



LOCAL 4091

BYLAWS

July 2006

SECTION 1 – NAME

The name of this Local shall be: Local No. 4091 of the Air Canada Component of CUPE for all cabin personnel based in Montreal.

SECTION 2 – DUTIES and OBJECTIVES

- 2.1** The principal duties and objectives of the Local shall be to:
- (a) Work with the Component and other Locals within the Component to achieve the union's objectives contained in Section 2 ("Duties and Objectives") of the Component Bylaws;
 - (b) Settle promptly disputes and Level I grievances which may arise between its members and the employer in accordance with procedures established within the Component;
 - (c) Administer and enforce the collective agreement, in conjunction with the Component, in all other respects;
 - (d) Inform regularly all Local members on the matters affecting the union, including Local activities to fulfill union objectives;
 - (e) Establish and maintain Local Committees in accordance with these Bylaws;
 - (f) Receive and administer the union dues received from the Component in accordance with Section 9 of the Component Bylaws;
 - (g) Establish and approve a Local budget;
 - (h) Pay, or cause to be paid, all properly substantiated expenses associated with the Local's activities;
 - (i) Train and educate its union officers and members; and
 - (j) Affiliate, on a voluntary basis and finances permitting, to labour councils, provincial federations of labour, CUPE district councils, CUPE provincial divisions and other labour bodies.
- 2.2** Locals may enact Local Bylaws as they deem necessary provided that such Bylaws are consistent with this Appendix "E", the Component Bylaws and the CUPE Constitution. Local Bylaws shall be subject to the approval of the National President of CUPE before being applied.

SECTION 3 - INTERPRETATION and DEFINITIONS

- 3.1 Masculine pronouns shall be understood to include the feminine gender.
- 3.2 The English and the French texts of these Bylaws shall have equal force.
- 3.3 The Canadian Union of Public Employees shall be referred to as CUPE.
- 3.4 The Air Canada Component of CUPE shall be referred to as the “Component” and/or the “ACC”.

SECTION 4 - MEMBERSHIP MEETINGS - Regular and Special

- 4.1 Regular meetings of the Local may be called monthly, but in any event not less than quarterly. A minimum notice of seven (7) days shall be given for all regular membership meetings.
- 4.2 Special membership meetings may be ordered by the Local Executive or requested in writing by no fewer than 20% of the Local members. The President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least forty-eight (48) 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.
- 4.3 A quorum for the transaction of business at any regular meeting or at any special membership meeting shall be 5 members of the Local in addition to the Chair.
- 4.4 The order of business at a regular membership meeting is as follows:
 - (i) Roll call of Officers
 - (ii) Reading of Minutes
 - (iii) President's report
 - (iv) Treasurer's report
 - (v) Communications and bills
 - (vi) Local Executive report
 - (vii) Reports from committees and delegates
 - (viii) Nominations
 - (ix) Unfinished business

- (x) New business
- (xi) Good of the Union
- (xii) Adjournment

SECTION 5 - VOTING OF FUNDS

Except for ordinary expenses and bills as approved at membership meetings, no sum over fifty (\$50.00) dollars shall be spent 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.

SECTION 6 – LOCAL OFFICERS AND LOCAL TRUSTEES

- 6.1 The officers of the Local shall be the Local President, Local Vice-President, Local Secretary - Treasurer, and such additional Local Vice-Presidents and Local Officers as the Local Bylaws may provide.
- 6.2 All Local Officers and Local Trustees shall be elected by the Local Membership under the direction of the Component Tabulating Committee in accordance with Appendix “C” of the Component Bylaws.

SECTION 7 – LOCAL EXECUTIVE

- 7.1 The Local Executive shall be comprised of all Local officers, except the Trustees.
- 7.2 The Local Executive shall meet at least once monthly which may be by conference call.
- 7.3 A majority of all the members of the Local Executive constitutes a quorum.
- 7.4 Local Executive officers shall hold title to any real estate of the Local as trustees for the Local. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and having it approved.
- 7.5 Should any Local Executive member fail to answer the roll call for three consecutive regular Local membership meetings or four regular Local Executive meetings without having submitted good reasons for

those absences, his office shall be declared vacant and shall be filled by an election.

