

Proposed Changes by CUPE Local 1310 appear in ***bold italic underline***

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**P R E A M B L E**

In order to improve the social and economic welfare of its members without regard to sex, colour, race or creed, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, this Local of the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed.

The following Bylaws are adopted by the Local pursuant to, and to supplement, The CUPE Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities. **In all cases of discrepancy, the Constitution shall overrule the Bylaws.**

#### **SECTION 1 - NAME**

The name of this Local shall be: Canadian Union of Public Employees, Local No. 1310( Simcoe County District School Board).

#### **SECTION 2 - OBJECTIVES**

The objectives of the Local are to:

- (a) secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
- (b) support CUPE in reaching the goals set out in Article II of the CUPE Constitution;
- (c) provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (d) encourage the settlement by negotiation and mediation of all disputes between the members and their employers;
- (e) establish strong working relationships with the public we serve and the communities in which we work and live.

### **SECTION 3 - INTERPRETATION and DEFINITIONS**

- (a) Masculine pronouns shall be understood to include the feminine gender.
- (b) Numbers of Articles at the end of sections or sub-sections refer to relevant articles of the CUPE Constitution (1999) which should be read in conjunction with these bylaws.

### **SECTION 4 - MEMBERSHIP MEETINGS - Regular and Special**

- (a) Regular membership meetings shall be held in September, November, January, and May on the last Saturday of the month at 10 A..M. If a statutory holiday intervenes the Executive Board shall give a week's notice of any change in the date of the regular meeting.
- (b) Area membership meetings shall be held 3 times a year at a time and location as decided by the **Area Stewards**. Such time and location shall be communicated to members of the various areas, in order that they may attend. The **Area** Steward shall be the chairperson of Area Meetings.
- (c) Special membership meetings may be ordered by the Executive Board or requested in writing by no fewer than 25 members. The President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least twenty-four (24) hours' notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.
- (d) A quorum for the transaction of business at any regular or special meeting shall be 25 members, including at least three (3) members of the Executive Board.

(d) The order of business at regular membership meetings is as follows:

1. Roll call of Officers
2. Recognition of new members and Initiation
3. Reading of Minutes of previous meeting.
4. Matters arising out of the Minutes.
5. Treasurer's report
6. Communications and bills
7. **Executive Committee report**
8. Reports of committees and delegates
9. Nominations, Elections, or Installations
10. Unfinished business
11. New business
12. Good of the Union
13. Adjournment

(Article B.VIII)

#### **SECTION 5 - VOTING OF FUNDS**

Except for ordinary expenses and bills as approved at membership meetings, no sum over fifty(50) dollars shall be voted for the purpose of a grant or contribution to a member or any cause outside CUPE, except by a notice of motion given in writing and dealt with at the following membership meeting.

(Article B.4.4)

#### **SECTION 6 - OFFICERS**

The officers of the Local shall be the President, Vice-President, **Treasurer**, Recording Secretary, seven **Area Stewards**, of which one will represent **Maintenence Workers**, three (3) Trustees, and a Sargeant-at-Arms. All officers shall be elected by the membership.

(Articles B.2.1 & B.2.3)

#### **SECTION 7 - EXECUTIVE BOARD**

(a) The Executive Board shall comprise all officers, except Trustees, and Sargeant-at-Arms..

(Article B.2.2)

- (b) The Board shall meet at least once every month.  
(Article B.3.14)
- (c) A majority of the Board constitutes a quorum.
- (d) The Executive officers shall hold title to any real estate, **and all property** of the Local as trustees for the Local. They shall have no right to sell, convey, or encumber any real estate, **or property** without first giving notice and then submitting the proposition to a membership meeting and having it approved.
- (e) The Board shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees.
- (f) All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution.  
(Articles B.6.1 to B.6.5)
- (g) Should any Board member fail to answer the roll call for three consecutive regular membership meetings or four regular Board meetings without having submitted good reasons for those failures, his office shall be declared vacant and shall be filled by an election at the following membership meeting.
- (h) **Any officer who resigns to accept any management position, shall be prohibited from holding any Executive position, until the end of the regular two(2) year term.**  
(Article B.2.5)

