

LOCAL 104 BYLAWS
APPROVED BY THE PROVINCIAL EXECUTIVE FEBRUARY 18 – 19, 2015

File No. 4480-007

1. NAME

The name of the local shall be local 104 of the B.C. Government and Service Employees' Union.

2. JURISDICTION

(a) The local shall consist of all union members within the Correctional and Sheriff Services component headquartered within the geographic area defined as area number 04 in the component bylaws.

(b) The geographic boundaries of a local may only be changed pursuant to the policy adopted by the provincial executive and contained in Appendix A of these bylaws.

3. OBJECTS

The objects of the local shall be:

(a) To assist in the training of a steward body within the geographic area of the local.

(b) To bring to the attention of the component the wishes of the membership in the form of resolutions and recommendations.

(c) To carry out ratification votes and such other referendums as are from time-to-time required.

4. MEMBERSHIP

Pursuant to Article 4 of the constitution, employees of employers in British Columbia who are certified with the union or have voluntary recognition collective agreements with the union, are eligible for full membership in the union by filling out an "application for membership" card.

5. INITIATION FEE

An initiation fee, if prescribed by law, shall be payable to the union.

6. BYLAWS

The bylaws of the local shall be consistent with the bylaws of the component **and** with the bylaws and constitution of the union, **and if inconsistent with the constitution of the union**, the constitution shall be paramount.

7. MEETINGS

(a) For the purpose of meetings, local shall be as defined in Article 2 of these bylaws.

(b) Local meetings shall be held as determined by the chairperson, or at the **request** of 50% of the stewards or 30% of the local membership.

(c) **Fourteen** clear days' written notice shall be given of local meetings with the exception of **an urgent situation**.

(d) The annual meeting of the local shall be held in March/April on a date to be fixed by the local executive.

(e) The local should meet as often as possible but not less than quarterly. Such meetings shall be at the call of the chairperson.

(f) The order of business of all local meetings may include the following:

1. Call to order
2. Reading of minutes
3. Business arising from minutes
4. Communications
5. Convention report
6. Provincial executive report
7. Component executive report
8. Financial report
9. Reports of officers and committees
10. Reports of stewards
11. Delegate reports (labour council, CLC, NUPGE, BCFL)
12. Unfinished business
13. Nominations, elections and installation of officers
14. New business
15. Good & welfare
16. Adjournment

(g) As soon as possible and not more than 30 days after the date of the annual general meeting, the treasurer of the local shall forward to the treasurer of the component a verified financial statement of the books of the local.

(h) As soon as possible and not more than 30 days after the date of the triennial elections, the local chairperson shall forward to the president a list of the officers and executive of the local.

8. ELECTIONS

(a) **The local nominating period** shall be at least 30 clear days before the date set for local elections for the purpose of nominating candidates for all executive positions in the local for the ensuing three-year term. **The notice of nomination shall be issued before January 31 of that year but not before January 1 as per section 1(e) of the constitutional bylaws.**

(b) Local elections shall commence at least 30 days before the date set for the component elections.

(c) The chairperson of each local shall sit on the component executive as of right. Additional members shall be elected to the component executive by the local executive from the local executive on a per capita basis. One for the first 100 members or part thereof who shall be the chairperson of the local and one for each additional 900 members or major part thereof pursuant to the component bylaws.

(d) Local elections shall be held triennially in March/April on a date to be fixed by the local executive.

(e) The following table officers are to be elected at large:

- (i) the chairperson,
- (ii) a recording secretary,
- (iii) a vice chairperson from each of the following districts within the local:

District I

Ford Mountain Correctional Centre (FMCC)

District II

Abbotsford Court House
 Chilliwack Court House
 Surrey Court House

District III

Surrey Pre-trial Services Centre (SPSC)

District IV

Alouette Correctional Centre for Women (ARCC)

District V

Fraser Regional Correctional Centre (FRCC)

When all table officers are elected, they shall choose which vice chairpersons shall be deemed 1st vice chairperson and 2nd vice chairperson in case of the absence of the chairperson. As well, one executive member shall be elected from each "district" by the members from that district only. District II – Sheriffs, shall be entitled to elect two executive members, one from the Surrey Court House and one from the Abbotsford/Chilliwack Court House, to be elected by the members from that district. The local may designate one member-at-large position to be filled by a young worker representative. (Young workers are defined as 29 years of age or younger.)