SECTION 8 - DUTIES OF OFFICERS

8.1 The Local President shall:

- (a) Be responsible for the conduct of the affairs and business of the Local;
- (b) Call and preside over all Local meetings, preserve order, enforce the CUPE Constitution and the Local Bylaws, and generally exercise supervision over all Local activities;
- (c) Report on the administration of her/his office to membership meetings and Local Executive meetings;
- (d) Be responsible for the appointment and functioning of all Local Committees, ensuring their duties are performed and shall appoint the Chairpersons of those Local committees;
- (e) Be a member of all Local Committees ex-officio;
- (f) Be responsible for enforcing the provisions of the Collective Agreement and any rules or Letters of Understanding arising out of negotiations, including the filing of all necessary grievances at Level I;
- (g) Ensure that all members of the Local Executive perform their assigned duties;
- (h) Introduce new members and welcome them to the Local;
- (i) 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 Local membership;
- (j) Be responsible for the proper distribution of Union bulletins, publications, and notices to the membership;
- (k) Represent the Local as an automatic delegate to the CUPE National Convention and the ASD Conference; and
- (l) Represent the Local at all Air Canada Component Executive Committee (hereinafter referred to as the "ACCEX") meetings or designate a Local Vice-President to attend.

8.2 The Local Vice-President(s) shall:

- (a) If the President is absent or incapacitated, perform all duties of the President, according to established Local procedures; and
- (b) Perform such duties as may from time to time be assigned by the Local President and/or the Local Executive.

8.3 The Local Secretary-Treasurer shall:

- (a) Keep full, accurate and impartial account of the proceedings of all regular or special membership and Local Executive meetings, ensuring that these records include a copy of the full financial report;
- (b) Record all alterations in the Local Bylaws;
- (c) Have all records ready on reasonable notice for auditors and Trustees;
- (d) Preside over membership and Local Executive meetings in the absence of both the President and the Vice-President(s);
- (e) Be responsible for supervision of the financial affairs of the Local;
- (f) Be responsible for establishing and supervising proper accounting procedures in the receipt and disbursement of funds in accordance with the Local Bylaws;
- (g) Prepare and submit to the Local Executive for approval a balanced budget of the anticipated revenue and expenses of the Local for the fiscal year no later than ninety (90) days after the start of the same fiscal year;
- (h) Ensure quarterly financial statements are prepared and submitted to the Local Executive;
- (i) Make a full financial report to meetings of the Local's Executive, as well as a written financial report to each regular membership meeting, detailing all income and expenditures for the period;
- (j) Throughout his/her term, and on behalf of the Local Union membership, be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or vouchers for every disbursement made, as well as records and supporting documents for all income received by the Local;

- (k) Have the books audited annually by a qualified auditor and forward such audit to the trustees, the Local officers, the Component Secretary-Treasurer and CUPE;
- (l) Be bonded through the master bond held by the National Office, and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office; and
- (m) On termination of office, surrender all books, seals and other properties of the Local to his successor.

8.4 The Local Trustees shall:

- (a) Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary - Treasurer, and the Local Committees, at least once a year;
- (b) Make a written report of their findings to the first membership meeting following the completion of each audit;
- (c) Submit in writing to the Local President and Local Secretary - 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 Local Secretary - Treasurer in an organized, correct and proper manner;
- (d) Be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
- (e) Ensure that proper financial reports are made to the membership;
- (f) Inspect at least once 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 Local Executive; and
- (g) Send a copy of the completed audit report (on the prescribed form provided by the CUPE National Secretary - Treasurer), as well as a copy of their report to the Local Union membership, a copy of their recommendations and/or concerns sent to the Local President and Local Secretary - Treasurer and the Local Secretary - Treasurer's response, to the CUPE National Secretary-Treasurer, with a copy to the assigned CUPE National Representative.