### **SECTION 8 - DUTIES OF OFFICERS**

- (a) The President shall:
- enforce the CUPE Constitution and these bylaws;
  - preside at all membership and Executive Board meetings and preserve order;
  - decide all points of order and procedure (subject always to appeal to the membership);

- have a vote on all matters (except appeals against his rulings) and in case of a tie vote in any matter, including elections, have the right to cast an additional vote to break the tie;
- ensure that all officers perform their assigned duties;
- fill committee vacancies where elections are not provided for;
- introduce new members and conduct them through the initiation ceremony;
- sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, bylaws, or vote of the membership;
- be allowed necessary funds, to reimburse himself or any officers for expenses supported by vouchers, incurred on behalf of the Local;
- have first preference as a delegate to the CUPE National Convention.

(Article B.3.1)

(b) The Vice-President shall:

- if the President is absent or incapacitated, perform all duties of the President;
- if the office of President falls vacant, be Acting President until a new President is elected;
  - Be Chairman at Executive Board Meetings;
  - Assist the the Recording Secretary, and the Sargeant-at-Arms, in recording attendance at General Meetings.
- render assistance to any member of the Executive Board as directed by the Executive Board.

- In the case of vacancy in the office of President, the Vice-President shall assume the duties of the President for the completion of the term, and there shall be an election for the office of Vice-President as provided in Section 11.

(Article B.3.2)

c) The Treasurer shall:

- receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union approved by the membership;
- prepare all CUPE National per capita tax forms and remit payment monthly, if applicable.
- record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices;
- be bonded for not less than \$500.00( or any greater sum as may be decided at a membership meeting ), taking into account the assets of the Local, and the amount of cash and cheques handled by the Treasurer, through the Master Bond held by the National Office.
- make a financial report to the Executive Board monthly;
- pay no money unless supported by a voucher duly signed by the President, or in his absence, by two other members of the Executive Board, except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated;
- make all books available for inspection by the auditors and/or Trustees on reasonable notice, and have the books audited semi-annually;
- provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE;
- not later than January 31<sup>st</sup>, and July 31<sup>st</sup> each year;

- furnish, on the forms supplied by the National Office, each member's statement showing the net amount of tax-deductible dues paid by him/her during the preceding calendar year;
- be empowered, with the approval of the President, to employ necessary clerical assistance to be paid for out of the Local's funds. Such employment shall be reported the next General Membership Meeting.

(d) The Recording Secretary shall:

- keep full, accurate and impartial account of the proceedings of all regular or special membership and Executive Board meetings;
- record all alterations in the bylaws;
- answer correspondence and fulfil other secretarial duties as directed by the Executive Board;
- file a copy of all letters sent out and keep on file all communications;
- prepare and distribute all circulars and notices to members;
- have all records ready on reasonable notice for auditors and Trustees;
- preside over membership and Board meetings in the absence of both the President and the Vice-President;
- be empowered, with the approval of the membership, to employ necessary stenographic or other assistance to be paid for out of the Local's funds;
- on termination of office, surrender all books, seals and other properties of the Local to their successor.

(Article B.3.3)

(e) The Area Steward shall:

- Handle all written grievances in their area, under the grievance procedure;
- Report all submitted grievances to the President, within twenty-four hours of receipt, and subsequently to the Executive Board.
- Chair all area membership meetings.
- Attend all Executive Board Meetings.
- Report to the Executive Board, the transactions of area meetings.
- Serve as a member of the Social Committee.
- Serve as a member of the Sick Committee
- Serve as a member of the Grievance Committee.

f) The Sergeant-at-Arms shall:

- guard the inner door at membership meetings and admit no one but members in good standing or officers and officials of CUPE, except on the order of the President and by consent of the members present;
- Not permit any member to retire from the meeting without the permission of the chairperson;
- Examine all present at meetings, and report to the Chairperson any without membership cards, and allow none without cards to remain;
- Obtain the names of all those waiting for initiation and report these to the Chairperson.
- perform such other duties as may be assigned by the Executive Board from time to time.