- (f) The staff member assigned to the local shall be a member ex-officio of the local executive.
- (g) **In all cases, except for the election of officers at the triennial convention, the candidate(s) receiving the most votes will be declared elected as per section 2(d) of the constitutional bylaws.**
- (h) There shall be no "plumping." Where vacancies in office exist and more than one seat is to be filled, the membership will be clearly instructed as to how many vacancies are to be filled and the number of candidates they must vote for. Where practical this information will be contained on the ballot.
- (i) In the case of nominations for local executive positions, a nomination form shall be made available to all members so that any member may nominate or be nominated for local office. The nomination forms will be provided by the **area office as per section 2(c) of the constitutional bylaws. All candidate names on the ballot will be in random order.** In accordance with the BCGEU constitution and bylaws, bylaw section 2(g), all elections for local officers are by referendum. **No interim local officer elections will be held during the eight months previous to the triennial local officer elections without consulting the component vice president and without a minuted decision by the local executive.**
- (j) ***Steward elections***
- (i) **Steward elections will be held every three years, starting in September of the year prior to the year in which local elections are held. Stewards will serve for three-year terms.**
- (ii) **The local executive will determine the appropriate number of stewards for their local at a common worksite or, if there is no shared worksite, by employer and geographic location. The number of stewards will be determined prior to the opening of nominations for election in September.**
- (iii) **The local executive may not assign less than one steward per worksite, or per 100 members, whichever is greater.**
- (iv) **Stewards at common worksites with more than 100 members will be encouraged to form steward committees and elect amongst themselves a lead steward for the purpose of holding regular meetings to discuss matters particular to the worksite that may arise from time-to-time.**

- (v) **Nominations, balloting and voting for stewards is the same process as outlined in (g)(h) and (i) above.**

(k) *Election Dispute Procedure*

A. A member of a local, eligible to cast a ballot in local election, who alleges there has been an irregularity in the election procedure and wishes to challenge the election, may do so by advising the **vice president** of the Correctional and Sheriff Services Component, in writing, stating the reason(s) and the alleged irregularity. Where the local election being challenged is the same local as the component **vice president**, the president shall appoint an alternate to investigate the complaint.

B. The written challenges must be received by the **vice president** of the component within 10 calendar days of the results of the election being published. The balloting committee shall retain all ballots cast in a local election in safekeeping for a minimum of 30 calendar days of the results of the election being published.

C. The **vice president**, upon receiving a complaint as per A and B above, shall investigate the matter. If, in the opinion of the **vice president**, there has been an irregularity, **they** shall order another ballot in respect to the election where the irregularity has occurred. The **vice president's** decision shall be final subject to the right of the member alleging the irregularity appealing to the provincial executive through the president.

D. For the purposes of this procedure an irregularity shall be defined as any variance which may have affected the results of the election.

9. QUORUM

One member of the local executive from each district shall constitute a quorum for local executive meetings. Six members of the local in attendance at a local meeting shall constitute a quorum.

10. ATTENDANCE

Absence of a local executive member from two consecutive membership or executive meetings without just cause shall constitute grounds for dismissal from the local executive.

11. NEGOTIATIONS

Recommendations for negotiations shall be channelled through the local executive.

12. GRIEVANCES

- (a) No member shall discuss any grievance with a supervisor without notifying **their** steward.
- (b) All grievances will be signed by a steward and the aggrieved.
- (c) A copy of all grievances will be forwarded to the area office immediately after they are forwarded to Step 2 of the grievance procedure.
- (d) No steward will withdraw a grievance without the approval of the staff member.
- (e) All grievances will be processed through the procedures contained in the collective agreement.

