperson of the Nominations Committee (or their designate) shall report to the meeting the nominations received for each election and shall call three times for further nominations from the floor.

- 7.12 There shall be separate elections for the offices of President, Vice-President, Treasurer, Secretary (Secretary-Treasurer), Chief Shop Steward and Trustee as required.
- 7.13 As the election for each office is called, the nominee or their nominator or seconder may speak in reverse order of nomination to the assembly on behalf of the nominee for a period of not more than three (3) minutes.
- 7.14 The oath of office shall be administered to all elected officers as soon as possible upon the conclusion of elections.

### **BY-LAW 8 – DUTIES OF OFFICERS**

#### **8.1 President**

- (a) The President shall preside at all membership meetings of the Local and at meetings of the Executive, and he/she shall supervise other officers in the exercise of their respective duties;
- (b) The President shall be responsible to the Executive Committee and to the membership of the Local;
- (c) The President shall be an “ex officio” member of all standing and special committees. He or she shall, with approval of the Executive officers, appoint all committee chairs and committee members;
- (d) The President shall perform all duties that are incidental to the office of the President;
- (e) The President shall discharge all duties and obligations imposed upon them by the AGM and/or Executive;
- (f) The President shall submit written reports on their activities at each regular meeting of the Executive and to the Annual General Meeting;
- (g) Shall have signing authority for Local expenditures.

## 8.2 Vice-President

- (a) The Vice-President shall perform the duties of the President in the absence of that officer and any other duties delegated to the Vice-President by the President;
- (b) The Vice-President shall submit written reports on assigned responsibilities at each regular meeting of the Executive or Annual General Meeting;
- (c) If the office of President becomes vacant between Annual General Meetings, the Vice-President shall exercise all the functions and shall be vested with all the powers of the President until an election is held as per By-Law #7.6;
- (d) In the temporary absence of the President and with the concurrence of the President, the Vice-President shall exercise all the functions and shall be vested with all the powers of the President;
- (e) In circumstances not covered by these By-Laws, the Executive Members shall have authority to appoint persons to these positions temporarily;
- (f) Shall attend all meetings held by the Local;
- (g) Shall have signing authority for Local expenditures.

## 8.3 Treasurer

- (a) The Treasurer shall receive and give receipts for all monies due to the Local and shall deposit such monies in the name of the Local;
- (b) The Treasurer shall pay all bills authorized for payment by the Local, or Executive, except that no authorization shall be required for routine office expenditures and routine transmission of funds to the Public Service Alliance of Canada (PSAC);
- (c) The Treasurer shall keep complete and accurate records of accounts and membership dues payments and shall report on the Local's finances at all Executive and membership meetings of the Local;

- (d) The Treasurer whenever called upon by the Executive or by the Local shall present his/her accounts for audit any time the Executive or Local requires;
- (e) The Treasurer shall be responsible for any property owned or leased by the Local;
- (f) Shall attend all meetings held by the Local;
- (g) Shall have signing authority for Local expenditures;
- (h) Shall provide annual financial reports to PSAC in compliance with the PSAC Constitution.

#### 8.4 Chief Shop Steward

- (a) The Chief Shop Steward (or a Local officer that has been designated by the Local President) shall conduct all investigations of grievances after Step 1 of the grievance procedure;
- (b) The Chief Shop Steward (or a Local officer that has been designated by the Local President) shall be responsible for the arrangement of any and all meetings held at Step 2 of the grievance procedure;
- (c) The Chief Shop Steward (or a Local officer that has been designated by the Local President) shall maintain the grievance files and report the status of all grievances to the Executive at the regular Executive meetings;
- (d) The Chief Shop Steward (or a Local officer that has been designated by the Local President) shall render assistance to the Shop Stewards as required;
- (e) Shall attend all meetings held by the Local;
- (f) The Chief Shop Steward (or a Local officer that has been designated by the Local President) will provide original documents (a paper file) to the PSAC Regional office for all referrals to arbitration. File is to include steward fact sheet, grievance and transmittal forms, response of the Employer at each level, arguments presented during grievance hearings

and any other documentation in chronological order. They may also be required to assist the assigned PSAC Legal Counsel/Grievance and Adjudication/Arbitration Officer as required.

#### 8.5 Secretary

- (a) The Secretary shall keep a correct, full, and impartial account of the proceedings of each meeting of the Local;
- (b) The Secretary shall notify members of the time and place of the Local meetings, and shall be responsible for such other notices to the membership as are provided in these By-Laws;
- (c) The Secretary shall maintain the confidential official membership list and update as required;
- (d) Shall attend all meetings held by the Local;
- (e) The secretary shall undertake any other additional duties as assigned from time to time by the President or the Executive.