(g) The Trustees shall:

- act as an auditing committee on behalf of the members and audit the books and accounts of the Treasurer, the Recording Secretary and the Standing Committees semi-annually
- report their findings to the first membership meeting following the completion of each audit;
- submit in writing to the President and Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the

Local Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct and proper manner;

- be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
- ensure that proper financial reports are made to the membership, By February 28<sup>th</sup>, and the 3<sup>RD</sup> Saturday of September.
- audit the record of attendance;
- inspect at least twice a year any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local, and report their findings to the membership;
- send a copy of the completed audit report (on the prescribed form provided by the National Secretary-Treasurer), as well as a copy of their report to the Local Union membership along with a copy of their recommendations and/or concerns to the President and Treasurer and the Secretary-Treasurer's response, to the National Secretary-Treasurer of the Canadian Union of Public Employees, with a copy to the assigned servicing representative;

(Articles B.3.10 to B.3.12)

#### **SECTION 9 - OUT-OF-POCKET EXPENSES**

The following expense allowance shall be provided:

<u>President</u>	<u>\$1600.00</u>
<u>Vice-President</u>	<u>\$1000.00</u>
<u>Treasurer</u>	<u>\$1300.00</u>
<u>Recording Secretary</u>	<u>\$1300.00</u>
<u>Area Stewards</u>	<u>\$1000.00</u>
<u>Sargeant-at-Arms</u>	<u>\$300.00</u>
<u>Trustees</u>	<u>\$300.00</u>
<u>Negotiation Team</u>	<u>\$300.00 per</u>
<u>member</u>	

(a) Mileage Allowance

- Members required to use their vehicles in execution of the duties as officers or as a member of committees, shall be reimbursed for such use of their vehicles at the same rate as the Employer compensates its employees per kilometer.

**SECTION 10 - FEES, DUES, and ASSESSMENTS**

(a) Initiation Fee

Each application for membership in the Local shall be directed to the **Treasurer** and shall be accompanied by an initiation fee of **\$10.00** dollars which shall be in addition to monthly dues. The **Treasurer** shall issue a receipt. If the application is rejected the fee shall be returned.

(Articles B.4.1 & B.10.2)

(b) Readmittance Fee

The readmittance fee shall be **ten** dollars. **(\$10.00)**

(Articles B.4.1 & B.11.2)

(c) Monthly Dues

The monthly dues shall not be less than **1.50%** of their regular monthly wage, excluding overtime and premium pay .

(Article B.4.3)

Changes in the levels of the Initiation Fee, the Readmittance Fee, or the Monthly Dues can be effected only by following the procedure for amendment of these bylaws (see Section 16), with the additional provision that the vote must be by secret ballot.

(Articles B.4.1 & B.4.3)

Notwithstanding the above provisions, if the CUPE Convention raises minimum fees and/or dues above the level herein established, these bylaws will be deemed to have been automatically amended to conform to the new CUPE minima.

Special assessments may be levied in accordance with Article B.4.2 of the CUPE Constitution. (Article B.11.1)

**SECTION 11 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS**

(a) Nomination

Elections shall take place bi-annually in the month of January. Nominations shall be received at the regular membership meeting held in the month of January. No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting his consent in writing, duly witnessed by another member. No member shall be eligible for nomination if he is in arrears of dues and/or assessments.

**Any member accepting nomination shall be allowed two(2) minutes to speak to the membership if they so desire.**

(b) Elections<sup>11</sup>

- (1) At the membership meeting where elections are to take place, the President shall, subject to the approval of the members present, appoint an Elections Committee consisting of a Returning Officer and assistant(s). The committee shall include members of the Local who are neither officers nor candidates for office. It shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.
- (2) The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
- (3) The Returning Officer shall be responsible for issuing, collecting, and counting ballots. He must be fair and impartial and see that all arrangements are unquestionably democratic.