SECTION 9 – EXPENSES

- 9.1** All Local paid flight releases and expenses must be authorized in advance by the Local President. The Local President can authorize expenditures in accordance with the Local budget as approved by the Local membership. Any expenses not included in the Local budget must be authorized by the Local membership before being incurred.
- 9.2** Pre-authorized expenses shall be paid as follows:
- a) Meal allowance amounts shall be in accordance with the Collective Agreement;
 - b) Car allowances shall be at 45 cents per km with a maximum daily cap of \$30.00.
 - c) Reasonable hotel, meeting and other expenses once properly substantiated.
- 9.3** The Local shall only pay for flight release charges when the flight release has been requested by the Local President.

SECTION 10 – BANKING PROCEDURES

- 10.1** The Local's monies must be deposited in a Canadian chartered bank, Caisse Populaire or Credit Union.
- 10.2** Cheques must be signed by the Local President and Secretary-Treasurer. In the absence of one or the other, a designated Vice-President will act as co signatory.
- 10.3** No cash advance or loan to an officer, committee member or member shall be authorized without membership approval.
- 10.4** Amounts exceeding \$20,000.00 in the bank account of the Local shall be invested in a Money Market fund or other non-risk financial instrument that can be liquidated quickly and without penalty. This will not include special funds collected for other purposes.
- 10.5** All withdrawals and payment made by or in the name of the Local must be made by cheque.

SECTION 11 – LOCAL OFFICER ELECTIONS

The Local Elections shall be held under the direction of the Component Tabulating Committee in accordance with the Component Bylaws.

SECTION 12 – DELEGATES

Delegates to the ASD Conference and the CUPE Convention shall be elected in accordance with the Component Bylaws.

SECTION 13 – COMMITTEES

13.1 In accordance with Section 8.1(d), the Local President shall make the following appointments (and fill vacancies as required) to the membership of the established Local Committees below:

(a) Local Base Scheduling / Pairing Evaluation Committee:

- Chairperson, and
- Additional members as required.

(b) Local Health & Safety Committee:

- Chairperson, and
- Additional members as required.

13.2 Special ad hoc Local Committees may be established for a specified purpose and period by the Local President. The Local President shall appoint the Chairperson of any such Special ad hoc Local Committee and any additional members as required.

13.3 Any Local member at any Local meeting may make a motion to establish a new Local Committee or a Special ad hoc Local Committee.

13.4 The Local President shall appoint and remove Local Committee Chairpersons in accordance with the Local Bylaws. Local Committee Chairpersons and members shall be appointed for an initial term of no more than two (2) years commencing thirty (30) days following Local

Elections. Local Committee Chairpersons and members may be re-appointed to subsequent two (2) year terms.

13.5 For each Local Committee, the Local President shall provide:

- (a) a specific mandate;
- (b) a budget for the fiscal year for the Local Committee's activities;
- (c) a method of regular reporting to the Local President; and
- (d) a method of selection of additional committee members (if required).

13.6 All Local paid flight releases and expenses for Local Committees must be authorized in advance by the Local President. The Local President can authorize expenditures in accordance with the Local budget as approved by the Local membership. Any expenses not included in the Local budget must be authorized by the Local membership before being incurred. Each Local Committee member shall be reimbursed for her/his expenses in accordance with Section E.9 of these Bylaws from the respective Local Committee budget.

13.7 Local Committee Chairpersons and members shall report to their Local President when carrying out assigned Local Committee responsibilities.

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 the Component 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" of the Component Bylaws, 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 15 – AMENDMENT TO THE LOCAL BYLAWS

15.1 These Bylaws are always subordinate to the CUPE Constitution 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. Constitutional interpretation, including determination of conflict, is the prerogative of the National President of CUPE.

15.2 These Local Bylaws shall only be amended, added to, or suspended upon a majority vote of the Local membership at a duly called Local membership meeting. Any proposed change to the Local Bylaws shall be contained in the notice for the membership meeting.