- (f) (i) Area grievance appeal committees shall be composed of a chairperson and two members elected from amongst the local chairs in each geographic area as outlined in Clause 5.3 and 5.5 of the union's constitution.
- (ii) Where a component grievance is being appealed, the local chair of that component may sit ex-officio on the area grievance appeal committee.
- (g) When a member's grievance, claim or appeal has been disallowed, a written appeal must be submitted within **20** days of the written decision disallowing the grievance, claim or appeal.
- (h) The decisions of the area grievance appeal committees shall be final except for an appeal as per Clause 9.9 (a)(iii) of the constitution.

13. FINANCING

- (a) The local may be financed through an imprest account in an amount determined by the component finance committee.
- (b) The local shall establish an account in a chartered bank or credit union.
- (c) The local shall disburse the local funds according to the guidelines set by the union's finance committee and directed by the component executive.
- (d) On the first day of every month, each local treasurer shall forward a "local statement," with receipts outlining the manner in which monies have been spent during the previous month, to the component treasurer, and the local shall then be reimbursed.
- (e) In the event of irregularities, the component treasurer shall refer the matter to the component finance committee, **the financial controller and the treasurer of the union** for appropriate action.
- (f) The accounts of the local shall be presented to the component standing finance committee, upon request, for examination.
- (g) The local shall adhere to the union's financial policies as outlined in the BCGEU financial manual.

14. RULES OF ORDER

Rules of Order and procedure shall be those contained in Roberts' Rules of Order Revised where not inconsistent with the constitution and bylaws of the union.

15. TABLE OFFICERS

- (a) The fiscal year of the local shall end on the last day of December of each year.
- (b) The executive of the local shall act for the local between local meetings.
- (c) If a local office becomes vacant during the term of office, a replacement shall be elected by the local membership.
- (d) It shall be the duty of the chairperson to preside at all meetings of the local and to exercise supervision over local affairs.
- (e) The chairperson of the local shall sit as a member of the executive of the component.

(f) It shall be the duty of the 1st vice chairperson to act in the absence of the chairperson and to assist the chairperson in the discharge of the duties of the chair. In the absence of the chairperson and the 1st vice chairperson, the 2nd vice chairperson shall so act.

(g) It shall be the duty of the recording secretary to keep the minutes of the local. The recording secretary shall reproduce and distribute the attested minutes of the local in accordance with component policy.

(h) The recording secretary shall within 15 days of the local meeting being held send copies of the minutes to the president and the component treasurer.

(i) Monies shall be used for the purposes of conducting the affairs of the local in accordance with the union's financial policy.

16. LABOUR COUNCIL

(a) The local shall be an affiliate of the Fraser Valley Labour Council and the New Westminster and District Labour Council.

(b) The local's delegates to the labour council may be nominated at a local meeting. Elections shall be as per the bylaws contained in the union's constitution. Delegates shall be elected for a one-year term.

(c) Delegates to the labour council shall be elected at least six months prior to the date set for labour council elections.

17. CONVENTIONS

(a) Pursuant to Article 8 of the constitution, delegates to the union's triennial constitutional convention shall be elected from each local's membership on the following basis: the chairperson of each local within a component shall be a delegate for the first 100 members or part thereof and the local may elect one additional delegate for each additional 200 members or major part thereof.

(b) When a local elects its delegates to the triennial constitutional convention, nominations shall exceed the number of delegates to be elected by at least two. The unsuccessful candidates shall be regarded as alternate delegates ranking in accordance with the number of votes received by them.

(c) Delegates to conventions of the Canadian Labour Congress and the BC Federation of Labour shall be selected by the component executive after delegate entitlement and allocation has been determined by the provincial executive.

(d) Members may bring matters before a convention only by means of a resolution approved by their component and submitted through their local to the component at least 90 days prior to convention.

18. GENERAL

(a) No agreements contrary to the public service agreement or component agreement or general policy of the union shall be entered into by this component, its locals, or any of its members. This component and its locals shall not affiliate with any other organization without express written authority from the provincial executive.

(b) Members wishing to lay charges against other members for breach of duty under the constitution and bylaws shall do so pursuant to Article 7 of the union's constitution.

(c) These bylaws may be altered or amended by a majority vote of those members of the local present at a meeting, providing that notice of motion has been served at least 14 days prior to the meeting.