- (4) The voting shall take place at the regular membership meeting in January <sup>12</sup>. The vote shall be by secret ballot.
- (5) Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
- (6) A majority of **50% plus 1 vote** shall be required before any candidate can be declared elected, and second and subsequent ballots shall be taken, if necessary, to obtain a majority. On the second and subsequent ballots the candidate receiving the lowest number of votes in the previous ballot shall be dropped. In case of a final tie vote, the **President/** presiding officer may cast the deciding vote.
- (7) Any member may request a recount of the votes for any election and a recount shall be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as laid down in Section 4 (c), or by a majority of those in attendance at the meeting, whichever is the lesser.

(c) Installation

- (1) All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for a period of two (2) years, or until a successor has been elected and installed.

(Article B.2.4)

- (2) Notwithstanding the foregoing, the terms of office for Trustees shall be as laid down in Article B.3.10 of the CUPE Constitution.

(d) By-Elections:

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Should an office fall vacant pursuant to Section 7 (g) of these bylaws or for any other reason, the resulting by-election should be conducted as closely as possible in conformity with this Section.

## **SECTION 12 - DELEGATES TO CONVENTIONS, COUNCILS AND SEMINARS**

- (a) Except for the President's option [Section 8 (a)], all delegates to conventions shall be chosen by election at **Executive** meetings.

(b) All delegates elected to the conventions held outside the County of Simcoe shall be paid transportation expenses (at economy, tourist or coach rates), accommodation expenses and an out of pocket expense of \$65.00 per day, and an amount equal to any loss of salary necessitated in order to attend.

- (c) Attendance at seminars held locally shall have travel allowance and an out of pocket expense of twenty dollars (\$20.00), per day, and compensation for any loss of salary.

- (d) Representation at educational institutes and seminars shall be on the recommendation of the Executive Board, subject to final approval by the membership (**where time lines permit, or by the Executive Board**).

- (e) Delegates to Councils shall be elected annually in the month of January.

- (f) Travel allowance shall be equal to **Employer** rates in kilometres as per Section 9.

## **SECTION 13 - COMMITTEES**

- (a) Negotiating Committee

This shall be a special ad hoc committee established at least (5) months prior to the expiry of the Local's Collective Agreement and automatically disbanded when a new Collective Agreement has been signed. The function

of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of five (5) members, the presiding President and four (4) members elected at a membership meeting. Of the four members elected, at least one member will come from the Maintenance Staff. This Rep will act as liaison between the Committee and the Maintenance Staff, and will be assigned to investigate and develop Maintenance Staff concerns and proposals, and to submit such concerns and proposals during negotiations. If all elected members decline the nomination to this position, at his/her discretion, the President may either stand in this position, or appoint another member to stand. The CUPE representative assigned to the Local shall be a non-voting member of the Committee, and shall be consulted at all stages from formulating proposals, through negotiations to contract ratification by the membership.

(b) Special Committees

A special ad hoc committee may be established for a specified purpose and period. The President shall appoint a chairperson from the Executive, and two members (or more) may be selected from the membership.

(b1) Grievance Committee

All grievances are the property of the Local. The Grievance Committee shall consist of the President, one (1) Executive Officer, and the Area Steward who processed the grievance. Grievances must be in writing on forms provided by the National Office and signed by the complainant or by the Union Officer.

(b2) Grievance Finalization Committee:

This committee is composed of the Executive Board and shall be empowered to determine on behalf of the Local, action to be taken and the final disposition of the grievance. When a grievance is to go to arbitration, the membership shall approve funds.

In the event that the grievance is to be withdrawn, the Grievor shall be advised in writing, with the reasons for the decision of the Executive Board, pointing out the set time limits as set down in the Collective Agreement.

(c) Social Committee

This committee shall consist of all seven Area Stewards. It shall be the duty of this committee:  
-To extend the Local's condolences in the event of death of a member. or a member of their immediate family, as outline in Article 14:03 (a) of the Collective Agreement, and to make any other appropriate gesture in accordance with the customs and wishes of the family concerned, being a donation of \$25.00.