#### 8.6 Trustee

- (a) The Trustee shall audit the books of the Treasurer (Secretary-Treasurer) and shall exercise general supervision over the property and books of the Local to ensure the efficient and honest administration of the Local;
- (b) The trustee shall report annually at a general meeting of the Local on the condition of the funds and accounts;
- (c) Shall attend all meetings held by the Local.

### **BY-LAW 9 – MEMBERSHIP DUES**

9.1 The membership dues which shall be levied by the Local upon each and every member and retained by the Local out of the dues collected each month shall be as follows:

- (a) The monthly equivalent of the amount set by the Triennial National Convention to be paid to the Local;
- (b) Plus, where applicable, the monthly equivalent of any additional amount as prescribed in Section 11, sub-section 12 of the PSAC Constitution.

9.2 Local Dues “Duly called meeting of the Local” shall mean that:

- (a) The notice calling the meeting shall state specifically that the matter of the dues will be a subject of discussion and decision by a two-thirds majority of members attending;
- (b) The notice shall be signed and dated by the President of the Local (or official designate);
- (c) A copy of the notice shall be posted or circulated at least thirty (30) calendar days prior to the date of the meeting in such a manner that the members will be made aware of the meeting;
- (d) A copy shall be provided to the PSAC staff advisor to the Local, who will be responsible for onward submission to the PSAC Atlantic Regional Executive Vice-President’s office.

9.3 Where payroll deductions have been authorized by and paid on behalf of a member, the per capita rebate on behalf of such member shall be due and payable to the Local.

#### **BY-LAW 10 – MEMBERSHIP MEETINGS**

- 10.1 There shall be a minimum of one (1) general membership meeting per year within the months of September, October, or November for the purpose of presenting its financial statements, receiving annual reports from Local officers, consideration of such business as may be required by Local By-Laws and the holding of election of officers as required by these By-Laws.
- 10.2 Additional (emergency) meetings of the membership of the Local may be held whenever warranted, subject to the provisions of these By-Laws.
- 10.3 A special meeting shall be called by the President (or their designate) at the request of no less than 21 members of the Local. Such request for a Special Meeting by the membership shall be in writing. A Special Meeting shall

have the power to deal only with the matters specified in the written request.

10.4 Notice of any Special Meeting shall be given to the membership by the Local not less than sixty (60) calendar days prior to the opening date of the Annual General Meeting. Such notice will state the matters to be dealt with.

10.5 A quorum for a General Membership meeting shall consist of a minimum of ten (10) members in good standing, including three (3) executive officers.

#### 10.6 Conventions

(a) The Local shall have the right to elect at a general meeting, held within a period of not more than twelve (12) months and not less than six (6) months prior to the commencement of the PSAC National Triennial Convention of the PSAC, a delegate and alternate(s) to the forthcoming PSAC National Triennial Convention. Only dues-paying members in good standing shall be eligible for election as Convention delegates and alternates.

### **BY-LAW 11 – FUNDS AND PROPERTY**

11.1 The funds and property of the Local, and all monies collected on behalf of the Local, are the property of the Local and cannot be divided among members individually in the event of dissolution of the Local other than by direction of the Public Service Alliance of Canada or other lawful means.

### **BY-LAW 12– FINANCES**

12.1 The fiscal year shall be January 1 to December 31.

12.2 Officers of the Local may not enter into any financial contractual understanding or agreement on behalf of the Local without prior approval from the Executive and in accordance with these By-Laws.

- 12.3 The Local shall approve three signing officers of whom any two (2) shall sign all cheques. A signing officer may not sign a cheque issued to themselves. All disbursements shall be made in accordance with these By-Laws.

### **BY-LAW 13– TRUSTEESHIP**

- 13.1 If in the opinion of the PSAC National Board of Directors (NBoD) and the PSAC Alliance Executive Committee (AEC), the Local has not carried out its responsibilities, it may be in violation of the PSAC Constitution and Regulations and a Trustee with the responsibility to manage the Local's affairs may be appointed by the PSAC.

### **BY-LAW 14 – AMENDMENTS TO BY-LAWS**

- 14.1 These By-Laws may be amended by any membership meeting upon the submission of the proposed amendments by the Executive on its own motion or by petition signed by not less than twenty percent (20%) of the membership in good standing at the time of the petition. Such proposed amendments shall be sent to the membership no less than thirty (30) days prior to the meeting with notice of the time and place of the meeting.

### **BY-LAW 15 – INTERPRETATION**

- 15.1 The By-Laws shall be interpreted by the Executive and subject to appeal to the membership meeting and to the Public Service Alliance of Canada. Final interpretation of these By-Laws shall fall under the jurisdiction of the PSAC Atlantic Regional Vice-President and the National President of the PSAC.
- 15.2 Questions of procedure which are not included in these By-Laws or in the Public Service Alliance of Canada Constitution and Regulations shall be governed by Bourinot's Rules of Order.