15.3 No change in these Local Bylaws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President of CUPE.

SECTION 16 – TRIALS

All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution.

APPENDIX A

ADMINISTRATIVE RULES

SECTION 1 - Procedures

- 1.1 Claims shall be submitted without delay and no later than 60 days following the end of the calendar month in which the activity has taken place. Any delay exceeding this time frame shall result in an automatic denial of the claim.
- 1.2 All claims shall be submitted with the flight schedule attached. Should a flight release have been granted for Union business, a copy of the flight release request, duly signed by the President shall also be attached to the claim.
- 1.3 All expenses claimed other than mileage and meal allowances shall be substantiated with the original receipts or invoices. For example: cash register receipts, telephone and long distance bills, parking receipts, etc. However, in the case of public transportation or parking meters, no receipts are necessary.
- 1.4 Date and location of the activity are to be specified on the claim.
- 1.5 A description of the activity(ies) is to be provided as well as the time of arrival and departure.
- 1.6 All claims shall be reviewed by the President to ensure that all activities claimed for have been authorized. Claims for an unauthorized activity shall be denied.

SECTION 2 – Meal allowance

- 2.1 A meal allowance can only be claimed following four (4) hours of Union activities.
- 2.2 The meal allowance paid for Union activities at the Local shall be equivalent to the daily meal allowance paid by the Employer.
- 2.3 The rate and terms of meal allowance payment outside of home base are equivalent to those of the Employer. Should a meal be supplied during the activity meal allowance shall not be applicable.

SECTION 3 – Mileage/transportation

- 3.1 Transportation allowance is \$0.45/kilometer.
- 3.2 The maximum daily transport allowance is capped at \$30.00.
- 3.3 Any car rental must be pre-approved by the local president. It will only be approved if this expense is a saving compared to other means of transportation available.

SECTION 4 – Childcare

- 4.1 Reasonable childcare expenses shall be submitted with an official receipt. In exceptional circumstances, when the member is not active on the job (i.e. off the payroll), but on union time, the childcare expenses will be paid.
- 4.2 A claim for childcare expenses shall only be authorized for days that you were deemed not to be on duty as per your flight schedule.
- 4.3 Monthly maximum childcare claim for a month is \$300.00 per member or Officer.

SECTION 5 – Cellular phone

This expense is solely authorized for the local President and the health & safety committee's president.

SECTION 6 – Reimbursement of lost wages for an Officer or member on Reserve

If a flight release for Union business is required, they shall be paid, the greater of the monthly flying hours for reserve or the average flying hours worked by members assigned the same Reserve Block. The Local Secretary - Treasurer will make the necessary arrangements with the Employer.

SECTION 7 - Miscellaneous

- 7.1** In the event of an over projection in any budgetary item, within the limits of the voted budget, be it allowed to refund the deficit of that budgetary item with the surplus of another budgetary item.
- 7.2** The Secretary - Treasurer must produce the Monthly Bank Reconciliation form and the Treasurer's Report of the Accounts.

APPENDIX B

LABOUR ACTION FUND

Labour Action Fund

- (a) That the present Local Strike Fund be renamed Labour Action Fund.
- (b) That the fund be capped at \$40,000.00
- (c) That the surplus of \$9,357.73 and any interest earned be made available to Local committees, sub committees or other Local members/groups acting in the best interest of the Local, to be used for the welfare of the members of the Local. The Local Executive will be responsible to determine how these monies will be distributed. Generally these funds are not to be used to cover normal operational costs of the Local. Any disbursement of \$1,000.00 or more must be approved by the Local membership.
- (d) That the funds (\$40,000.00) be invested to generate interest.
- (e) The Local Executive to review the cap (\$40,000.00) annually. Should the Local Executive determine that the cap be increased or decreased, that this issue be brought to the membership for their approval at a Local Meeting before changes are made.
- (f) That the existence of this fund and its modalities be incorporated into the local bylaws