If a member is ill for more than a week, to have sent some token of the Local's concern and desire to help, whether the member is at home or in hospital. (The committee shall have complete authority to decide when a member is truly deserving of such consideration).

-It shall be reimbursed by the Executive Board for expenses incurred in the performance of its duties. The Vice-President shall be a member, ex officio of this committee.

-To arrange and conduct all social and recreational activities of the Local either on the committee's own initiative, or as a result of decisions taken at membership meetings.

-It shall submit reports and proposals to the Executive Board or to the membership as required.

-A ceiling for any activity shall be fixed by the membership, but other than that, all social and recreational events and activities shall be self-supporting.

-The Executive Board shall be held responsible for the proper and effective functioning of this committee.

SECTION 14 - RULES OF ORDER

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these bylaws as Appendix "A". These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws.

In situations not covered by Appendix "A", the CUPE Constitution may provide guidance, but, if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied.

#### **SECTION 16 - AMENDMENT**

- (a) These bylaws are always subordinate to the CUPE Constitution (including Appendix "B") as it now exists or may be amended from time to time, and in the event of any conflict between these bylaws and the CUPE Constitution the latter shall govern.

(Articles 9.2(c), 13.3, & B.7.1)

#### **Additional By-Laws:**

- (c) The Local Union may, by a majority vote at a regular meeting, or at a special meeting called for the purpose, make such additional by-laws as it may deem advisable, provided that at least seven (7) days notice at a previous meeting, or at least sixty (60) days written notice has been given. The same shall not become effective until approved by the National President. Such approval shall not be withheld, unless there is a conflict with the Constitution, and further that a decision on this matter shall be rendered within ninety (90) days.

#### **APPENDIX "A" - R U L E S O F O R D E R**

1. The President or, in his absence, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President and Vice-President, the Recording Secretary shall act as President, and in his absence a President pro-tem shall be chosen by the Local.
2. No member, except the Chairperson of a committee making a report or the mover of a resolution, shall speak more than five minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had an opportunity. Chairpersons and movers of a resolution shall be limited to fifteen minutes, except with the consent of the meeting.
3. The President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask: "Is the Local ready for the question?" Should no member rise to speak, the question shall then be put.
4. A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
5. A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
6. On motion, the regular order of business may be suspended by a two-thirds vote of those present, to deal with any urgent business.
7. All resolutions and motions other than those named in Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being put to the Local.
8. At the request of any member, and upon a majority vote of those present, a question may be divided when the sense will admit of it.

9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
10. When a member wishes to speak on a question or to make a motion, he shall rise in his place and respectfully address the presiding officer, but, except to state that he rises to a point of order or on a question of privilege, he shall not proceed further until recognized by the chair.
11. When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection on the Local or member thereof.
- 12(a)The chair shall order that any speaker who is off the topic of the Motion,cease and desist until the motion is dealt with.**
13. If a member, while speaking, is called to order, he shall cease speaking until the point is determined; if it is decided he\she is in order, he\she may again proceed.
14. No religious discussion shall be permitted.
15. The President shall take no part in debate while presiding, but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
16. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he may in addition give a casting vote, or, if he chooses, refrain from breaking the tie, in which case the motion is lost.
17. When a motion is before the Local, no other motion shall be in order except (1) to adjourn (2) to put the previous question (3) to lay on the table (4) to postpone for a definite time (5) to refer (6) to divide or amend, which motions shall have precedence

in the order named. The first three of these shall be decided without debate.

18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be now put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
19. A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
20. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen minutes have elapsed.
21. After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.
22. If any member wishes to challenge (appeal) a decision of the chair, he must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for his challenge. The Chairperson may then state briefly the basis for his decision, following which the Chairperson shall immediately and without debate put the question: "Shall the decision of the chair be sustained?" A majority vote shall decide except that in the event of a tie the chair is sustained.
23. After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
24. No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of officers, or the taking of a vote;

and no member shall be allowed to leave without the permission of the Vice-President.

25. The Local's business, and proceedings of meetings, are not to be divulged to any persons outside the Local or the Canadian Union of Public Employees.

**Proposed revisions, March 2001.**