(d) These bylaws and subsequent amendments must be submitted through the **constitution & structure committee for recommendation to the executive committee and to the** provincial executive for approval.

APPENDIX A**Union policy regarding changing of local boundaries**

The provincial executive at its regularly scheduled meeting held March 16, 1978 adopted the following procedure for the changing of local boundaries. This policy has been adopted in response to the change in the constitution and the commitment made at the 1977 BCGEU Convention to provide a method by which locals could alter their boundaries to better serve the needs of the membership.

1. The local wishing to change its boundaries shall serve the appropriate component with a notice of motion containing the reasons why the request is being made, and reasonable proof that the proposed change is endorsed by the majority of the local membership affected.
2. The motion referred to in (1) above must provide the component with specific information on the change requested, including a description of the proposed new boundaries.
3. The component, after considering the foregoing motion and hearing the views of the other local(s) affected, will refer the matter to the **constitution & structure committee** with a recommendation for or against the change.
4. The **constitution & structure committee**, upon receiving a request for a local boundary change endorsed by the appropriate component, will have the committee secretary obtain a joint report from the area representatives concerned.
5. After considering all available information, the **constitution & structure committee** will make the appropriate recommendations to the provincial executive for action.

This policy has been formulated not to discourage locals from changing their boundaries, but to ensure that the rights and wishes of all the members concerned are fully protected. The provincial executive considers the changing of local boundaries to be an important matter, and a great deal of care must be taken before any binding decisions are made.

All locals considering changing their boundaries should pay special attention to the section of the policy which requires proof that the membership affected are involved in the decision and have an opportunity to have their views heard.

APPENDIX B

The local shall establish the following committees whose members will be appointed by the local chairperson:

- 1. Bylaws committee: 1st vice chairperson (chairperson)
Two executive members

- 2. Finance committee: Treasurer (chairperson)
Two executive members

The local may establish the following committees whose members will be appointed by the local chairperson:

- 1. Membership committee: Recording secretary (chairperson)
Maximum of six members

- 2. Resolutions committee: Local chairperson (chairperson)
Three executive members

- 3. Visiting & counselling committee: Executive member (chairperson)
_____ members

- 4. Balloting committee: Executive member (chairperson)
_____ members

- 5. Any other committees deemed necessary.

APPENDIX C**Local executive - duties of the table officers****1. CHAIRPERSON**

- (a) It shall be the duty of the chairperson to preside at all meetings of the local and to exercise supervision over local affairs.
- (b) The chairperson shall be a representative from the local to sit on the component executive. The chairperson shall make a report on behalf of the local at all component executive meetings.
- (c) The chairperson shall appoint committees as required by the bylaws.
- (d) The chairperson shall chair the local's resolutions committee.
- (e) The local chairperson or designate will appoint OHS representatives as required by the *Workers Compensation Act* and the collective agreement.**

2. 1st VICE CHAIRPERSON

- (a) It shall be the duty of the 1st vice chairperson to act in the absence of the chairperson and to assist the chairperson in the discharge of the duties of the chair.
- (b) The 1st vice chairperson shall chair the local's bylaws committee.
- (c) Such other duties as assigned by the local chairperson or the bylaws.

3. 2nd VICE CHAIRPERSON

- (a) It shall be the duty of the 2nd vice chairperson in the absence of the chairperson and 1st vice chairperson to assume the chair and discharge the duties of the chair according to the bylaws.
- (b) Such other duties as may be assigned by the chairperson or the bylaws.

4. RECORDING SECRETARY

- (a) It shall be the duty of the recording secretary to keep the minutes of the local. The recording secretary shall reproduce and distribute the attested minutes of the local in accordance with component policy.
- (b) The recording secretary shall chair the local membership committee.
- (c) Such other duties as may be assigned by the chairperson or the bylaws.

Approved by the local on: June 18, 2009

Approved by the component executive on: March 3-4, 2011

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(AMENDED AS PER 2014 CONVENTION/MODEL BYLAWS)

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revised: February 18 – 19 = A8(i) elections
September 17th = 2014 convention
May 12 – 13th, 2014 = C&S cmttee